COURTROOM
1 MUNICIPAL PLAZA
BEACON, NY 12508
AND LIVE VIA ZOOM

Mayor Lee Kyriacou
Councilmember George Mansfield, At Large
Councilmember Paloma Wake, At Large
Councilmember Molly Rhodes, Ward 1
Councilmember Justice McCray, Ward 2
Councilmember Wren Longno, Ward 3
Councilmember Dan Aymar-Blair, Ward 4
City Administrator Chris White

March 6, 2023
7:00 PM
City Council Agenda

Roll Call

Workshop Agenda Items

1. Proposed Renovations and PILOT Agreement for Tompkins Terrace Housing Development
2. Appointment of Samuel Dandrade to the Position of Water and Sewer Maintenance Helper
3. Reappointment of Richard Markwalter to the Tree Advisory Committee
4. Proposed Local Law No. 1 to Require the Electrification of Residential and Commercial Buildings
5. Approving DMS Consolidators, Ltd. 2021 Tax Certiorari Settlement
6. Approving 30 Beekman Street, LLC 2022 Tax Certiorari Settlement
7. Accepting Fire Hydrant Easement Agreements at 29 Riding Ridge Trail and 30 Riding Ridge Trail
8. Proposed Amendment to the 2023 General Fund Budget
9. 2023 City Council Priorities

City of Beacon City Council Agenda
03/06/2023

Title:

Proposed Renovations and PILOT Agreement for Tompkins Terrace Housing Development

ATTACHMENTS

Related Affordable Presentation on Proposed Renovations and PILOT Agreement for Tompkins Terrace

Tompkins Terrace Housing Development PILOT Term Sheet

Keane & Beane, P.C. Memorandum Regarding Proposed Renovations and PILOT Agreement for Tompkins Terrace Housing Development

Tompkins Terrace PILOT Agreement

Resolution Approving Real Property Tax Exemption and Payment in Lieu of Taxes Agreement for Tompkins Terrace

Tompkins Terrace

Beacon, New York

PROPOSAL TO PRESERVE AFFORDABLE HOUSING IN BEACON

Related Affordable

Related Affordable (“RA”), a subsidiary of The Related Companies (“Related”), is a leading acquirer, developer, and preserver of affordable housing throughout the U.S. Founded in 1972, Related has its roots in affordable housing development and today stands as one of the world’s largest private real estate developers.

Related has maintained its commitment to developing quality affordable housing for low- and moderate-income households. RA’s primary focus is on **preserving America’s affordable housing stock through transactions in which RA acquires and/or rehabilitates aging affordable assets that are at risk of losing affordability**, thereby extending affordability at those properties with significant physical renovations and upgrades.

Related manages its large affordable housing portfolio through its affiliated management company, Related Management Company, a leader in the industry. In total, Related owns and manages **over 50,000 units of affordable housing** across the country.

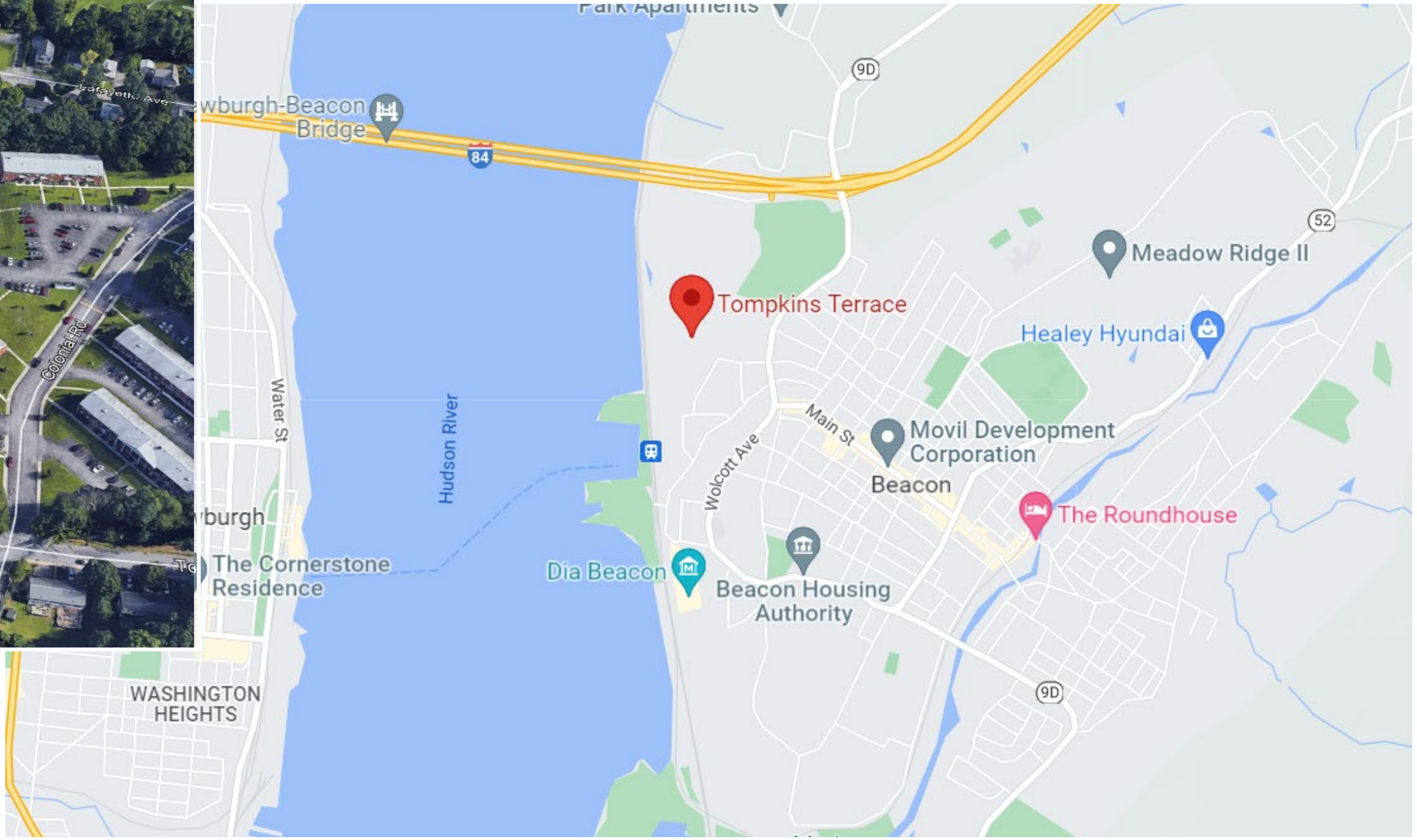
Property Overview

Tompkins Terrace is a 193-unit affordable multifamily rental property for families in Beacon. It lies on the west side of town directly adjacent to the Hudson River, offering quick access to downtown and a half mile trip to and from the train/ferry stop.

Built in 1973, the property consists of thirteen garden-style and townhome buildings with 22 studios, 74 one-bedrooms, 51 two-bedrooms, 34 three-bedrooms and 12 four-bedrooms. With the varied unit mix, the property caters to families and households of all sizes, as well as residents of all ages (including many seniors).

Tompkins Terrace offers two central laundry facilities, a community room with a kitchenette, and two playgrounds in addition to on-site management and common parking. Overall, the property is a quality place for families to live, but **it is in need of renovation to ensure its longevity as a critical affordable housing asset in the local community.**

Property Map



Affordability

Tompkins Terrace operates under a partial project-based Housing Assistance Payments ("HAP") Contract with the Beacon Housing Authority, which covers 61 units and ensures these **tenants pay no more than 30% of their household incomes on rent**. Approximately 95 other families benefit from a mobile housing choice voucher.

The property is also encumbered by a regulatory agreement with Housing & Community Renewal ("HCR") that restricts 38 units to households earning 50% of Area Median Income ("AMI") or less and the balance of 155 units to households earning 60% of AMI or less. *In Beacon, this is equal to a **four-person** household earning a maximum of $56,200 (50%) or $67,440 (60%).*

The property's initial 15-year compliance period under this regulatory agreement expires in 2022, meaning that its **long-term affordability is at risk if not preserved.**

RA intends to enter into new regulatory restrictions in order to **maintain the affordability of the property for current and future residents for at least another 40 years.**

Homelessness Worsens in Older Populations as Housing Costs Take Toll

A rising number of older people around the country are on the verge of homelessness or now living on the streets after falling on hard times.

By Dan Frosch | Photographs by Kyle Green for The Wall Street Journal December 11, 2022 10:00 am ET

“Homeless shelters and aging-service groups in numerous cities say they are seeing more elderly people in desperate need of housing than in years past. A confluence of factors are driving the increase…including soaring rents, a nationwide shortage of affordable housing and the winding down of pandemic-related aid programs.”

“In Boston, the group Hearth, Inc., which aids elderly homeless, said it had noticed a rise in newly homeless clients…Dawn Matchett, the group’s chief program officer, said **the first-time elderly homeless demographic struggled more with economic hardship than other problems like substance abuse or mental illness.”**

“Debbie Sholley, 62, is afraid of being evicted from her rented Boise, Idaho, home after experiencing financial difficulties following the death of her husband...

Cobbling together enough money for rent is never a sure thing...She drained her retirement savings years ago to help care for her sick husband. ***She is on a waiting list for the Section 8 low-income federal housing program, but that could take well over a year.”***

Proposed Rehabilitation Scope

RA intends to undertake an approximately 12-month renovation, which will improve various aspects of the property. The total renovation budget is projected to be about $14.5 million, including contingency. Upgrades will include:

General Unit Interior: new vinyl plank flooring, energy efficient LED lighting, PTAC/HVAC equipment, entry and interior doors, window treatments, and painting

Kitchens: new cabinets, counters, stainless steel sinks, faucets, and appliances

Bathrooms: new vanities, full tub/showers, sinks, exhaust fans, and toilets

Common Areas & Amenities: addition of a business center, upgrade laundry rooms with new finishes, install all new water heaters, replace waste pump, erect two (2) new playgrounds, add free in-unit Wi-Fi throughout all apartments

Building Exterior & Site: new siding/façade (incl. soffits, gutters, leaders), roofs and windows, update all breezeways, convert exterior lighting to LED, landscaping work (incl. drainage/grading), fresh site signage, parking overlays and concrete repairs

ADA: make ten (10) units fully ADA accessible along with ADA site work and path/ramp improvements to meet all UFAS requirements

	$ / UNIT	TOTAL $
CONSTRUCTION COSTS	$69,275	$13,370,000
CONTINGENCY	$6,078	$1,173,000
TOTAL BUDGET	**$75,353**	**$14,543,000**

Benefits to Residents

Aging in Place: Senior households will be able to remain in place and age in their homes

Strong Financial Outcomes: Sustained housing affordability will promote residents' economic wellbeing and facilitate wealth-building

Strong Health Outcomes: Continued housing stability and enhanced apartment facilities will promote mental health

Access to Critical Local Community Amenities:

- Transportation (train / ferry)
- Pharmacies / supermarkets
- Dia Beacon
- Howland Public Library
- Downtown shops & stores
- Public parks and pools
- Food pantry (Fareground)
- Public school system

Benefits to the City & Region

Curb Appeal: Rehabilitation will significantly improve the exterior appearance of the property and promote neighborhood attractiveness

Job Creation: Project is estimated to create 40 fulltime jobs over 12 months and will recruit from local communities given DCIDA's requirement that 80% of workers must reside in specified counties in New York

Local Spending: Mitigated rent burden will facilitate local business patronage and spending

Regional Business Support: Project will incorporate products manufactured by New York-based companies

Proposed Rehabilitation Strategy

1. Affiliate of RA will acquire and recapitalize the property in Q2 2023.
2. RA will undertake a renovation of the property, **spending in excess of $14.5 million (over $75,000 per unit) over 12 months.**
3. The renovation will focus on enhancing amenities, adding energy efficiency upgrades, extending the property's useful life, and improving qualify of life for residents.
4. In connection with new tax-exempt bonds and 4% Low Income Housing Tax Credits ("LIHTC"), RA will enter into new regulatory agreements with the Dutchess County Industrial Development Agency ("DCIDA") and HCR that will ensure the property continues to provide affordable housing to existing and future residents for at least the next 40 years.
5. To enable new long-term financing via DCIDA, RA is proposing to gain support from the City of Beacon to enter into a new, extended tax agreement in order for our lender and investor to underwrite a consistent stream of property tax expense.

TIMING OF CLOSING: Q2 2023

RENOVATION TIMING: Approx. 12 months

TARGET COMPLETION: July 31, 2024

FINANCING: Tax-Exempt Bonds & 4% LIHTCs

BOND ISSUER: DCIDA

LIHTC ALLOCATOR: HCR

Proposed PILOT

RA proposes to enter into a new fixed Payment in Lieu of Taxes ("PILOT") increasing over the existing payment amount for the property. The first-year PILOT would be $310,000 trended with a 40-year term.

Est. 2022 Amt.
$290,000

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20
$310,000	$316,975	$324,107	$331,399	$338,856	$346,480	$354,276	$362,247	$370,398	$378,732	$387,253	$395,966	$404,875	$413,985	$423,300	$432,824	$442,563	$452,520	$462,702	$473,113

Year 21	Year 22	Year 23	Year 24	Year 25	Year 26	Year 27	Year 28	Year 29	Year 30	Year 31	Year 32	Year 33	Year 34	Year 35	Year 36	Year 37	Year 38	Year 39	Year 40
$483,758	$494,642	$505,772	$517,152	$528,788	$540,685	$552,851	$565,290	$578,009	$591,014	$604,312	$617,909	$631,812	$646,028	$660,563	$675,426	$690,623	$706,162	$722,051	$738,297

TOTAL TAX REVENUE OVER 40 YEARS = $19.75 MILLION

This PILOT will provide the project with predictable future property tax payments that can be underwritten by our financing partners, thus making this preservation project feasible. Without a preservation project, the property tax payments to the City of Beacon would remain more stagnant and potentially even decline long-term as the property continues to age and value regresses.

Example: Biltmore Towers

Example: Park Club Apartments

Related Affordable Foundation

Charitable, tax-exempt 501(c)3 private foundation that provides grant awards to nonprofit organizations that focus on the following impact areas

Education | Food Security | Health & Wellness | Workforce Development

Notable Grant Awards

- After School Matters Parkway Gardens art mural
- City Harvest monthly meal distribution at Ocean Park
- KABOOM! Bella Vista playground & City of Anderson multi-sport court
- YMCA of South Florida Path to Health Program

AFTER SCHOOL matters CITY HARVEST RESCUING FOOD FOR NYC KABOOM! the YMCA OF SOUTH FLORIDA

Fareground & CAP Dutchess County

City of Beacon, New York
Office of the Mayor
Lee Kyriacou, Mayor

FOR IMMEDIATE RELEASE
June 1, 2020
845.838.5011 | mayor@CityofBeacon.org

Fareground, Inc. Expands "Dinner To Go" Program with Support from the Related Affordable Foundation

Beacon, NY – May 27, 2020 – Fareground, Inc., a women-run anti-hunger and food justice non-profit focusing on food insecurity since 2012, has partnered with the Related Affordable Foundation to expand their 'Dinner To Go' program. The initiative delivers food to communities in need during the current pandemic on a weekly basis including at Tompkins Terrace.

"We are grateful for the support from our community and for Related Affordable Foundation to rise to the occasion during this pandemic. Hunger exists because of choices we, as a country, have collectively made. Attending to this problem requires an extraordinary commitment to our disadvantaged community members. Our plan is to distribute food to our neighbors because they need help today. But we need to think bigger, ask the difficult questions, and confront the larger issues of poverty, inequality, and inequity if we ever hope to end hunger once and for all," says Kara Dean-Assael and Karen George of Fareground.

"Thank you to the organizations and individuals that have donated needed funding and necessary volunteerism to help their fellow residents in this time of need. The City was happy to make a connection with these entities. I applaud your commitment to our community," says City of Beacon Mayor Lee Kyriacou.

Beacon summer lunch program to continue with foundation funding

July 18, 2019

Helping People. Changing Lives.
community Action™
PARTNERSHIP
for Dutchess County

Thank You

Property Tour

PROPERTY TOUR (PROPERTY TOUR.webm)

TOMPKINS TERRACE PILOT TERM SHEET

Purpose	To set forth the terms under which the City of Beacon, New York (the "City") will grant a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law ("Article XI") and enter into an agreement for payment in lieu of taxes ("PILOT Agreement") with an affiliate of Related Affordable, LLC (the "Sponsor"). The tax exemption will enable the Sponsor to substantially rehabilitate that certain affordable housing property known as Tompkins Terrace, located in Beacon, New York (the "Project").
Project Description	The Project is a 193-unit, partially project-based rental-subsidized garden-style property. Originally built in 1973, the Project has been owned and operated by an affiliate of Related Affordable since late 2018 and is currently managed by Related Management Company ("RMC"). The Sponsor will redevelop the property through the use of tax-exempt bonds and Low-Income Housing Tax Credits ("LIHTC") in order to ensure its successful continuation as a safe and reliable community for low-income residents in Dutchess County, New York for the long-term. The Sponsor will cause the Project to be restricted by a new regulatory agreement which maintains the in-place affordability protections for the next 40 years.
Renovation Description	The planned rehabilitation budget for the Project is approximately $14,500,000 in total, including contingency, or approximately $75,000 per apartment on average. The Project will undergo construction that will result in improved comfort, security and convenience for all residents. The scope of work is focused on bettering site features, increasing resident quality of life and safety, enhancing curb appeal and aesthetics, and replacing aging building systems in order to extend the useful life of the overall property. Among other improvements, the proposed scope envisions renovation to 100% of the 193 units. Current tenants of Tompkins Terrace will be able to remain residents at the property and will not be displaced by the renovation (other than temporarily for in-unit work).
Ownership Structure	In order for the Project to avail itself of a tax exemption pursuant to Article XI, the Project must be owned by a Housing Development Fund Company formed pursuant to Article XI. The Sponsor has formed Tompkins Terrace Housing, L.P., a New York limited partnership (the "Beneficial Owner"). The Sponsor will also apply to the New York State Housing and Community and Renewal ("HCR") for the formation of a housing development fund company formed pursuant to Article XI and Section 402 of the Not-For-Profit Corporations Law to act as the nominal fee owner (the "HDFC") for and on behalf of the Beneficial Owner.

PILOT Payments	The PILOT under the structure described herein would be for a term of 40 years, with a payment schedule as follows: Year 1 $310,000 Year 21 $483,758 Year 2 $316,975 Year 22 $494,642 Year 3 $324,107 Year 23 $505,772 Year 4 $331,399 Year 24 $517,152 Year 5 $338,856 Year 25 $528,788 Year 6 $346,480 Year 26 $540,685 Year 7 $354,276 Year 27 $552,851 Year 8 $362,247 Year 28 $565,290 Year 9 $370,398 Year 29 $578,009 Year 10 $378,732 Year 30 $591,014 Year 11 $387,253 Year 31 $604,312 Year 12 $395,966 Year 32 $617,909 Year 13 $404,875 Year 33 $631,812 Year 14 $413,985 Year 34 $646,028 Year 15 $423,300 Year 35 $660,563 Year 16 $432,824 Year 36 $675,426 Year 17 $442,563 Year 37 $690,623 Year 18 $452,520 Year 38 $706,162 Year 19 $462,702 Year 39 $722,051 Year 20 $473,113 Year 40 $738,297 The PILOT payments would be allocated between the City of Beacon, Dutchess County, Beacon City School District, and Howland Library.

KEANE & BEANE P.C.
ATTORNEYS AT LAW

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White Plains, NY 10601
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New York, NY 10022
Phone 646.794.5747

MEMORANDUM

TO: Honorable Lee Kyriacou, Mayor
Beacon City Council
Mr. Christopher White, City Administrator

FROM: Judson K. Siebert, Esq.

RE: Tompkins Terrace –
PHFL Tax Exemption and
PILOT Agreement for Income-Restricted Housing

DATE: March 6, 2023 (Revised)

The City Council has been asked by Related Affordable (RA) to (1) grant a forty (40) year real property tax exemption and (2) enter into a corresponding Payment in Lieu of Taxes (PILOT) Agreement for purposes of facilitating the refurbishment of the Tompkins Terrace housing development. I submit this Memorandum to explain the basis for the exemption and summarize the proposed PILOT terms. I have also submitted a proposed Resolution for adoption by the City Council: (1) granting the requested real property tax exemption and (2) authorizing the Mayor, on behalf of the City, to execute a PILOT Agreement providing for the payment of monies, in lieu of taxes, for the duration of the forty (40) year exemption period.

The Tompkins Terrace Property

Tompkins Terrace is an affordable rental property comprised of one hundred ninety-three (193) housing units. It was constructed in 1973 and, since that time, has provided rental housing under legal restrictions imposing income limits upon its residents. Thirty-eight (38) of the units may be leased to residents with a household income that is no more than fifty (50%) percent of Area Median Income (AMI); the remaining one-hundred fifty-five (155) units may be leased to residents with household income of no more than sixty (60%) percent of AMI. Adherence to these restrictions is overseen by the New York State Department of Homes and Community Renewal, Division of Housing and Community Renewal (DHCR).

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ATTORNEYS AT LAW

Tompkins Terrace is currently owned by an entity formed under Article II of the New York Private Housing Finance Law (PHFL). Article II of the PHFL authorizes the creation of limited profit housing companies that, in turn, provide housing for families and persons of low income. Notably, much of the housing constructed and operated by PHFL Article II companies has aged and, while well-intended, certain elements of Article II of the PHFL have limited the ability and readiness of owners of these properties to invest in capital improvements.

Article XI of the PHFL also provides for the creation of companies formed for the purpose of providing affordable housing. These entities – known as housing development fund companies (HDFC) – can obtain financing through bond issuance, as well as low-income housing tax credits (LIHTC's) that can be assigned to a project lender. Unlike PHFL Article II, Article XI opens the door to funding resources that enable deteriorating housing to be converted to habitable, well-managed housing affordable for households with incomes well below AMI. In this regard, PHFL Article XI is now a more accepted means of developing or rehabilitating income-restricted housing. Notably, the affordable component of the West Ends Loft project and the Highland Meadows Senior Housing project are owned by HDFC's formed for the purpose of maintaining affordable housing stock (both properties are exempt from real property taxes and subject to PILOT Agreements).

RA proposes to form an affiliated HDFC that will acquire the fee interest in Tompkins Terrace premises. This acquisition will allow for financing under Article XI of the PHFL, thereby enabling a significant renovation of the Tompkins Terrace development. As RA has related, this will include $14,500,000 in exterior and interior (unit and common space) improvements. The financing will involve the issuance of tax-exempt bonds (through the Dutchess County Industrial Development Agency) and LIHTC's (to be assigned to the project investor, Key Bank).

In recognition of fiscal pressures inherent in these types of transactions (due to limits on rental receipts and operating expense obligations associated with income-restricted housing), Article XI of the PHFL authorizes the governing body of a municipality in which an HDFC project is located to grant a tax exemption of up to forty (40) years. This is a common element of an HDFC acquisition/financing (again, West End Lofts and Highland Meadows Senior Housing serve as examples). The grant of an exemption and establishment of a PILOT payment schedule lend long-term stability to these types of income-restricted housing developments.

The Exemption and Existing PILOT

The Tompkins Terrace property is tax-exempt on account of its ownership by a PHFL Article II corporation and subject to a PILOT Agreement that is in effect through 2034. As stated, current legal requirements limit occupancy within Tompkins Terrace to residents at 50% and 60% AMI thresholds.

The current PILOT Agreement provides for the annual payment of ten (10%) of so-called "shelter rent" derived from the operation of the Tompkins Terrace development. Shelter rent is a term defined in the PHFL and encompasses total rents received from the occupants of a project, less the cost of providing all housing with electricity, gas, heat and other utilities. Under the current PILOT Agreement, shelter rent computations are performed annually and 10% of this amount is remitted to the City of Beacon, which then distributes the PILOT proceeds to all affected taxing jurisdictions (the City, Beacon City School District, Howland Library and County of Dutchess) on an allocated basis. This annual allocation is based upon the proportionate share of real property taxes that would otherwise be levied by each taxing jurisdiction upon the Tompkins Terrace property for the year in which PILOT proceeds are paid.

As a result, shelter rent payments can vary significantly year-to-year. This is due to fluctuation in rental proceeds and utility costs. Over the past ten (10) years, the PILOT payments made under the current agreement have ranged from $179,300 in 2013 to $283,600 (in 2022). This shelter rent formula has led to years in which PILOT revenues have spiked (by as much as 21%) to years in which the payments have decreased (by as much as 8%).

Over the past two years, Tompkins Terrace has obtained higher rental revenue – not through direct rent charges to tenants, but by the implementation of a payment voucher program assisting the lowest income residents in the development. This program, administered through HUD and the Beacon Housing Authority, will remain in effect through 2040 and has (through voucher revenue) raised annual shelter rent proceeds.

The Exemption and Proposed PILOT Agreement

Because the Tompkins Terrace property is to be owned by a HFDC, RA requests that the City Council issue an exemption under §577 of the PHFL. This provision of the PHFL allows the City Council to do so as a means of promoting the creation and maintenance of affordable income housing. The authority to grant an exemption under PHFL §577 lies solely with the City Council.

The proposed duration of the exemption is 40 years, which is permitted under §577 of the PHFL.

RA further proposes that, while this exemption is in place, the Tompkins Terrace property be subject to a PILOT Agreement (this will replace the PILOT Agreement currently in place). The proposed PILOT Agreement requires that the Tompkins Terrace property by maintained by the HDFC for housing subject to the following rent restrictions: (1) for 155 of the 193 units, rent shall be no more than 30% of the then prevailing 60% of AMI and (2) for 38 of the units, rent shall be no more than 30% of the then prevailing 50% 0f AMI.

RA proposes a departure from the current 10% of shelter rent formula under the proposed PILOT Agreement. RA proposes a fixed schedule of PILOT payments over the 40-year term of the agreement (a working draft of which accompanies this Memorandum). The payments will begin at $310,000 (in year 1) and thereafter increase at a rate of 2.25% per year (on a compound basis). This $310,000 is based upon an approximate projection of 10% of shelter rent that will be generated after the Tompkins Terrace development is acquired and the project renovations are completed.

Although there are terms of the PILOT Agreement that have yet to be finalized (as noted in the working draft, these address implementation of the new PILOT payments and other technical details), the key substantive terms (duration, obligation to maintain affordability, the payment amounts, etc.) are stated in the working draft. Parenthetically, this working draft generally follows the PILOT Agreement governing the affordable component of West End Lofts, which the City Council approved in 2018.

Proposed Resolution

Again, I have provided a Resolution for the City Council's consideration, which will grant the exemption and authorize entry into a PILOT Agreement with the substantive terms proposed.

In evaluating whether to grant the exemption and authorize the PILOT Agreement, I offer the following observations:

- The exemption and PILOT Agreement are sought to allow for renovations to the Tompkins Terrace development and a continued commitment that this property will remain a housing resource for households of limited means. The PILOT Agreement and, in turn, the exemption is conditioned upon adherence to rent restrictions under which no resident will pay more than 30% of either 50% or 60% of household AMI. It thus ensures the continued availability of Tompkins Terrace units for affordable housing needs.

- Beyond the safeguards concerning affordability standards in the PILOT Agreement, both DHCR oversight and protections sought by the project investor (Key Bank) will ensure adherence to these income-restriction requirements. Key Bank, for example, will obtain LIHTC's from RA as part of this transaction, the benefits of which are critical to its participation as an investor. The viability of these credits is dependent upon maintaining the Tompkins Terrace property as affordable housing (applying the rent restrictions specified above). Thus, Key Bank has a significant incentive (protecting the value of these LIHTC's) to ensure that the Tompkins Terrace housing development is operated in this manner.

- The PILOT payments are fixed, and while the 2.25% escalator may appear somewhat low, it nonetheless provides for annual increases in PILOT revenue. Notably, the 2.25% factor is a figure that will enable the underwriting of the HDFC acquisition/site improvements and any appreciable increase in this percentage could upset project financing.

- Moreover, the use of a fixed payment schedule eases provides predictability, which facilitates sound municipal budgeting processes and tax cap computations. Concerning the tax cap, annual projected PILOT revenues must be specified by taxing jurisdictions. When shelter rent or other project revenue methods prone to variance from year-to-year are employed, these projections can be difficult to make with accuracy.

- The issuance of the exemption will not remove a non-exempt, rateable property from City assessment and tax rolls. The property has long been tax-exempt, which exemption underlies the ability to provide housing in Tomkins Terrace on an affordable basis.

- The $310,000 initial payment is, as stated, premised upon a projection of 10% of shelter rent to be generated upon property acquisition and improvements. This figure is above the shelter rent received in 2023. By way of comparison, the Highland Meadows Senior Housing PILOT Agreement (sixty-eight (68) units; effective in 2016) provided for an initial PILOT payment of $53,095.

- The exemption to be granted will go into effect upon the acquisition of the Tompkins Terrace property by the RA-affiliated HFDC. As a result, the first PILOT payment is projected for 2024. Until that time, the property will remain subject to the current exemption and PILOT Agreement.

- The timing of payments to be made under the PILOT Agreement will align with those currently in place for West End Lofts and Highland Meadows Senior Housing.

- As with the current PILOT Agreement, the PILOT payments to be received will be allocated among all taxing jurisdictions (including the Beacon City School District) based upon the annual proportional share of taxes that would otherwise have been levied against this property. This annual computation will be performed by the City Finance Director based upon tax rates in effect over the term of the PILOT Agreement. In this regard, the City could potentially adopt the position that, under the PHFL (and unlike transactions in which an exemption is premised upon Dutchess County IDA ownership of a parcel), these PILOT proceeds need not be allocated and distributed in this manner. I do not recommend adopting this position insofar as Tompkins Terrace is concerned because (1) revenues received under the current PILOT Agreement are allocated, (2) the current PILOT revenue (and that to be paid under the proposed PILOT Agreement) is more substantial and (3) Tompkins Terrace residents include school-age children.

- The PILOT Agreement can be terminated if the Tompkins Terrace development is not utilized for affordable housing purposes. The agreement may be terminated if a PILOT payment is delinquent for more than thirty (30) days following the issuance of a written notice of default. In the event of a default (non-payment or other violation of the PILOT Agreement's terms), the City may pursue remedies to collect owed monies in the same manner as would be used to collect taxes and/or through a standard lawsuit. Late payments will be subject to the same interest and penalties that would be imposed upon delinquent taxes.

KEANE & BEANE P.C.
ATTORNEYS AT LAW

- Furthermore, in the event of a breach and consequent action by the City, the PILOT Agreement contains an attorneys' fees provision.

- The PILOT Agreement makes the County and Beacon City School District "third-party beneficiaries" of its terms. This means that they, too, could pursue legal action or remedies in the event of a breach of the agreement.

I am available to discuss the exemption and proposed PILOT Agreement.

cc: Nicholas M. Ward-Willis, Esq.
Ms. Susan Tucker
Ms. Kathy Martin

AGREEMENT FOR PAYMENT IN LIEU OF TAXES
BETWEEN AND AMONG
THE CITY OF BEACON, NEW YORK, [TOMPKINS TERRACE HOUSING DEVELOPMENT FUND COMPANY, INC.][1] AND
TOMPKINS TERRACE HOUSING, L.P.

THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES (the "PILOT Agreement" or "Agreement"), dated as of the ____ day of _____, 2023, between and among the **CITY OF BEACON, NEW YORK,** a municipal corporation organized and existing under the laws of the State of New York, having its principal office located at Beacon City Hall, 1 Municipal Plaza, Beacon, New York 12508 (the "City"), **[TOMPKINS TERRACE HOUSING DEVELOPMENT FUND COMPANY, INC.],** a New York not-for-profit corporation and entity organized pursuant to Article XI of the Private Housing Finance Law of the State of New York, having its principal place of business at c/o Related Affordable, 30 Hudson Yards, 72nd Floor, New York, New York 10001 (the "HDFC"), which HDFC will hold title to the Property (as hereinafter defined) for the benefit of **TOMPKINS TERRACE HOUSING, L.P.**, a New York limited partnership, having its principal office located at c/o Related Affordable, 30 Hudson Yards, 72nd Floor, New York, New York 10001 (the "Partnership").

WHEREAS, the HDFC is, or will become, the bare legal or record owner, and the Partnership is, or will become, the beneficial and equitable owner, of certain real property located at 194 Tompkins Terrace (aka 1-193 Tompkins Terrace), City of Beacon, County of Dutchess, and State of New York more particularly described in **Exhibit A** attached hereto and incorporated herein (the "Property"); and

WHEREAS, the HDFC is a corporation established pursuant to Section 402 of the Not-For-Profit Corporation Law and Article XI of the Private Housing Finance Law ("PHFL"); and

WHEREAS, the HDFC and the Partnership have each been formed for the purpose of providing residential rental accommodations for persons of low-income; and

WHEREAS, the Partnership will , own, rehabilitate, maintain and operate a housing project for persons of low income at the Property (the "Project"); and

WHEREAS, the HDFC's and the Partnership's plan for the use of the Property constitutes a "housing project" as that term is defined in the PHFL; and

WHEREAS, the HDFC is a "housing development fund company" as the term is defined in Section 572 of the PHFL; and

WHEREAS, pursuant to Section 577 of the PHFL, the local legislative body of a municipality may exempt the real property of a housing project of a housing development fund company from local and municipal taxes, including school taxes, other than assessments for local

[1] To be formed entity.

improvements, to the extent of all or a part of the value of the property included in a completed project; and

WHEREAS, the City Council of the City of Beacon, New York (the "City Council"), being the local legislative body of the City, by Resolution No. [ ] of 2023 duly adopted on [ ], 2023, exempted the Property from real property taxes, as authorized under Section 577 of the PHFL, and further approved and authorized the execution of this PILOT Agreement;

NOW, THEREFORE, it is agreed as follows:

1. Pursuant to Section 577 of the PHFL and Resolution No. [ ] of 2023 adopted by the City Council on [ ], 2023, the City exempts from local and municipal taxes, other than assessments for local improvements, one hundred percent (100%) of the value of the Property, including both land and improvements. "Local and Municipal Taxes" shall mean any and all real estate taxes that may be levied by the County of Dutchess (the "County"), the City, the Beacon City School District (the "School District"), the Howland Library (the "Library") and/or any other taxing jurisdiction (collectively the "Taxing Jurisdictions") upon the Property, other than as specified in Paragraph "2" below.

2. The tax exemption granted under Resolution No. [ ] of [ ] and under this PILOT Agreement shall remain in effect for a period of forty (40) years from date of the HDFC's acquisition of the Property. This Agreement shall not limit or restrict the HDFC's or Partnership's right to apply for or obtain any other tax exemption to which it might be entitled upon the expiration of this Agreement. The parties understand that the exemption extended pursuant to Section 577 of the PHFL and this Agreement does not include an exemption from special assessments and/or special ad valorem levies. During the period of this Agreement, the Partnership shall pay any service charges, special ad valorem levies, special assessments and improvement district charges or similar tax equivalents which are or would be levied upon or with respect to the Property, as improved by the Project, by the Taxing Jurisdictions or any other taxing authority.

3. So long as the exemption remains in effect, the Partnership shall make annual payments in lieu of taxes ("PILOT") in the amount specified and in accordance with the terms and provisions of this Agreement. The annual PILOT shall be applicable to a calendar year period (January 1st to December 31st), and shall be tendered in arrears in the following calendar year as specified in Paragraph "4" below. The first PILOT shall be due on April 1, 2024.

4. [The annual PILOT shall be tendered by the Partnership to the Director of Finance of the City of Beacon (the "Finance Director"), or his or her designee, within thirty (30) days of the Partnership's receipt of a PILOT bill to be issued to the Partnership on an annual basis by the City. The annual PILOT bill shall be issued by the City on or after March 1st of each calendar year during the term of this Agreement in which a PILOT is due and owing. Payments shall be mailed via First Class mail through the United States Postal Service or personally delivered to the City of Beacon, Attention Director of Finance, 1 Municipal Plaza, Beacon, New York 12508, or such other address as the City may specify in writing.] ***[NTD: please confirm no changes to this paragraph]***

5. The Finance Director shall, within sixty (60) days of receipt of the PILOT proceeds, distribute the PILOT proceeds to the Taxing Jurisdictions that could otherwise levy real property taxes upon the Property, but for the exemption. The Finance Director shall distribute the PILOT proceeds in due proportion to the amount of real property taxes that would have been levied by each of the Taxing Jurisdictions upon the Property in the year the PILOT proceeds are tendered. As an example of this apportionment, if a PILOT is tendered on April 1, [2024, it shall be proportionally allocated among the Taxing Jurisdictions based upon the tax rate applied in the School District's levy of 2023-24 school taxes, the Library's levy of 2023-2024 taxes, and the City and County's levy of 2024 City and County taxes.] ***[NTD: discuss mechanics of the end of the old PILOT and new commencement of the new PILOT]***

6. [The initial PILOT to be paid by the Partnership shall be in the amount of [Three Hundred Ten Thousand and 00/100 Dollars ($310,000.00)]. The first PILOT tendered by the Partnership shall be prorated based upon the number of months in the prior calendar year in which the HDFC acquired the Project (as an example, if the HDFC acquires the Project in October, the first PILOT shall be prorated on a one-quarter basis to account for the three calendar months October, November and December in which the HDFC is the owner of the Project). The PILOT shall thereafter follow the schedule attached hereto as **Exhibit B**.] ***[NTD: discuss mechanics]***

7. Intentionally Omitted.

8. Intentionally Omitted.

9. So long as the tax exemption remains in effect, tenant rental charges for the Project shall not exceed the maximum established or allowed by law, rule or regulation, and the Property and Project shall be operated in conformance with the provisions of Article XI of PHFL.

10. The tax exemption provided by this Agreement will continue for the term described above provided that (a) the Property and Project continue to be used as housing facilities for persons of low-income in accordance with the income and rent limitations attached hereto and incorporated herein as **Exhibit C**, and (b) any of the following occur (i) the HDFC and the Partnership operate the Property in conformance with Article XI of the PHFL; or (ii) the HDFC assumes sole legal and beneficial ownership of the Property and operates the Property in conformance with Article XI of the PHFL; or (iii) in the event an action is brought to foreclose a mortgage upon the HDFC, and the legal and beneficial interest in the Project shall be acquired at the foreclosure sale or from the mortgagee, or by a conveyance in lieu of such sale, by a housing development fund corporation organized pursuant to Article XI of the PHFL either as the sole legal and beneficial owner or as the legal owner for an on behalf of another beneficial owner, or by the Federal government or an instrumentality thereof, or by a corporation which is, or by agreement has become subject to the supervision of the superintendent of banks or the superintendent of insurance, such successor in interest, such successor in interest shall operate the property in conformance with Article XI of the PHFL.

11. The failure to make any PILOT in accordance with the terms of this Agreement shall be deemed a failure to make payment of real property taxes and will be governed by the same provisions of law as apply to the failure to make payment of such taxes, including but not

limited to the enforcement and collection of taxes to the extent permitted by law. This includes the imposition of any additional late payment charge(s) in the full amount permitted by law, as well as the imposition of interest on any unpaid PILOT that shall accrue at the interest rate authorized by law with regard to unpaid real property taxes levied within the City and County.

12.

a) In addition to failure to pay any PILOT when due, HDFC and the Partnership shall be in default of this Agreement in the event of material failure to observe and perform any other covenant, condition of agreement on its part to be observed and performed hereunder, which breach or default is not cured within thirty (30) days of the HDFC and Partnership's receipt of written notice specifying the nature of such breach or default and requesting that it be remedied; provided, however, that if efforts to cure a non-monetary breach are commenced within such thirty (30) day period and are thereafter diligently prosecuted to completion, such period shall be extended for a period of time not to exceed three (3) months; or in the event any warranty, representation or other statement by or on behalf of HDFC or the Partnership contained in this Agreement shall prove to have been false or untrue in any material respect on the date when made or on the effective date of this Agreement. Any notice issued under this Paragraph "12" shall also be issued contemporaneously to KeyBank National Association (the "Lender"), and Key Community Development Corporation (the "Equity Investor"), their respective successors and/or assigns, in the manner and at the addresses specified in Paragraph "16" below. Whenever any event of default under this Agreement shall have occurred and be continuing, the City shall have the following remedies: (a) it may terminate this Agreement and exercise all of the rights and remedies available for failure to pay property taxes as and when due had this Agreement not been in effect and/or (b) it may take whatever action at law or in equity as may appear necessary or desirable to collect the amount then in default or to enforce the performance and observance of the obligations, agreements and covenants of HDFC and the Partnership under this Agreement, and the Partnership shall further pay the reasonable fees and disbursements of such attorneys as the City shall engage for the enforcement of performance or observance of any obligation, covenant or agreement on the part of HDFC and the Partnership and all other expenses, costs and disbursements so incurred.

b) The cure of any default hereunder made or tendered by Lender or the Equity Investor shall be deemed to be cured by the Partnership, and shall be accepted or rejected by the City on the same basis as if made or tendered by the Partnership. For the avoidance of doubt, the Equity Investor and Lender shall not be obligated to cure any Event of Default.

c) Notwithstanding anything to the contrary contained in this Section 12 or elsewhere in this agreement, during any period of time that a Lender owns the Project or if any subsequent owner acquires the Project from a Lender, neither the Lender, nor such subsequent owner will be liable or obligated for the breach or default of any obligation of any prior owner (including the Partnership and/or HDFC) under this Agreement, including, but not limited to, any payment or indemnification obligation, in which case the owner of the Project at the time the default occurred shall remain liable for any and all damages occasioned thereby even after such entity ceases to be the owner (and, in such event, any party seeking to collect such damages shall have no recourse and shall have no right to levy against, or otherwise collect on, any judgment from the Project), provided that such defaulting owner shall bear no liability under this Agreement for any damages occasioned by any subsequent default under this Agreement occurring after such entity ceases to be the owner of the Project.

13. No remedy herein conferred reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

14. No delay or omission in exercising any remedy shall impair any such remedy or construed to be a waiver thereof. It shall not be necessary to give any notice other than as expressly required under this Agreement. In the event any provision contained in this Agreement should be breached and thereafter duly waived by the party or parties so empowered to act, such waiver shall be limited to the particular breach so waived and shall not be deemed to be a waiver of any other breach hereunder.

15. It is acknowledged and agreed that the School District and County are third-party beneficiaries of this Agreement and thereby entitled to the rights and benefits of its terms and, accordingly, may enforce the provisions of this Agreement as if they are parties hereto, and obtain the same remedies against the Partnership and HDFC as afforded the City under the terms of this Agreement.

16. All notices and other communications hereunder, with the exception of the annual PILOT bill to be issued under Paragraph "4" above, shall be in writing and shall be sufficiently given when delivered by registered or certified mail, return receipt requested or by such other means as shall provide the sender with documentary evidence of such delivery, to the following:

To The City of Beacon, New York:

City Administrator
City of Beacon
Beacon City Hall
1 Municipal Plaza
Beacon, New York 12508

To the HDFC or the Partnership.:

c/o Related Affordable
30 Hudson Yards, 72nd Floor
New York, New York 10001

To Lender:

KeyBank National Association
11501 Outlook Street Suite 300,
Overland Park, KS 66211

To Equity Investor:

Key Community Development Corporation
Mailcode: OH-01-27-0761, 7th Floor
127 Public Square
Cleveland, Ohio 44114

Notices shall be issued to the successors and/or assigns of any of the above-listed entities, at addresses specified in writing to all parties to this Agreement pursuant to the notice provisions of this Paragraph "16."

17. This Agreement shall inure to the benefit of and shall be binding upon the City, the Partnership and the HDFC and their respective successors and assigns, including the successors in interest of the Partnership and the HDFC. There shall be no assignment of this Agreement except with consent of the other party, which consent shall not be unreasonably withheld, provided that the assignee shall be a housing development fund company subject to Article XI of the PHFL, the assignee shall have assumed the obligations of this Agreement in writing reasonably satisfactory to the City, and the assignee shall have provided such financial and other information as shall be reasonably requested by the City in order to assure the proper completion and operation of the housing project and the compliance with the terms of this Agreement and all applicable laws, regulations and covenants.

18. If any provision of this Agreement or its application is held invalid or unenforceable to any extent, the remainder of this Agreement and the application of that provision to other persons or circumstances shall be enforced to the greatest extent permitted by law.

19. It is acknowledged and agreed that this Agreement is a mutual undertaking of counsel for all parties and, accordingly, to the extent any ambiguity exists with respect to the terms and conditions stated herein, such terms and conditions shall not be automatically construed against any party hereto.

20. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

21. This Agreement constitutes the entire agreement of the parties relating to payments in lieu of taxes with respect to the above-described property and supersedes all prior contracts, or agreements, whether oral or written, with respect thereto.

22. This Agreement may only be supplemented, amended or modified upon the mutual agreement of the parties hereto. No such supplement, amendment or modification shall take effect and be binding except in written form signed by the parties.

23. Each of the parties individually represents and warrants that the execution, delivery and performance of this Agreement, (i) has been duly authorized by proper action of its governing body and does not require any other consent or approval for the execution thereof by

such municipality, (ii) does not violate any law, rule, regulation, order, writ, judgment or decree by which it is bound, and (iii) will not result in or constitute a default under any agreement or instrument to which it is a party. Each such party represents that this Agreement shall constitute the legal, valid and binding agreement of such party enforceable in accordance with its terms.

24. The Partnership and HDFC jointly and severally make the following representations, warranties and covenants:

(i) Each of the HDFC, a "housing development fund company" under Article XI of the PHFL, and the Partnership is organized, validly existing and in good standing under the laws of the State of New York and is authorized under the laws of the State of New York to do business in the State, has the power to enter into this Agreement and to perform the transactions contemplated hereby and its obligations hereunder and by proper action has duly authorized the execution and delivery of this Agreement and the performance of its obligations hereunder, and the execution, delivery and performance of this Agreement does not require any other consent or approval. This Agreement shall constitute the legal, valid and binding agreement of HDFC and the Partnership enforceable in accordance with its terms.

(ii) Neither the Partnership nor HDFC is in default under, or in violation of, any indenture, mortgage, declaration, lien, lease, contract, note, order, judgment, decree or other instrument of any kind to which any of its assets are subject, and the execution, delivery and compliance by the Partnership or HDFC with the terms and conditions of this Agreement do not and will not conflict with or constitute or result in a default by the Partnership or HDFC in any material respect under or violation of, (1) the entity's organizational documents, (2) any agreement or other instrument to which such entity is a party or by which, to such entity's knowledge, it is bound, or (3) any constitutional or statutory provision or order, rule, regulation, decree or ordinance of any court, government or governmental authority having jurisdiction over the Partnership or HDFC or its property, and no event has occurred and is continuing which, with the lapse of time or the giving of notice, or both, would constitute or result in such a default or violation.

(iii) The Partnership has provided to the City true and complete financial information with respect to the Property, including without limitation project costs, financing sources, rents and income limitations.

(iv) The Partnership covenants and agrees to operate the Property in accordance with all applicable rules and regulations of Article XI of the PFHL, including without limitation applicable rent limits and income limits and in accordance with the plan attached hereto as **Exhibit C**.

(v) The Partnership covenants and agrees to provide to the City any information or documents reasonably requested in writing by the City in order to provide any federal, state or local entity with information or reports required under any applicable law, rule or regulation.

25. [The City shall file a copy of the fully executed Agreement with the City Assessor. The Partnership shall be responsible for taking such actions as may be necessary to

ensure that the Property shall be assessed as exempt upon the assessment rolls of the respective Taxing Jurisdictions, including without limitation ensuring that any required exemption form shall be filed with the appropriate officer or officers of each respective Taxing Jurisdiction. Such exemption shall be effective as of the first taxable status date of the applicable Taxing Jurisdiction following the date of this Agreement, provided that the Partnership shall timely file any requisite exemption forms.] ***[NTD: let's discuss requisite forms]***

26. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

Remainder of page intentionally left blank.

IN WITNESS WHEREOF, the City, the HDFC and the Partnership have caused this Agreement to be executed in their respective names by their duly authorized representatives and their respective seals to be hereunder affixed, all as of the date above-written.

DATED: _______________, 2023

CITY OF BEACON, NEW YORK

By:____
Name:
Title:

DATED: _______________, 2023

[TOMPKINS TERRACE HOUSING DEVELOPMENT FUND COMPANY, INC.], a New York not-for-profit corporation

By:____
Name: Matthew Finkle
Title: President

DATED: ________________, 2023

TOMPKINS TERRACE HOUSING, L.P., a New York limited partnership

By: Tompkins Terrace Housing GP, LLC, a New York limited liability company its general partner

By:____
Name: Matthew Finkle
Title: Vice President

STATE OF NEW YORK)
) SS.:
COUNTY OF DUTCHESS)

On the ____ day of _______________, in the year 2023, before me personally appeared Randy Casale, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

____
NOTARY PUBLIC

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

On the _____ day of _____________, in the year 2023, before me personally appeared Matthew Finkle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

____
NOTARY PUBLIC

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

On the _____ day of _____________, in the year 2023, before me personally appeared Matthew Finkle, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

____
NOTARY PUBLIC

EXHIBIT A

[Insert Meters/Bounds Legal Description]

EXHIBIT B

Year 1	$310,000[2]	Year 21	$483,758
Year 2	$316,975	Year 22	$494,642
Year 3	$324,107	Year 23	$505,772
Year 4	$331,399	Year 24	$517,152
Year 5	$338,856	Year 25	$528,788
Year 6	$346,480	Year 26	$540,685
Year 7	$354,276	Year 27	$552,851
Year 8	$362,247	Year 28	$565,290
Year 9	$370,398	Year 29	$578,009
Year 10	$378,732	Year 30	$591,014
Year 11	$387,253	Year 31	$604,312
Year 12	$395,966	Year 32	$617,909
Year 13	$404,875	Year 33	$631,812
Year 14	$413,985	Year 34	$646,028
Year 15	$423,300	Year 35	$660,563
Year 16	$432,824	Year 36	$675,426
Year 17	$442,563	Year 37	$690,623
Year 18	$452,520	Year 38	$706,162
Year 19	$462,702	Year 39	$722,051
Year 20	$473,113	Year 40	$738,297

[2] Year 1 amount to be prorated as set forth in the PILOT Agreement.

EXHIBIT C

Project Plan: Tompkins Terrace

Property: 194 Tompkins Terrace (aka 1-193 Tompkins Terrace)

Number of Units	AMI Restriction	Rent Restriction (Tenant's Portion)
155	60%	30% of 60% of AMI
38	50%	30% of 50% AMI

In each case the above set-asides are to satisfied in accordance with and subject to Section 42 and 142 of the Code and regulations of New York State Housing Finance Agency.

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. __ OF 2023

REAL PROPERTY TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT UNDER SECTION 577 OF THE PRIVATE HOUSING FINANCE LAW

TOMPKINS TERRACE
194 TOMPKINS TERRACE (AKA 1 - 193 TOMPKINS TERRACE)
(City of Beacon Tax Parcel No. 5955-588084)

WHEREAS, the City of Beacon has been requested to issue a tax exemption and corresponding Payment in Lieu of Taxes Agreement under the provisions of the Private Housing Finance Law of the State of New York ("PHFL") for the premises located at 194 Tompkins Terrace (aka 1-193 Tompkins Terrace), which is identified as City of Beacon Parcel ID No. 5955-19-588084 (the "Tompkins Terrace Parcel"); and

WHEREAS, the Tompkins Terrace Parcel is the site of a 193-unit housing development constructed in 1973 (the "Tompkins Terrace Housing Development"); and

WHEREAS, since 1973, the Tompkins Terrace Housing Development has operated on an affordable, rent- and income-restricted basis; and

WHEREAS, the Tompkins Terrace Parcel is presently tax exempt and subject to a Payment in Lieu of Taxes Agreement; and

WHEREAS, it is proposed that the Tompkins Terrace Parcel will be conveyed to Tompkins Terrace Housing Development Fund Company, Inc., a to-be-formed corporation under Article XI of the PHFL (the "HDFC") for the benefit of Tompkins Terrace Housing, L.P. ("Tompkins Terrace LP"); and

WHEREAS, upon the acquisition of the Tompkins Terrace Parcel, the HDFC/Tompkins Terrace LP will undertake renovations to the Tompkins Terrace Housing Development, which will continue to be operated on an affordable basis for persons of restricted income; and

WHEREAS, the renovations to be undertaken will entail approximately $14,500,000 in exterior and interior (individual unit and common space) improvements; and

WHEREAS, upon the acquisition of Tompkins Terrace Parcel by the HDFC/Tompkins Terrace LP, occupancy within the Tompkins Terrace Housing Development will, for a forty (40) year period, adhere to the following rent restrictions: (1) for 155 of the 193 units, rent shall be no more than 30% of the then prevailing 60% of Area Median Income ("AMI") in accordance with the requirements of Section 42 of the Internal Revenue Code of 1986 (the "Code") and (2) for 38 of the units, rent shall be no more than 30% of the then prevailing 50% of AMI in accordance with the requirements of Section 42 of the Code; and

WHEREAS, the HDFC/Tompkins Terrace LP's plan for the use of Tompkins Terrace Parcel constitutes a "housing project," as defined in the PHFL; and

WHEREAS, Tompkins Terrace Housing Development Fund Company, Inc. will be a "housing development fund company" as the term is defined in §572 of the PHFL; and

WHEREAS, §577 of the PHFL authorizes the City Council of the City of Beacon (the "City Council"), as the local legislative body of the City of Beacon, to exempt the Tompkins Terrace Parcel from real property taxes; and

WHEREAS, the HDFC/Tompkins Terrace LP will enter into a new Payment In Lieu of Taxes Agreement ("PILOT Agreement"), whereby annual payments in lieu of taxes will be made to the City as set forth in a proposed PILOT Agreement presented to the City Council (which payments are specified on Schedule A attached hereto and made a part hereof); and

WHEREAS, the City of Beacon desires to maintain and promote a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for persons of limited income and to provide for affordable housing opportunities within the community; and

WHEREAS, the Tompkins Terrace Housing Development has served this need for fifty (50) years and its acquisition by the HDFC/Tompkins Terrace LP, coupled with the improvements to be made, will allow this valuable affordable housing resource to remain viable and intact on a prospective basis.

NOW THEREFORE, BE IT RESOLVED that the City hereby exempts the Tompkins Terrace Parcel (194 Tompkins Terrace aka 1 -193 Tompkins Terrace)/Parcel ID No. 5955-19-588084) from real property taxes for a forty (40) year term, to the extent authorized by §577 of the PHFL, and approves a proposed PILOT Agreement by and between the City of Beacon and the HDFC/Tompkins Terrace LP in substantially the same form as presented at this meeting, subject to further review and approval by the City Attorney and City Administrator, providing for annual payments in lieu of taxes as set forth on Schedule A and recited in such agreement; and

BE IT FURTHER RESOLVED, that this real property tax exemption is premised upon adherence to the income restrictions contained in the foregoing PILOT Agreement, to-wit: (1) for 155 of the 193 units, rent shall be no more than 30% of the then prevailing 60% of AMI in accordance with the Code and (2) for 38 of the units, rent shall be no more than 30% of the then prevailing 50% of AMI in accordance with the Code; and

BE IT FURTHER RESOLVED, that the Mayor of the City of Beacon is hereby authorized to execute and deliver the foregoing PILOT Agreement, in final form in accordance with this Resolution, on behalf of the City of Beacon; and

BE IT FURTHER RESOLVED, that the exemption authorized under this Resolution shall take effect upon acquisition of the Tompkins Terrace Parcel by the HDFC/Tompkins Terrace LP and execution of the PILOT Agreement and, until such time, this Tompkins Terrace Parcel shall remain tax-exempt and subject to the Payment in Lieu of Taxes Agreement currently in effect.

SCHEDULE A

Year 1	$310,000[1]	Year 21	$483,758
Year 2	$316,975	Year 22	$494,642
Year 3	$324,107	Year 23	$505,772
Year 4	$331,399	Year 24	$517,152
Year 5	$338,856	Year 25	$528,788
Year 6	$346,480	Year 26	$540,685
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Year 18	$452,520	Year 38	$706,162
Year 19	$462,702	Year 39	$722,051
Year 20	$473,113	Year 40	$738,297

Resolution No. __ of 2023 **Date: ______, 2023**
☐ **Amendments** ☐ **2/3 Required**
☐ **Not on roll call.** ☐ **On roll call** ☐ **3/4 Required**

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Justice McCray					
		George Mansfield					
		Wren Longno					
		Molly Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

[1] Year 1 may be prorated depending on effective date of the PILOT Agreement.

City of Beacon City Council Agenda
03/06/2023

Title:

Appointment of Samuel Dandrade to the Position of Water and Sewer Maintenance Helper

ATTACHMENTS

Samuel Dandrade Resume

Water and Sewer Superintendent Memorandum in Support of the Appointment of Samuel Dandrade to the Position of Water and Sewer Maintenance Helper

Samuel A. Dandrade

[redacted]

Objectives

To secure a position with advancement opportunities that will utilize my acquired skills and experience to contribute to the success of a progressive organization with in the job.

Strengths

- Motivated and responsible worker with ability to manage or work as part of a team
- Sound knowledge of safety procedures applied to work
- Reliable and punctual employee with commitment to company work standards and a positive work environment

Work Experience

Beacon Wastewater Treatment Plant
April 2015- Present
Maintenance Mechanic and Dewatering Operator
Duties: Repairing pumps, packing pumps, (dewatering) belt press machine, mowing lawns, reading numbers, ordering chemicals, repairing motors and doing all oil changes. All preventative maintenance, snow removal.

EarthCare Wastewater Management **Beacon, NY**
February 2015 april 2015
Processor- dewatering operator
Duties: Daily processing of waste and running machines to ensure an effective separation cycle. Also to keep the facilities clean with a-round the clock maintenance.

Mountainside Landscaping L.L.C **Beacon, NY**
September 2013-January 2015
Laborer
Duties: Mowing and grooming lawns, creating new lawns from scratch, pruning bushes, large tree services, construction, septic work (replacing old and new septic tanks), Replacing and repairing water lines and sewer lines and drainage for homes, digging trenches, repaired pavements and black top, patio work, skid steer running, pouring concrete slabs, forming foundations and pouring concrete, forming sidewalks and pouring conrete, performing spring and fall clean ups as well as snow removal during winter

Zott Construction **Stormville, NY**
November 2012- April 2013
Laborer
Duties: Emergency Response, fire and smoke damage, water damage, contents restoration,

mold remediation, and construction services

O'Dell Landscaping **Beacon, NY**
April 2010-September 2013
Landscaper
Duties: Mowing and grooming lawns, creating new lawns from scratch, pruning bushes, performing spring and fall clean ups as well as snow removal during winter

Family Dollar **Newburgh, NY / Beacon, NY**
November 2009-March 2010
Assistant Manager
Duties: To greet and make sure customers are happy, inventory, counting and managing money

Education

Dutchess Community College
Fall 2008-Spring 2011

Beacon High School
Class of 2008

References and Career Portfolio Available Upon Request

CITY OF BEACON
New York

WATER DEPARTMENT 845-831-3136

To: City of Beacon Administrator Christopher White
City of Beacon City Council

From: Edward Balicki

Re: Water & Sewer Maintenance Helper

Date: March 6, 2023

City Council approved the hiring of a new Water & Sewer Maintenance Helper position in the 2023 budget. This position was posted internally and interviews were conducted by a hiring committee, consisting of the Water Superintendent and the Director of Human Resources. Three applicants were interviewed; after further discussions about the interviews, qualifications and professional experience, I am recommending Samuel Dandrade for the position of Water & Sewer Maintenance Helper.

Samuel has been employed with the City of Beacon in the Wastewater Department since April 2015, performing duties such as repairing of motors, preventative maintenance, operating the belt press, installation and repair of equipment, snow removal, lawn maintenance and other duties as assigned. In addition, Mr. Dandrade has previous work experience in construction and landscaping. In totality, this best qualifies Mr. Dandrade to handle all tasks associated with the Water & Sewer Maintenance Helper position.

At this time, I am requesting that you appoint Mr. Dandrade to the position of Water & Sewer Maintenance Helper. Thank you for your consideration.

Sincerely,

Edward Balicki
Water & Sewer Superintendent
City of Beacon

One Municipal Plaza, Suite One, Beacon, New York 12508 Fax (845) 838-5026

City of Beacon City Council Agenda
03/06/2023

Title:

Reappointment of Richard Markwalter to the Tree Advisory Committee

ATTACHMENTS

Richard Markwalter Committee Application

Secretary to the Mayor Memorandum Regarding the Proposed Reappointment of Richard Markwalter

Committee Application

Submit Forms:
One Municipal Plaza, Suite One
Beacon, NY 12508

Phone: (845) 838-5010
FAX: (845) 838-5012
Email: cityofbeacon@cityofbeacon.org

Name: Richard (Paul) Markwalter

Address: [redacted]

Phone Number

Alternate Phone

Email Address

Committee You are Interested In

- ☐ Board of Assessment Review
- ☐ Board of Ethics
- ☐ Conservation Advisory Committee
- ☐ Emergency Management Committee
- ☐ Human Relations Commission
- ☐ Planning Board
- ☐ Recreation Committee
- ☐ Traffic Safety Committee
- ☐ Zoning Board of Appeals
- ☐ Any of the above
- ☑ Other: BTAC

Available number of Hours per week (for Committee work): Open

Occupation: Retired tree surgeon

Employer:

Work Address:

Work Phone:

Education

- [ ] Some High School
- [ ] High School Diploma
- [x] Some College
- [ ] Associates Degree
- [ ] Bachelor's Degree
- [ ] Master's Degree
- [ ] Doctorate Degree

Interest & Skills: Trees, Vacuum tube electronics, carpentry, photography.

Areas of Expertise (business & civic): See above

Reference

Reference Name [redacted]

Address

Phone

Email Address

Relationship

Please include your resume along with this application.

I agree that by submitting this application, I am electronically signing the application. I solemnly declare that the information I have provided is true.

Applicant Signature: Richard (Paul) Markwalter

Date: 02/22/2023

CITY OF BEACON

Office of the Mayor

One Municipal Plaza
Beacon, New York 12508
845-838-5010 - Office
845-838-5012 - Fax

www.cityofbeacon.org

Date: March 1, 2023

To: Mayor Kyriacou and City Councilmembers

Re: Proposed Reappointment of Richard (Paul) Markwalter to the Tree Advisory Committee

Dear Mayor and Councilmembers:

In order to provide some background information on and context to Mr. Markwalter's application for reappointment to the Tree Advisory Committee, I solicited information from him regarding his background, qualifications, and experience for use during your consideration of such.

Mr. Markwalter is a resident of Beacon and has volunteered on the Tree Advisory Committee for the past four years. City Code requires an arborist to serve on the Committee, and Mr. Markwalter has served in that capacity during this time. Mr. Markwalter also served as Chair to this Committee until stepping down in 2022, but agreed to continue his service in other capacities since then.

Professionally, Mr. Markwalter has held numerous positions involving work with trees, beginning as far back as 1963 with a tree surgeon company. In the years since, he has worked in utility line clearance, pruning, deadwooding, and thinning and clearance from buildings. His work has spanned New Jersey, New York, and Florida and has given him familiarity in operating bucket trucks, tree cranes, backhoes, and related heavy machinery.

I hope that the above provides context for and otherwise aids in your discussion regarding the proposed Reappointment.

Sincerely,

Benjamin Swanson
Secretary to the City Mayor
Beacon, NY
845-838-5010

City of Beacon City Council Agenda
03/06/2023

Title:

Proposed Local Law No. 1 to Require the Electrification of Residential and Commercial Buildings

ATTACHMENTS

Excerpt of the New York State Climate Change Final Scoping Plan Regarding Buildings

Keane & Beane, P.C. Memorandum Regarding Alternative Legislative Measures to Promote the Electrification of Buildings in the City of Beacon (Dec. 21, 2022)

Keane & Beane, P.C. Memorandum Regarding Building Efficiency Standards Decision Tree (Jan. 6, 2023)

Keane & Beane, P.C. Updated Decision Tree Memorandum (Jan. 20, 2023)

Proposed Local Law No. 1 to Require the Electrification of Residential and Commercial Buildings

Proposed Local Law No. 1 Environmental Assessment Form

New York State Climate Action Council

SCOPING PLAN

Full Report
December 2022

Chapter 12. Buildings

12.1 State of the Sector

Overview

New York's residential and commercial buildings sector encompasses over 6 million buildings, which are home to 7.4 million households and include over 5 billion square feet of commercial and institutional space where New Yorkers work, learn, gather, and access essential services. The State's large geography, varied climate, and vibrant economy drives a diverse buildings mix, as discussed further below. Statewide, New York's residential and commercial buildings are older than the national average, pointing to opportunities for upgrading buildings in ways that improve both quality of life and energy performance. In addition, nearly half (48%) of households statewide are low- to moderate-income (LMI) households, underscoring the importance of careful attention to housing and energy affordability.

Residential and commercial buildings use energy for heating, ventilation, and air conditioning (HVAC), water heating, lighting, refrigeration, cooking, computer and office equipment, and other small appliances. Direct greenhouse gas (GHG) emissions from the buildings sector come from burning fossil fuels onsite in residential and commercial buildings, primarily for space and water heating, and associated upstream emissions. This chapter addresses strategies for reducing GHG emissions attributable to residential and commercial buildings, whereas strategies for mitigating emissions attributable to industrial facilities are addressed in *Chapter 14. Industry.*

Emissions Overview

The buildings sector was the largest source of emissions in 2019, responsible for 32% of emissions statewide, which includes the combustion of fossil fuels in residential (34%) and commercial buildings (19%), emissions from imported fuels (33%), and hydrofluorocarbons released from building equipment and foam insulation (14%). The fuels used in buildings today include fossil natural gas, distillate fuel (e.g., heating fuel oil #2), wood, propane, kerosene, and residual fuel.

Decarbonizing building operations describes the reduction or elimination of GHG emissions from building end uses through energy efficiency improvements to reduce energy demand and through switching from equipment and systems powered by burning gas, oil, or other fossil fuels to highly efficient equipment and systems powered by zero-emission energy sources. In addition, embodied carbon associated with building construction can be reduced through building reuse and through using lower-carbon materials or carbon-sequestering products.

The integration analysis indicates that energy efficiency and managed electrification in buildings will be critical to meet New York State's GHG emissions limits under the Climate Act. All scenarios modeled in the integration analysis include rapid adoption of high-efficiency heat pumps so that one to two million energy-efficient homes use heat pumps by 2030, and by 2050, the large majority of buildings statewide use electric heat pumps for heating, cooling, and hot water. Switching from fossil fuels to heat pumps for heating and hot water will immediately and significantly reduce GHG emissions and criteria pollutants from buildings (as powered by the State's electric grid today). As the State advances toward a zero-emission electricity sector by 2040, electrification will enable buildings to operate with virtually zero emissions. To manage the impacts of widespread electrification on the State's electric grid, it also will be essential that buildings make significant investments in energy efficiency, install a diverse mix of heat pump technologies, and adopt smart controls, energy storage, and other load flexibility measures. As modeled in the integration analysis scenarios, widespread improvements to building envelopes (air sealing, insulation, and replacing poorly performing windows) will reduce energy demand from the buildings sector by 30% to 50% by 2050. The adoption of ground-source (or geothermal) heat pumps (GSHPs) and installation of heat pumps with fuel backup further reduce the amount of electricity needed on the coldest days of the year, relative to air-source heat pumps (ASHPs) with electric resistance backup. The integration analysis finds that rapid and widespread building efficiency and electrification is needed and supported by the strategic utilization of alternative fuels.[210]

Electrification of space and water heating with high-efficiency heat pumps is a viable approach to decarbonizing operations for nearly all types of buildings in New York. Modern heat pumps that work in very cold weather are commercially available and able to keep homes and businesses safe and comfortable year-round, as long as they are properly chosen, sized, installed by appropriately trained workers, and paired with an energy-efficient building envelope and HVAC system design. Electrically powered heat pumps circulate refrigerant to move heat from one place to another – typically between indoors and the air, ground, or water outside. GSHPs perform well in extreme temperatures without the need for electric resistance or fuel backup since heat is exchanged between the building and stable ground temperatures via an underground piping system. Cold climate ASHPs also work efficiently in New

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[210] See Appendix G: Integration Analysis Technical Supplement. Scenario 2 (called "Strategic Use of Low-Carbon Fuels") modeled in the integration analysis projects that 20% of installed heat pumps are GSHP and 80% are cold climate ASHP, of which one in 10 air source heat pumps (ASHPs) are modeled to use fuel backup to meet heating demands during the coldest 5% of hours. In this scenario, renewable natural gas (RNG) is used in the buildings sector, assuming a 9% RNG blend in gas pipelines by 2030 and 100% RNG to meet dramatically reduced gas demand in buildings by 2050. Green hydrogen use is limited mostly to transportation, industrial purposes, and electricity reliability in this scenario, though a small amount of hydrogen is used to power the Con Ed district system by 2050, with steam demand reduced by about 66% as many existing customers electrify in whole or in part.

York's climate, but in very cold outdoor conditions both their heating capacity (output) and efficiency (coefficient of performance) are reduced, and supplemental heat may be used. At a district or community-scale, underground pipes can be installed alongside other infrastructure to distribute thermal energy among multiple buildings; these thermal energy networks can recycle waste heat among diverse building types, provide load smoothing, and drive economies of scale. Compared with fossil fuel or electric resistance heating systems, ASHPs are two to three times more efficient, and GSHPs are three to five times more efficient on a seasonal basis; even higher efficiencies are possible through heat recovery and thermal energy networks.

Cold climate ASHP systems, GSHP systems, and thermal energy networks have different upfront costs, operational costs, seasonal efficiency performance, and impacts on electric peak load during the coldest hours. The integration analysis modeled a high ground source/district loop heat pump system sensitivity to examine how more widespread use of ground source heat pumps and district geothermal thermal energy networks could help reduce electric grid system impacts from electrified space heating, while reducing GHG emissions by substituting clean thermal energy sources for fossil fuel heating systems. It showed that if energy efficiency upgrades lag and ASHP installations perform poorly during very cold hours, then energy use and electric system costs would increase; or alternatively in this scenario, more GSHPs/thermal energy networks could be installed at a higher cost that is approximately balanced out by electric system savings.[211] Lower demand from the buildings sector with more GSHPs and thermal energy networks would lead to lower electric system investments in firm capacity, battery storage, renewables, and the distribution grid. Ongoing analysis is warranted to monitor the relative cost trajectories of GSHP and district thermal energy networks versus electric peak costs.

Regional differences in New York also warrant ongoing consideration as technologies, markets, and policies evolve to enable the transition to an efficient, electrified building stock. New York's downstate region (Long Island, New York City, and Westchester County) is characterized by dense urban areas and a mixed climate (Climate Zone 4A, mixed humid). These cities and towns often have higher costs for construction and real estate, more multifamily housing and leased space, and taller buildings with denser occupancy. Median household incomes are typically higher in downstate counties than in upstate New York; however, Bronx County has the lowest median household income and the highest poverty rate of any county in the state (U.S. Census Bureau, American Community Survey 5-Year Estimate, 2016-2020).

[211] See Appendix G: Integration Analysis Technical Supplement.

Inequality is high in New York City, where nearly one in five residents lives in poverty and over 40% of the population lives in poverty or near poverty.[212]

Challenges to installing heat pumps in downstate New York are high installation costs, high electricity costs, the provision of gas service lines and extensions of gas mains at no or low cost to individual new customers, and uncertainty on how to design systems for existing high-rise buildings. This milder climate downstate allows for smaller heating systems, and single-family homes can use heat pumps as a whole-home solution without supplemental heat. Larger multifamily, mixed-use, or complex commercial buildings may have logistical constraints (e.g., limited roof area) that result in heat pump systems needing supplemental heat (e.g., electric resistance or pre-existing gas-fired system) on the coldest days. However, it is anticipated that supplemental heat will be phased out as envelopes are improved and heat pump technology advances to meet the needs of existing high-rises. Large buildings in New York City that purchase Con Edison's district steam for heating and hot water may prioritize system optimization, energy recovery, and partial electrification to minimize steam consumption in advance of the potential decarbonization of the district steam system.

The upstate region is characterized by suburban and rural communities, as well as small and moderate-sized cities, with cooler climates (Climate Zones 5, cool-humid and Zone 6, cold-humid). These smaller cities, towns, and villages have lower cost real estate and more single-family homes and low-rise buildings. Median incomes are typically lower than in downstate New York, with those in the Southern Tier being among the lowest in the state. In the Southern Tier and in the mostly rural and suburban counties in the Mohawk Valley and the North Country regions, low-income households are more likely to live outside census tracts that are geographically designated as Disadvantaged Communities.[213]

Challenges to installing heat pumps in upstate New York are high installation costs, the provision of gas service lines and extensions of gas mains at no or low cost to individual new customers, limited availability of equipment and trained installers and contractors, and uncertainty on how to design efficient systems that can handle sub-zero temperatures without supplemental heat. In addition, rural areas with above-ground electric wires are more vulnerable to prolonged power outages in winter storms; while

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[212] The Mayor's Office for Economic Opportunity. 2021. New York City Government Poverty Measure 2019. Available at https://www1.nyc.gov/site/opportunity/poverty-in-nyc/poverty-measure.page

[213] Based on New York State's Draft Disadvantaged Communities Criteria. December 2021. See the "Draft Disadvantaged Communities Criteria Overview Fact Sheet" available at https://climate.ny.gov/disadvantaged-communities-criteria/.

furnaces and boilers also require electricity to operate, a heat pump system requires significantly more power (watts) to run, pointing to the need for resilience solutions that go beyond a portable generator. However, the upstate region also has certain advantages that may help transition these homes and businesses to heat pumps. First, homes and buildings upstate are likely to have ample outdoor space for ASHP outdoor units or GSHP ground loops. Second, where gas infrastructure is less developed, as in many rural areas and on Long Island, New Yorkers heating with delivered fuel oil or propane can benefit from significant energy bill savings by switching to an energy-efficient heat pump. Third, New York's upstate region has the cleanest electricity in the country.[214]

In New York's coldest northern and mountainous regions, some homes that install cold climate ASHPs may need supplemental heat (wood, home heating oil, propane, or gas) for the coldest days to maintain comfort, avoid oversized heat pumps that lead to inefficient operation, and offer a backup source of heat during a power outage (paired with a generator as needed). Counties in the North Country, Mohawk Valley, and Capital regions are the coldest in New York.[215] Heating systems there need to keep buildings warm in winter temperatures that fall below zero (0ºF), a design temperature at which available cold climate ASHP products tend to be installed with supplemental heat. The U.S. Department of Energy's ongoing Residential Cold Climate Heat Pump Technology Challenge is working in partnership with the U.S. Environmental Protection Agency, Natural Resources Canada, heat pump manufacturers, and other stakeholders to accelerate the development and commercialization of next-generation cold climate ASHPs, including products that are optimized for -15°F (-26°C) operation, which like GSHPs would meet consumer comfort, safety, and efficiency needs in even the coldest New York regions.

Vision for 2030

By 2030, one to two million energy-efficient homes should be electrified with heat pumps, and heat pumps should provide space heating and cooling for 10% to 20% of commercial space statewide. Heat pumps should become the majority of new purchases for space and water heating by the late 2020s. From 2030 onward, more than 250,000 New York homes and thousands more commercial buildings each year are expected to be retrofitted or constructed to be energy-efficient and to install heat pumps for primary

[214] Carbon dioxide equivalent emissions on a 100-year basis in the eGrid region NPCC Upstate New York (NYUP) were 234.5 pounds of CO_2e per megawatt hour of electricity produced in 2020. Emissions from the next cleanest eGrid region California (CAMX) were 515.5 pounds of CO_2e per megawatt hour that year. U.S. Environmental Protection Agency. https://www.epa.gov/system/files/documents/2022-01/egrid2020_summary_tables.pdf

[215] Based on the 99% Heating Design Temperature (°F) by county in the ASHRAE 2013 Manual J Design Conditions 8th Edition.

heating, cooling, and hot water, which is more than a tenfold increase from annual adoption today. This rapid market growth is projected to generate more than 100,000 new jobs in energy-efficient construction and clean heating and cooling. Public support for job growth and training in electrification and energy efficiency services will provide both new and incumbent workers with opportunities in the clean energy economy (see Table 10 and Strategy B8), while in-state engineering companies and manufacturers expand innovation and capacity to serve the growing New York and regional markets.

To achieve this dramatic growth, New York should invest in a significant scale-up of financial support for energy-efficient building envelope upgrades and electric heat pump systems, with priorities afforded to Disadvantaged Communities. State codes should require new construction to be highly efficient, zero-emission, and resilient to the effects of climate change. State regulations should be in place to phase out fossil fuel use in existing buildings by requiring zero-emission equipment and appliances at the time of replacement and by setting energy efficiency performance standards for large existing buildings. These regulations will send a clear policy signal, with compliance dates that allow regulated entities to plan and build capacity while regulators protect households from cost burdens. Utility price signals and technological innovation also should support expansion of grid-interactive buildings, energy storage, and other demand-side solutions for load shifting, reducing the need to operate peaker power plants and to build additional grid capacity. Throughout this transformation and through the strategies in this Scoping Plan, LMI households and frontline communities will need to be protected from displacement and threats to affordability.

Vision for 2050

By 2050, 85% of homes and commercial building space statewide should be electrified with energy-efficient heat pumps and thermal energy networks. New York should have advanced a managed, phased, and just transition from reliance on fossil natural gas in buildings to a clean energy system (see *Chapter 18. Gas System Transition*). Embedded subsidies for fossil fuels will have been eliminated, and energy-efficient, zero-emission buildings will have become the most cost-effective option in a clean energy economy that supports secure jobs and demonstrates leadership in innovation. Investments in research and development will have brought affordable batteries and thermal storage, grid-interactivity, ultra-low global warming potential (GWP) refrigerants, and advanced technical solutions for the hardest-to-electrify building types to market. All New Yorkers will benefit from a just transition that supports vibrant, healthy communities and repairs structural inequalities in access to housing, credit, employment, economic opportunities, environmental resources, and a clean and healthy environment.

Table 10. Sector Spotlight: Timelines for a Just Transition in the Buildings Sector

- The JTWG Jobs Study found that residential HVAC, residential shell, commercial HVAC, and commercial shell subsectors will experience the most growth in clean energy jobs, with installation and repair jobs comprising almost two-thirds of all jobs added by 2030. Activities like heat pump installation and weatherization work will employ construction laborers, HVAC workers, electricians, plumbers, pipefitters, and insulation workers in local communities statewide.
- In scenarios modeled in the integration analysis, fuel consumption in the buildings sector is modeled to decline by roughly 33% by 2030 and 58% by 2035. Electric heat pumps are modeled to grow rapidly from a niche market to comprise the majority share of heating and hot water system sales from 2028 onward, and nearly all heating and hot water system sales by 2035. As compared with business-as-usual, energy-efficient building shell installations are modeled to more than triple by 2025 and to be six times higher by 2030.
- The 2020s thus represents a key period for job growth and training for workers who are doing energy efficiency and electrification work in the buildings sector. Gas distribution jobs are modeled to roughly stay flat through 2030, before declining in the 2030s, whereas heating oil jobs will decrease sooner.
- With legislation passed and a new regulatory regime under development, gas distribution workers will have the remainder of the decade to learn about and get trained on community and utility thermal energy network systems at-scale before gas distribution employment is projected to drop-off – as one pathway to utilize transferrable skills.
- As described in *Chapter 7. Just Transition*, the State should conduct prospective market assessments and analyses on the detailed occupations that will support job growth across the residential and commercial buildings sectors. Market analysis on these occupations should include an assessment of wraparound service needs, career pathways, and skills transferability for new and existing buildings workers, and should inform the scale-up of workforce development and training.
- Coordination across the New York State Energy Research and Development Authority (NYSERDA), New York State Department of Labor (DOL), and the Office of Just Transition, as well as direct engagement with labor unions and Registered Apprentice programs, is a vital part of understanding and responding to these market needs and to ensuring trained installers.

Existing clean energy jobs:	165,200	Potential job growth by 2030: 2040:	+135,700 +197,600
Existing fuels jobs:	13,600	Potential job loss by 2030: 2040:	-2,600 -8,000
		Potential net job creation by 2030: 2040:	+133,100 +189,600

Note: Job impact data from JTWG Jobs Study (Scenario 2 Initial Employment Outputs), rounded to the nearest hundred. Jobs figures here may be partial due to differences in sectoral breakdown between Scoping Plan Chapters and Jobs Study; additional analysis found in the Jobs Study.

Existing Sectoral Mitigation Strategies

Catalyzing energy efficiency and electrification of space and water heating in buildings is a pillar of New York's climate and equity agenda. The New Efficiency: New York strategy demonstrates the State's commitment to reducing energy waste, fossil fuel use, and GHG emissions in the buildings sector, and doing so in a manner that advances equity, creates, and transitions to clean energy jobs in communities statewide, supports energy affordability, prioritizes benefits to Disadvantaged Communities, and expands access to comfortable, healthy, and energy-efficient homes and businesses. New York invests over $1 billion in public funds annually for State- and utility-administered grant and market development programs focused on energy-efficient buildings. This includes a coordinated, statewide framework to benefit LMI New Yorkers and the launch of the NYS Clean Heat initiative. The State's clean energy workforce training initiative helps to equip the current and future workforce while increasing industry diversity and job opportunities in line with a just transition. Another long-standing priority is catalyzing innovation and bringing leading technologies and companies to New York, for example, through public-private partnerships that spur scalable demonstration projects for visionary, low-carbon buildings.

New York's 2022–2023 State Budget includes a $25 billion, five-year housing plan that will create or preserve 100,000 affordable homes across New York with a focus on economic recovery, social justice, improved digital connectivity, and climate action. The plan also provides for electrification and energy efficiency work to be ready for electrification in an additional 50,000 homes. Under the plan and its Sustainability Guidelines issued in 2022, New York State Homes and Community Renewal (HCR) is working to produce high quality affordable housing with improved building envelope performance and significantly lower or zero on-site GHG emissions from fossil fuel burning appliances. As noted in the Barriers and Opportunities Report, addressing the climate and housing crises in tandem will be more effective than addressing them separately.

The Advanced Building Codes, Appliance and Equipment Efficiency Standards Act of 2022 bolsters New York's regulatory and policy environment to support energy efficiency and GHG reduction strategies in buildings along with expanded appliance standards. Additionally, the Utility Thermal Energy Network and Jobs Act requires the Public Service Commission (PSC) to develop a regulatory structure for utility thermal energy networks for heating and cooling homes, and utilities to launch pilot projects. The New York State Department of Environmental Conservation (DEC) also has adopted regulations that prohibit certain hydrofluorocarbons (HFCs) in specified uses (such as commercial refrigeration and large air-conditioning equipment) (6 NYCRR Part 494). Executive Order Number 22 builds upon progress and sets new goals for the State's lead-by-example sustainability and climate directives for State agencies.

Even as New York demonstrates leadership, the speed and scale of action to decarbonize buildings must accelerate dramatically. Meeting New York's ambitious climate requirements and goals in the residential and commercial buildings sector requires multi-pronged policy action, including new regulations and a major scale-up of public investments, to break through thorny market barriers and to manage significant risks to achieving the necessary equity and emissions reduction outcomes. The strategies recommended for the buildings sector work to achieve the Climate Act's energy efficiency requirement for 2025, and critically, to spur more rapid and widespread end-use efficiency and electrification in buildings.

Key Stakeholders

Collaboration is critical among multiple State agencies, local governments, the federal government, consumers, nongovernmental organizations (NGOs), New York's electric and gas utilities, affected workers and unions, and industry actors including the construction and building improvement industry, real estate actors, and clean energy businesses. Stakeholder engagement must include meaningful involvement of households, businesses, and community-based organizations from frontline communities, LMI households, public housing authorities and residents, environmental justice organizations, and affordable housing groups.

12.2 Key Sector Strategies

The key strategies within this sector are organized into four themes, as shown in Table 11. As described there in greater detail, the labor standards discussed in *Chapter 7. Just Transition* are intended to apply throughout this Scoping Plan, including for the buildings sector, as a means of promoting good, family-sustaining, union jobs accessible to all New Yorkers and achieving a true just transition.

Table 11. Buildings Sector Key Strategies by Theme

Theme	Strategies
Adopt Zero-Emission Codes and Standards and Require Energy Benchmarking for Buildings	B1. Adopt Advanced Codes for Highly Efficient, Zero-Emission, and Resilient New Construction B2. Adopt Standards for Zero-Emission Equipment and the Energy Performance of Existing Buildings B3. Require Energy Benchmarking and Disclosure
Scale Up Public Financial Incentives and Expand Access to Public and Private Low-Cost Financing for Building Decarbonization	B4. Scale Up Public Financial Incentives B5. Expand Access to Public and Private Low-Cost Financing B6. Support Development of Thermal Energy Networks B7. Align Energy Price Signals with Policy Goals
Expand New York's Commitment to Market Development, Innovation, and Leading-by-Example in State Projects	B8. Invest in Workforce Development B9. Scale Up Public Awareness and Consumer Education B10. Support Innovation B11. Reduce Embodied Carbon from Building Construction
Transition from Hydrofluorocarbons	B12. Advance a Managed and Just Transition from Reliance on Hydrofluorocarbon Use

As a cross-cutting strategy, New York should establish a 2030 target for the buildings sector that is commensurate with the level of electrification and efficiency needed to achieve the State's climate goals and should then monitor progress to ensure that policies and programs are in place to achieve this target.

Adopt Zero-Emission Codes and Standards and Require Energy Benchmarking for Buildings

When new buildings are constructed, clear and cost-effective opportunities exist for decarbonizing building operations and reducing embodied carbon emissions. Fulfilling these opportunities will have long-term impacts throughout the construction market. Advanced codes will minimize the near-term installation of additional fossil fuel equipment and ensure that new buildings going forward are resilient to the impacts of climate change. State entities will lead by example in this regard pursuant to Executive Order 22, which requires sustainable procurement specifications and that from 2024 onward all new construction submitted for permitting by affected State entities shall avoid building systems or equipment that can be used for the combustion of fossil fuels (to the fullest extent feasible with allowance for necessary use for backup emergency generation and process loads).

In existing buildings, the best opportunity for energy improvements is during routine home and capital improvements and when HVAC equipment is retired from service. Since the useful life of HVAC equipment ranges from 15 to 30 years, seizing the opportunities to electrify New York's over 6 million buildings by 2050 requires near-term action.

Electrification and efficiency improvements in existing buildings present a larger challenge of sheer scale. The New York State Energy Research and Development Authority (NYSERDA), DEC, and New York State Department of State (DOS) should work together to adopt regulatory requirements that will bring about the end of fossil fuel combustion in buildings by prohibiting replacement of fossil fuel equipment at end of useful life, coordinated with action taken by the PSC and New York State Department of Public Service (DPS) to regulate gas utilities and with New York State Department of Labor (DOL) and the Office of Just Transition to promote workforce development. Building performance standards also will compel efficient operation of buildings and capital investments in high-performance building envelopes and efficient HVAC systems.

These regulations and complementary market support must be thoughtfully designed to drive adoption of highly efficient heat pump systems that are coupled with measures that reduce thermal energy demand, rather than uptake of inefficient alternatives such as electric furnaces or boilers. If not managed, there is a risk that consumers could install inefficient electric equipment in inefficient buildings; this would result in higher ongoing electric bills for building occupants and, if widespread, excessive system peak electricity demands that would be extremely costly to meet. Put simply, policy action to decarbonize buildings must address both energy efficiency and electrification.

Advancing equitable outcomes for lower-income households and Disadvantaged Communities also demands careful design of regulatory actions and complementary strategies. The Climate Justice Working Group (CJWG) expressed support for regulatory sunset dates for combustion equipment in buildings provided that these regulatory actions are coupled with additional goals and public investments to benefit Disadvantaged Communities. This Scoping Plan endorses this condition for regulatory action and proposes complementary strategies to minimize the risk of negative impacts on lower-income and vulnerable households while prioritizing investments that benefit affordable housing and Disadvantaged Communities.

For buildings, resilience is the ability of the building systems to be prepared for, withstand, adapt, and quickly recover from disruptions such as severe weather, power outages, and chronic changes to the climate. Given the increased frequency of extreme weather events, which also increase the probability and scale of electric grid outages, it is critical to consider and manage risks to resilience when electrifying the heating systems of buildings. Flexible technologies and grid-interactive appliances that actively manage building energy consumption can contribute to improved grid reliability and resilience. At the building level, high-performance building envelope features prolong passive survivability. Additional resilience strategies include on-site renewable energy that is able to operate independent of the grid, energy storage, and electric vehicle (EV) battery-interactive capabilities. The resilience of building and energy systems is a priority area for public investment in research, solution development, and demonstration projects.

B1. Adopt Advanced Codes for Highly Efficient, Zero-Emission, and Resilient New Construction

This Scoping Plan recommends adopting zero-emission State codes as an important policy lever that can contribute to the rapid transformation presented in the integration analysis. New York City's Local Law 154 of 2021 sets carbon dioxide (CO_2) emission limits that effectively prohibit fossil fuel combustion equipment for heating, hot water, and most appliances in new construction, beginning in 2024 for lower-rise residential, and by 2027 for commercial and large multifamily. The State should adopt comparable codes, applicable to all municipalities, to prohibit fossil fuel combustion systems and fossil fuel combustion equipment in new construction.

Components of the Strategy

The Advanced Building Codes, Appliance and Equipment Efficiency Standards Act of 2022 requires the New York State Energy Conservation Construction Code (Energy Code) to be updated to achieve energy efficiency and GHG emission reductions in support of the Climate Act. DOS and the New York State Fire

Prevention and Building Code Council (Code Council) – in consultation with DEC, NYSERDA, other State entities including the Office of Just Transition and other Climate Action Council (Council) agencies, local governments, and interested stakeholders – should adopt codes and standards for new construction (and additions and alterations as applicable) of residential and commercial buildings to be built to a highly efficient, zero-emission standard, and incorporate requirements for building resilience. In coordination, the PSC and DPS should work with New York's electric and gas utilities to account for updates to building codes and standards in their distribution system planning and infrastructure investments and with regard to relevant occupational licensing requirements, while continuing to enhance the associated tools and data available to customers and stakeholders.

- **Update regulations to improve energy efficiency and building resilience:**
  - 2025: Adopt highly efficient State Energy Code for new construction (and additions and alterations as applicable) of residential and commercial buildings to require highly insulated thermal performance and air tightness; electric readiness for space conditioning, hot water, cooking, and dryers; EV readiness where parking is provided; and solar wherever the opportunity exists and is feasible (with allowances for green roofs and other uses of rooftop space).[216] These requirements should apply to construction of buildings that file for a building permit starting in 2025.
  - 2025: Adopt additional building resilience features into State codes for new construction (and additions and alterations as applicable) to require energy storage or on-site renewable generation that is able to operate independent of the grid, with specifications for sizing to meet resilience demands.217 Also require grid-interactive electrical appliances as feasible (such as batteries and hot water heaters) to support grid reliability and eliminate barriers to residential adoption of GSHPs. These requirements should apply to construction of buildings that file for a building permit starting in 2025.
- **Adopt regulations to end on-site emissions:** DOS, NYSERDA, and the Code Council should advance code provisions that prohibit fossil fuel combustion equipment for space conditioning,

[216] In the context of building energy codes and standards, residential buildings include one- and two-family attached or detached dwellings, and multifamily buildings three or fewer stories above grade. Commercial buildings are all buildings other than low-rise residential buildings, including multifamily high-rise residential buildings over three stories in height above grade. Buildings containing both residential and commercial spaces are generally considered separately with respect to compliance with model energy codes.

[217] NYSERDA is conducting research to understand building load profiles for thermal comfort/safety in order to recommend standards for battery or thermal storage in instances of power outages.

hot water, cooking, and appliances. Until such codes are adopted statewide, NYSERDA should encourage local governments to adopt NYStretch Energy Code.

- 2025: Adopt State codes that prohibit building systems or equipment used for the combustion of fossil fuels in new construction statewide of single-family and low-rise multifamily residential buildings having three stories or less (and additions and alterations as applicable). These requirements should apply to construction of buildings subject to residential codes and standards that file for a building permit starting in 2025.
- 2028: Adopt State codes that prohibit building systems or equipment used for the combustion of fossil fuels in new construction statewide of multifamily residential buildings having four stories or more and commercial buildings (and additions and alterations as applicable). These requirements should apply to construction of buildings subject to commercial codes and standards that file for a building permit starting in 2028.

- **Support local code enforcement and facilitate clear permitting processes for building decarbonization technologies:** The State also should provide additional funding for local code enforcement (staff, training, materials) and a credentialing program for Energy Code inspectors. NYSERDA should continue to offer training and resources to help local Authorities Having Jurisdiction and the building industry, including frontline installers, understand and meet energy code requirements. For battery energy storage systems, geothermal wells for GSHP and thermal energy networks, and other building decarbonization technologies that may experience permitting processes and challenges that vary by locality, NYSERDA, other relevant State agencies, and partners should work to facilitate clear permitting processes, for example by providing resources and tools, facilitating peer-to-peer sharing of good practices, and helping to reduce the learning curve for Authorities Having Jurisdiction and the building industry.

B2. Adopt Standards for Zero-Emission Equipment and the Energy Performance of Existing Buildings

Among the 6.1 million existing buildings in New York, single-family homes and other low-rise residential buildings (up to three stories) are relatively straightforward to upgrade and convert to zero-emission heating and hot water systems using residential-sized GSHPs or ASHPs that are suited to heat efficiently in cold climates. Larger, complex building typologies may necessitate more flexibility in both timing and technological solutions, and affordable housing will need compliance paths that protect tenants.

Technical solutions to retrofit high-rise multifamily and commercial buildings are advancing rapidly. New York is supporting research, development, and demonstration (RD&D) activity that ranges from demonstrating heat pump solutions to maintain centralized heating and hot water systems in large buildings (transferring technology now in use in Northern Europe and Canada) to fostering the development of small, cold climate packaged/window heat pumps that will be affordable for high-rise multifamily buildings. In large and complex commercial and institutional buildings, phased electrification retrofits also offer a feasible, resource-efficient path. Steps include integrating electrification with near- and long-term capital planning (including tenant lease turnover), reducing space conditioning loads and recovering waste heat, and converting steam to hydronic distribution to accommodate the lower temperature hot water produced by heat pumps. For central plant equipment, feasible heat pump installations may meet the large majority of the building's heating load while maintaining a supplemental fuel heat source for peak conditions, with a plan to phase it out over time if possible.

For existing buildings, New York should require the sale and installation of energy-efficient and zero-emission new equipment for space heating and hot water, when replaced at the equipment's end of useful life in residential and commercial buildings.[218] The State should further require efficiency upgrades for large buildings through a building performance standard. The development of codes, standards, and regulations should include further analysis of societal and consumer benefits and costs, as well as provide for compliance pathways for existing buildings to account for extenuating circumstances (including, but not limited to, housing affordability-related matters and health and safety/emergency needs).

Components of the Strategy

NYSERDA, DEC, and DOS should work together to implement standards for building performance, appliances, and equipment. These regulations should be coordinated with action taken by the PSC and DPS to regulate gas utilities and in consultation with DOL and the Office of Just Transition to support workforce development actions in a manner that is responsive to industry needs and consistent with *Chapter 7. Just Transition*. As identified below, the State should enact legislation to enable these regulatory actions.

- **Regulations to improve energy efficiency in existing buildings:** New York's Advanced Building Codes, Appliance and Equipment Efficiency Standards Act of 2022 enables

[218] The Integration Analysis assumes that the average useful life for hot water and space heating equipment in residential and commercial buildings ranges from 15 to 18 years. In practice, equipment may be kept in service for significantly longer timeframes.

NYSERDA, with DOS, to establish and enforce efficiency standards for appliances and equipment that that are sold, leased, or installed in New York in order to promote energy reduction, water conservation, GHG reduction, and/or increased demand flexibility. As soon as possible, the State should further enact legislation that enables the establishment and enforcement of energy efficiency standards for buildings, in coordination with NYSERDA, DOS, and local code officials for development and enforcement.

  - As soon as possible: Adopt energy efficiency standards for appliances that are exempt from federal preemption (such as computers, monitors, fluorescent and LED light bulbs, and air purifiers).
  - 2027: Require existing properties larger than 25,000 square feet (sq. ft.) to upgrade to energy-efficient lighting in all commercial spaces and common areas.
  - 2030: Adopt an energy efficiency performance standard for existing commercial and multifamily properties larger than 25,000 sq. ft. (with distinct accounting for the electrification of heating and other end uses). Compliance standards should be informed by statewide benchmarking data and align with New York City's Local Law 97 and across State and local government requirements where appropriate. A phased-in building performance standard could become effective starting in 2027.

- **Zero-emission standards to phase out fossil fuel combustion equipment:** NYSERDA and DEC should collaborate on developing and setting zero-emission standards for building equipment, in coordination with DOS for enforcement. DEC should set and enforce zero-emission standards tied to the operation of large fuel burning equipment. In addition to the considerations required by the Climate Act and the State Administrative Procedures Act (SAPA), for a full public engagement and comment process that considers consumer costs and benefits as well as technical and industry readiness and the ability of the electric system (generation, transmission, and distribution) to meet electricity demand with widespread electrification, building-level resilience and potential for future connection to a clean thermal energy network will also be considered in the development of these emission standards. Relevant considerations are also outlined in the Gas System Transition Plan Framework (Table 18). Such standards shall ensure that compliance will not disproportionately burden Disadvantaged Communities. These zero-emission standards across a range of equipment types should apply starting in the years noted below.
  - 2025: The State should review and consider modifications to existing statutory provisions that relate to utilities providing new gas service to existing buildings as part of a

comprehensive plan to end investments in new gas infrastructure in coordination with municipalities.

- 2030: Adopt zero-emission standards that prohibit replacements (at end of useful life) of residential-sized equipment used for the combustion of fossil fuels for heating and cooling and hot water. The standards beginning in 2030 should regulate equipment sized to typically serve single-family homes and low-rise residential buildings with up to 49 housing units.
- 2035: Adopt zero-emission standards that prohibit replacements (at end of useful life) of large and commercial-sized equipment used for the combustion of fossil fuels for heating, cooling, and hot water. The standards beginning in 2035 should regulate equipment sized to typically serve larger multifamily buildings (having four stories or more or 50 or more housing units) and commercial buildings.
- 2035: Adopt zero-emission standards that prohibit replacements (at end of useful life) of fossil fuel appliances for cooking and clothes drying.
- 2035: DEC should adopt zero-emission standards that prohibit fossil fuel use in large fuel burning equipment for heating and domestic hot water. The standards should be enforced under a new emissions enforcement regime of large combustion equipment sized to typically heat buildings 50,000 sq. ft. or more in floor area, thereby requiring early retirement.

B3. Require Energy Benchmarking and Disclosure

Energy consumption benchmarking provides building decision-makers with information to improve building operations and investment decisions, and the data collected statewide will inform building performance standards. Lack of awareness in the market may limit the effective use of benchmarking data. Education will be needed for consumers, brokers, and building owners on how to use the energy usage and benchmarking information.

The State must also mitigate against and monitor for potential harm to Disadvantaged Communities. Disinvestment could occur if disclosure or labeling of energy performance makes properties less attractive to potential renters and buyers, or conversely, demand for efficient buildings could price people out of the market for healthy housing in their community. Adequate technical and financial assistance for LMI homeowners and building owners will be needed in Disadvantaged Communities to scope and finance energy upgrades. As was emphasized by the CJWG, energy affordability is a challenge for many LMI households and required energy disclosure provides important information when buying or renting a home, including ongoing energy costs, which informs decision-making and budgeting. The State should ensure consistency and alignment across State and local government requirements (such as New York City local laws), including in reporting templates and timeframes.

Components of the Strategy

NYSERDA, DOS, the New York State Department of Taxation and Finance, and the New York State Office of the Attorney General should work together to implement and enforce energy benchmarking and disclosure requirements, in coordination with PSC direction to utilities under its jurisdiction. The State should enact legislation to enable these regulatory actions.

- **Require energy consumption information and disclosures:**
  - 2024: Commence a statewide energy benchmarking and disclosure program that requires owners of multifamily and commercial properties larger than 10,000 sq. ft. to annually report whole-building energy and water consumption data to NYSERDA for public disclosure. NYSERDA should lead implementation, with support from the Department of Taxation and Finance and the Attorney General's office. Also, the PSC should require electric, gas, and water utilities to provide automatic aggregated whole-building uploads of utility customer data directly to the U.S. Environmental Protection Agency's (EPA) ENERGY STAR Portfolio Manager.
  - 2025: Require multifamily and commercial properties larger than 25,000 sq. ft. to undertake a comprehensive building energy assessment (audit), to be conducted by appropriately trained workers, at least once every 10 years that evaluates the building's systems and identifies opportunities to invest in energy efficiency upgrades, electrification or electrification-readiness for building systems, and climate risk with resilience measures. Filing an assessment report with NYSERDA would be required on a cycle established by the State or at the time that a building permit is needed for specified work that must conform to Code, whichever comes first. NYSERDA should lead implementation, in close coordination with DOS and local code officials for development and enforcement.
  - 2025: Require owners of all single-family and multifamily residential and commercial buildings to obtain and publicly disclose, as part of sale or lease listing of a building, housing unit, or commercial space, the prior-year energy consumption of the building, unit, or space (at least 12 consecutive months of energy bill data).
  - 2027: Require owners of single-family buildings to obtain and disclose an energy performance rating (such as a Home Energy Rating System index) as part of sale listing.

Scale Up Public Financial Incentives and Expand Access to Public and Private Low-Cost Financing for Building Decarbonization

A substantial infusion of both public resources and private capital will be needed to pay for the building upgrades necessary to decarbonize buildings, while also expanding access to safe and healthy housing and bolstering resilience to climate impacts. The integration analysis indicates that to meet the Climate Act's GHG emission reduction requirements, more than 250,000 housing units each year will need to adopt electric heat pumps and energy efficiency measures from around 2030 onward – more than a tenfold increase from current market activity – with a comparable pace of transformation in the commercial sector. Across the residential and commercial buildings sectors, annual investment costs for these upgrades are projected to grow over time from roughly $5 billion in 2030 to $30 billion in 2050, based on the incremental cost of building electrification and shell improvements made in each year. This investment will expand jobs in energy efficiency and building electrification in communities statewide and is projected to add 100,000 new clean energy jobs by 2030. This investment remains a fraction of other building-related expenditures in New York, which annually include approximately $60 billion in buildings investments and over $30 billion on energy costs across the residential and commercial buildings sectors. Significant opportunity exists to redirect existing spending toward a more sustainable buildings sector.

B4. Scale Up Public Financial Incentives

Financial incentive programs will need to scale up dramatically to motivate millions of homeowners and building owners to install high-efficiency electric heat pumps and make energy efficiency improvements such as sealing air leaks, adding insulation, and using building controls. Building envelope sealing and weatherization measures improve comfort (reducing drafts, cold surfaces, and noise pollution) and reduce risk of pests and mold; moreover, to promote healthy homes, weatherization needs to include appropriate ventilation systems and must take place after any pre-existing safety and health issues (such as mold, mustiness, or high levels of formaldehyde and other air pollutants) are addressed. Replacing an existing heating system with a high-efficiency electric heat pump system that also provides air conditioning and filtration can meet formerly unaddressed or inadequate cooling needs. Although many energy efficiency upgrades improve housing quality and are cost-effective, these projects can be disruptive for occupants or simply not a priority for owners. For most existing homes and buildings, moreover, the current upfront costs of building electrification and related energy efficiency upgrades such as air sealing, insulation, and building controls can be significantly higher than costs for replacing fossil fuel equipment.

For example, for an older single-family home that is otherwise in good condition, the average installed cost for a heat pump for whole-home space heating and cooling paired with an air sealing and insulation upgrade is estimated to be about $21,000 for a cold climate ASHP and $40,000 for a GSHP system (before available rebates and tax credits), as compared with roughly $10,000 or less to replace a fossil fuel boiler/furnace and air conditioner (with no envelope work).[219] A homeowner who switches from home heating oil to an electric heat pump will see substantial energy bill savings, so that with currently available incentives through NYS Clean Heat and the federal geothermal tax credit, the project payback could be between five to eight years. For many customers now heating with low-cost gas, however, bill savings do not currently offer a clear economic return on investment for adopting a whole-home heat pump. Because of the diversity of stock and pre-existing conditions in multifamily buildings, potential costs vary widely to convert existing apartments to heating and cooling with efficient heat pumps. The average cost of investing in an efficient heat pump is estimated to range from about $14,000 per apartment unit for an ASHP retrofit in a small multifamily building to $50,000 per apartment unit for an ASHP paired with a moderate shell efficiency package (including air sealing, roof insulation and double pane windows) in a large multifamily building (before available rebates and tax credits); corresponding incremental costs range from roughly $10,000 to $40,000 per unit.[220] In considering consumer benefit-cost and equity impacts, it is further important to recognize that some housing is unsafe and unhealthy due to years of underinvestment, such that costly repairs are needed before making energy improvements.

Given the scale of the challenge, public funding must be used strategically to accelerate market adoption, help LMI consumers, promote transitioning the existing workforce and workforce development that expands skills and job placement, and advance equity. Expansion of financial incentive programs to motivate early adoption in market-rate housing and commercial buildings will be needed for at least the coming decade. This support should target existing buildings more so than new construction and eventually phase out (once efficient, zero-emission codes and standards go into effect), with a longer

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[219] Installed equipment costs reflect weighted average statewide costs sourced from Appendix G: Integration Analysis Technical Supplement Annex 1: Inputs and Assumptions (updated November 18, 2021). Energy cost savings modeled separately, finding that a modest single-family home that switches from oil heating to a heat pump (paired with basic air sealing/insulation) annually saves $1,200 (NYC) to $1,700 (upstate) with a ccASHP, or $1,700 (NYC) to $2,100 (upstate) with a GSHP. The same home that switches from gas heating (but maintains gas service) sees only a modest annual cost decrease (NYC) or cost increase (upstate) with a ccASHP, or $700 (NYC) to zero (upstate) annual cost savings with a GSHP.

[220] Installed equipment costs reflect weighted average statewide costs sourced from the Integration Analysis – Inputs and Assumptions Workbook, comparing an air source heat pump to gas heating equipment and room air conditioner (AC); the moderate shell efficiency package is referenced as “basic shell” in the source data and is compared to the “reference shell” cost estimate. The source data also includes installed costs for ground source heat pumps which if paired with a moderate or deep shell efficiency package would sum to a higher range of costs than that provided in the text for air source heat pumps.

timeframe for support for low-income households and, as appropriate, for next-generation technologies as they emerge.

Dedicated financial support programs for LMI households, affordable and public housing, and Disadvantaged Communities are essential to enable these households to make and benefit from energy upgrades that improve housing quality and comfort, with careful attention to impacts on housing and energy affordability. For these households and buildings, grant funding will need to cover most or all the near-term cost premium for building electrification and efficiency upgrades, considering economic realities and to remedy unjust patterns of redlining and underinvestment in Disadvantaged Communities. A major investment of public funding, at a scale and along a timeframe that aligns with the adoption of zero-emission codes and standards, will be needed to decarbonize and improve the quality of housing for LMI households, affordable and public housing, and in Disadvantaged Communities.

It also is critical to ensure that the phase out of fossil fuel equipment in buildings does not increase low-income residents' cost of housing, nor create undue energy burden. In New York, the Home Energy Fair Practices Act and PSC regulations provide comprehensive consumer protections for both residential and non-residential utility customers, including applications for service, service terminations, customer billing, and payment and complaint procedures.[221] New York has also established an Energy Affordability Policy that sets the goal of limiting energy costs for low-income households to no more than 6% of their income. The existing low-income energy bill discount programs administered by the major electric and gas utilities should be expanded, and current or future public utility bill assistance programs will need to recognize and adjust for both increased cooling needs as the climate warms and the shift from traditional forms of heating to efficient electrification (using heat pumps that provide both heating and air conditioning). Electrifying rental housing can lead to changes in how energy services such as heating, cooling, and cooking are metered, resulting in transfers of utility costs between building owners and occupants. Over the longer term, regulatory requirements must be coupled with ongoing public financial support for poor and working-class households. Thoughtful policy and programmatic design and coordination of funding sources will be essential to support affordability, safe and healthy housing, consumer protections, and economic opportunities that benefit Disadvantaged Communities.

A salient challenge is marshalling additional public funding, across State, ratepayer, and federal funding and tax credits, at the needed scale, alongside animating the flow of private capital to low-carbon building

[221] 16 NYCRR Part 11 (HEFPA) governs residential service and Part 13 governs non-residential service.

construction and improvements. At present, charges levied on electric and gas ratepayers provide the largest source of funding for New York's energy efficiency incentive programs, with heat pump incentives funded by electric ratepayers specifically. This funding source has the benefit of established precedent and regulatory oversight, which as major new policy initiatives are considered, includes public process and assessment of ratepayer impacts. While there is scope for strategic re-direction and some potential expansion of ratepayer-funded programs, the scale of investment will require a leveraging of multiple sources of funding including other State, federal, and private funding sources. Moreover, the PSC should direct utilities to continue to assess and place priority on investments in clean, distributed energy resources (DERs) (including weatherization and energy efficiency, storage, and electrification of heating) that are comparatively cost-effective ways to reduce peak electric or peak gas demand. Even as these avenues are explored, though, new funding sources beyond ratepayer charges will need to be identified.

In 2022, New York enacted a State Geothermal Income Tax Credit equal to 25% of geothermal system expenditures up to $5,000 for owner-occupied homes, which helps position New York to take advantage of federal geothermal tax credits. State tax credits could be expanded to further encourage GSHP systems and building decarbonization in multifamily and rental housing, commercial buildings, and thermal energy networks. Two potential economywide State policy mechanisms, cap-and-invest and carbon tax/fee, are discussed in *Chapter 17. Economywide Strategies*. If either policy is implemented and provides a new source of funding for policy actions identified in this Scoping Plan, the housing sector should be a priority area for investing that funding to support both equity and emissions reductions.

Critical opportunities exist to leverage federal funding made available under the federal Inflation Reduction Act of 2022. Long-term tax credits will provide market certainty and make it more affordable for New Yorkers to install decarbonization technologies including energy efficiency upgrades, high-efficiency electric appliances, solar panels, and battery storage systems. Notably, federal tax credits for geothermal heat pump system installations extend through 2032 at rates of 30% of the installed cost, with an additional 10% domestic content bonus credit, stepping down in 2033 and 2034. Additional grants for LMI households for home energy performance-based whole-house rebates (the HOMES Rebate) and for High-Efficiency Electric Home Rebates will support broader adoption and further increase benefits. In the integration analysis work, modeling of these tax credits and LMI formula grants specifically for energy efficiency and heat pumps found that this federal funding could reduce New York's cost of the transition to an efficient, electrified building stock by $7 billion or more.

The recommendations below also identify specific opportunities to leverage existing and potentially expanded federal funding, in particular for affordable housing and low-income households. For example, the EmPower New York program and the federal Weatherization Assistance Program both provide no-cost energy efficiency solutions to income-eligible New Yorkers; these programs can help improve the conditions in existing homes, make homes electrification-ready in some instances, and provide a network of contractors and nonprofit community-based organizations to support low-income communities. Scaling up funding and revising the Weatherization Assistance Program guidelines to allow for electrification could better serve Disadvantaged Communities through existing program infrastructure. In addition, around 10,000 multifamily units are built or preserved each year with a combination of federal tax credits and subsidy programs provided by HCR, which has a goal to increase subsidies for the full electrification of that unit production over time.

The CJWG emphasized that regulatory action to phase out fossil fuel equipment in buildings is inadequate without added policy goals and public investments to benefit low-income households and Disadvantaged Communities. The strategies proposed here are consistent with the CJWG's call to front-load and prioritize public investments in efficient appliances and zero-emission heating, cooling, and cooking equipment in Disadvantaged Communities so that poor and working-class households are not left behind, while safeguarding that building electrification does not increase the housing or energy cost burden on low-income residents. Informed by input from the CJWG, the proposed strategy components include attention to New York's existing energy affordability goal, the needs of public housing, and the health benefits associated with building decarbonization. The CJWG further called for "clawback provisions" as part of public subsidies to private landlords to defend against rate increases, gentrification, and displacement. This specific recommendation is not reflected in the proposed strategy because such provisions merit careful consideration in program design.

Components of the Strategy

Significant coordination will be needed among State and local agencies and utilities, notably to support low-income households and Disadvantaged Communities, with State leadership from the PSC and DPS, NYSERDA, HCR, New York Power Authority (NYPA), and New York State Office of Temporary and Disability Assistance (OTDA).

- **Scale up incentives for building decarbonization:** The State should scale up direct incentives for weatherization (including sealing of cracks and holes, insulation of attics and walls, replacement or repair of windows and outside doors, and mitigation of energy-related health and safety issues), additional energy efficiency upgrades, electrification-readiness, and electrification with highly efficient heat pumps and resiliency measures in residential and commercial buildings. In incentive program design, it is important to place emphasis on ease of access to available and relevant resources for consumers and installers, particularly for LMI households and buildings in Disadvantaged Communities that may access resources from multiple programs. Electrification incentives need to be structured and marketed in a manner that motivates replacement of fossil fuel combustion heating systems before equipment failure in order to allow time for good-practice sizing and specification of a heat pump system paired with weatherization and other thermal efficiency measures as appropriate and needed to keep operating costs affordable. Where incentives are offered through utility companies, the State should develop a coordinated statewide program to provide a consistent experience and incentive structure that helps installers reach more customers, with a priority to LMI households and Disadvantaged Communities. Incentives also could include expanded State tax credits, such as the recently enacted Geothermal Income Tax Credit.

- **Align regulatory frameworks:** The State should identify and pursue modifications to regulatory frameworks for energy efficiency, building electrification, and resiliency programs to further align the programs with Climate Act goals and requirements. This includes, but is not limited to, attention to accounting holistically for the societal costs and benefits of building energy upgrades, including health impacts associated with outdoor and indoor air quality and thermal comfort. Additionally, as discussed in *Chapter 18. Gas System Transition,* the State should review and as appropriate bring into alignment with the Climate Act statutory provisions regarding gas service, such as reviewing the provision of gas service lines and extensions of gas mains at no cost to new customers (known as the “100-foot rule”).
- **Design incentive levels and programs to align with value to the energy system and consumers:** While the upfront cost to install GSHP systems and thermal energy networks is higher, geothermal heating and cooling systems are less expensive to operate (lower annual energy bills and maintenance costs), have a longer lifespan compared other types of HVAC equipment, and require less electricity to operate during the coldest peak times compared with ASHP systems. Zero-emission new construction and comprehensive building decarbonization retrofits that include on-site renewable generation plus energy storage likewise will minimize electric grid impact and increase energy bill savings, and will improve building resilience. The value provided to both the energy system and consumers, in particular to low-income and vulnerable households, should be considered in setting incentives. Substantially higher adoption of GSHP systems, thermal energy networks, and on-site energy storage solutions will require

both appropriate State incentives that leverage generous federal tax credits and novel financing and coordination solutions.

- **Prioritize LMI households, affordable housing, and Disadvantaged Communities:** The State should expand dedicated direct incentives and financial support mechanisms for weatherization, energy efficiency, and electrification for LMI households, affordable housing, public housing, and Disadvantaged Communities. This includes developing new partnerships to effectively deliver programs (such as through housing agencies, community development financial institutions, and local community-based organizations), streamlining program enrollment models, and establishing people-centered policies, programs, and funding across local, State, and federal governments, consistent with recommendations and opportunities described in the Barriers and Opportunities Report. It likewise involves adopting inclusive engagement processes that incorporate Disadvantaged Communities and LMI households in program co-design processes, including co-design with and for the most vulnerable New Yorkers. These strategies should account for New York's existing Energy Affordability Policy, which seeks to limit energy costs for low-income households to no more than 6% of their income, as well as a household's cumulative cost burden related to housing, energy, transportation, and healthcare when assessing affordability impacts. Pursuant to Executive Order 22, State entities should prioritize State facilities located in Disadvantaged Communities for energy efficiency and electrification upgrades, which will lower environmental impacts on these communities.
- **Prioritize energy upgrades and pilot new resilience strategies in public housing:** The State should support and accelerate efficiency, electrification, and resilience in public housing, particularly in New York City Housing Authority buildings and in other Public Housing Authority developments statewide, with attention to the special needs of and jurisdictional issues that affect the State's public housing stock. The State should pilot a range of resilience solutions in public housing and housing for vulnerable populations, with learnings shared to inform broader community- and building-level resilience strategies. In doing this, the State should leverage federal and other available funding sources to support community resilience, deeper retrofits, and electrification. Specifically, the State should support resilience centers (or resilience hubs) in public housing developments that meet community needs and gathering space in non-emergencies (childcare and after school programming space) and provide safety and comfort in acute situations, including during power outages. Such centers should include backup power (including solar-storage pilots) for multi-day outages, a basic livable space that is thermally safe while also providing access to sufficient electricity to meet critical needs (e.g., refrigeration for

medications, power for in-home medical processes/equipment, air filters for critical conditions), and community space to coordinate disaster relief.

- **Expand access to community solar:** Under the State's Solar Energy Equity Framework, NYSERDA will implement a strategy for community solar projects that provide electric bill savings to income-eligible households and/or that benefit affordable housing or public buildings in Disadvantaged Communities, with program rules that direct benefits to low-income residents.
- **Fund non-energy improvements when necessary:** As described in the Barriers and Opportunities Report, building stock that is old and in disrepair can limit the reach of building decarbonization and resiliency programs, due to challenges such as increased cost to make upgrades, the need to address more critical priorities (e.g., roof repair), or structural deficiencies or health and safety issues that lead to homes being deferred from energy efficiency and weatherization program participation until such issues are addressed. For example, moisture and mold-creating conditions in a home need to be addressed before weatherization in order to protect the health of occupants; but severe mold issues require deferral from the federally funded Weatherization Assistance Program since mold testing and remediation is not an allowable cost. Lack of maintenance and upgrades can also negatively impact occupant health (via indoor air quality and temperature comfort), economic security, and increased stress and anxiety. The State should create a new Retrofit and Electrification Readiness Fund for LMI households, affordable housing, rent regulated housing, public housing, and residential buildings in Disadvantaged Communities to cover costs of non-energy building improvements that are necessary to install energy measures and broadband installation costs when funding energy projects.
- **Leverage funding for healthy homes and community development:** The State should leverage services, resources, and funding across housing, health, community/economic development, and energy improvements for low-income households to fund decarbonized, resilient, and healthy housing retrofits. Near-term actions can expand use and coordination of both State and federal funding (such as use of Weatherization Assistance Program funds for health and safety improvements), build on the ongoing pilot to leverage New York Medicaid's Value-Based Payment program for Managed Care Organizations to contribute to healthy housing services and home energy efficiency improvements, and engage with nonprofit hospitals in community health needs assessments. Expanding relationships with local housing agencies offers further opportunities to leverage federal resources such as through Community Development Block Grant and U.S. Department of Agriculture (USDA) Home Repair funds.
- **Support community-scale solutions and community thermal systems:** The State should develop, pilot, and, where successful, scale up financial support for portfolio- and community-

scale solutions, where hundreds of homes and businesses are contracted for energy upgrades to boost project delivery efficiency, reduce unit costs, incorporate place-based strategies, and drive scale and momentum (as compared with one-off projects). A strategy to support development of clean thermal energy networks is discussed in this chapter. Another opportunity is for State, federal, and local government entities that support disaster and flood recovery needs to integrate resources both for long-term resilience and to equip damaged homes, businesses, and community facilities to make highly efficient repairs with electrified equipment (for example, replacing a damaged water heater with a heat pump water heater).

- **Increase market transparency on project costs:** For projects that receive State or utility incentives for heat pumps and other building decarbonization upgrades, the State should routinely collect and publish (in an anonymized and aggregated format) data on the installed project cost to increase market transparency on cost.

B5. Expand Access to Public and Private Low-Cost Financing

Mobilizing and focusing private capital at scale will be essential to construct, upgrade, and operate highly efficient, electrified buildings. Modernizing codes and standards to require electrification and efficient construction will drive such investment via existing market activity and the cycle of routine building improvements. Low-cost financing products for energy efficiency, electrification, electrification readiness, solar photovoltaics (PV), energy/thermal storage, resiliency measures, and related improvements are also needed so that single-family, multifamily, and commercial and institutional building owners can access low-cost capital at the scale needed to pay for the building upgrades necessary for decarbonization.

At present, there is a general lack of lender interest and awareness around financing building electrification and energy efficiency projects, as well as perceptions of risk in underwriting based on energy performance. New York should help to address this barrier through lender education and outreach, and by making available case studies and modeling tools so that lenders can appropriately underwrite to energy performance standards and applicable regulatory requirements. The largest sources of capital for building investments are in the mortgage industry. NYSERDA and HCR plan to continue to convene the financial industry to explore ways to bring capital to building decarbonization in compliance with the Climate Act. This will build upon roundtables that the Federal Reserve Bank of New York, NYSERDA, and the Community Preservation Corporation held in 2022 with housing developers and lenders to explore climate adaptation risks to their portfolios and to identify public and private public financing options for decarbonizing New York's affordable housing; the resulting white paper included recommendations for property tax abatements for electrified buildings and longer amortization for loans used to decarbonize buildings.[222]

Another important role for the State is to provide for consumer protection in connection with financial products and services, particularly for products that target LMI consumers. In addition, the NY Green Bank, HCR, State and local revolving loan funds, and possibly electric/gas utilities offer important mechanisms to strategically deploy public financial resources in ways that can leverage private capital and accelerate the transition to a decarbonized, resilient building stock.

Reflecting on input from the CJWG, the proposed strategy places priority on consumer financing made available by community development financial institutions and credit unions.

Components of the Strategy

Action and coordination across a range of State agencies and stakeholders is likewise important to expand access to low-cost financing for building electrification and efficiency upgrades, with leadership from HCR, the NY Green Bank and NYSERDA, the New York State Department of Financial Services (DFS), Dormitory Authority of the State of New York (DASNY), and NYPA.

- **Integrate energy requirements and resources into affordable housing deals:** The State should continue to scale up energy and green requirements in affordable housing deals while ensuring that sufficient resources are available to maintain, preserve and produce housing that is clean, safe, and affordable. For example, by no later than 2023, all new construction projects that receive Tax Credit funding through HCR will be required to be high-performance and all-electric buildings, as required in HCR's Sustainability Guidelines for New Construction. The State should also continue to streamline access to all incentives and resources for regulated affordable housing building decarbonization to go through the housing agencies that are making projects affordable, to also make these projects energy-efficient, electrified or electric-ready, and resilient.
- **Integrate energy performance into underwriting:** The State should provide support for lenders to underwrite to energy performance standards and applicable regulatory requirements. HCR should consider updating its underwriting standards, consistent with federal regulations and requirements, to take into account potential reduced operational costs stemming from the new

[222] Federal Reserve Ban of New York. October 2022. "Sustainable Affordable Housing: Strategies for Financing an Inclusive Energy Transition." Available at https://www.newyorkfed.org/outreach-and-education/climate/fed-affordable-housing-and-energy-transition

high performance buildings standards. Data collected from existing projects in operation of similar construction type will inform the new underwriting standards.

- **Expand access to financing:** The State should provide greater access to low-cost financing products for upgrades, including for low-income homeowners and buildings located in Disadvantaged Communities. This financing also should be available for non-energy improvements needed for code compliance and to enable electrification of heating and hot water systems. The State should also explore new mechanisms to deploy public financial resources to enable low-interest financing products coupled with credit enhancement or insurance. The State should prioritize support for financing products made available by community development financial institutions and credit unions as part of the Community Reinvestment Act regulatory compact.
- **Expand energy savings performance contracting for public sector buildings:** The State should enact enabling legislation to expand the use of energy savings performance contracting to support implementation of emissions reduction upgrades in State and municipal buildings, P-12 schools, and other public facilities. Performance contracting is a financing mechanism in which efficiency upgrades are paid for through savings from reduced utility costs. Changes to existing statute should expand the eligible list of measures for energy savings performance contracting, expand the allowable payback term for deep decarbonization performance contracts, allow some fast payback measures to help fund deferred maintenance needs, and allow a State agency or authority to request to keep a portion of cost savings that result from performance contracts.
- **Create a revolving loan fund:** The State should create a revolving loan fund for building decarbonization and the reuse of buildings and building materials. For example, Environmental Facilities Corporation's (EFC) Clean Water State Revolving Fund provides a model for enabling public mandates to be coupled with access to low-cost capital. This would be implemented through a bond-issuing government authority.

B6. Support Development of Thermal Energy Networks

Thermal energy networks offer an important pathway to both scale up zero-emission heating and cooling in buildings and to transition highly skilled gas workers into a similar sector, utilizing the existing skills of utility workers and the building trades workforce. Thermal energy networks leverage shared infrastructure to provide space heating and cooling to connected buildings, using distribution pipes and heat pumps to move thermal energy from an initial source and sink (such as a geothermal borehole or waste heat from local facilities) to connected buildings. This allows thermal energy networks to be highly efficient, to mitigate electric grid impact by smoothing loads across connected buildings, and to be powered from renewable, zero-emission resources. Shared infrastructure and thermal resources also help achieve economies of scale, presenting the opportunity to lower costs per customer.

The Utility Thermal Energy Networks and Jobs Act allows gas and combined gas and electric utilities to become holistic thermal energy providers. Specifically, the statute directs the PSC to adopt rules and regulations to create fair market access requirements for utility-owned thermal energy networks; exempt small-scale thermal energy networks not owned by utilities from PSC regulation; promote the training and transition of utility workers impacted by the Climate Act; and encourage third-party participation and competition where it will maximize benefits to customers. The statute also requires that the State's largest gas and electric utilities propose thermal energy network pilot projects for PSC review and approval, with an emphasis on serving Disadvantaged Communities. For the operations and maintenance of thermal energy networks, the statute prioritizes hiring transitioning gas utility workers and requires that the utility enter into a labor peace agreement with a labor organization that represents gas and electric utility workers. The PSC initiated a proceeding in September 2022 and is actively working to implement this new statute and assess utility pilot proposals. To support the identification of strong projects, NYSERDA has provided information on feasibility studies conducted through its Community Heat Pumps Pilot Program, a competitive solicitation to support development and demonstration of thermal energy networks.

Components of the Strategy

The highly efficient performance and economies of scale presented by thermal energy networks offer a promising opportunity for the State to support building decarbonization through centralized investments that are equitable for Disadvantaged Communities and preserve family-sustaining jobs in the heating and cooling sector. The PSC and DPS, NYSERDA, DEC, DOL, and the Office of Just Transition should work together with utilities, affected workers and unions, local governments, and private-sector partners to support clean thermal energy networks that supply thermal energy via piped non-combustible fluids used to transfer heat into and out of buildings and eliminate onsite GHG emissions from heating and cooling end uses, in alignment with the Climate Act's requirements to promote climate justice and reduce GHG emissions. Support for this nascent industry is anticipated to include pilot programs, regulatory support, potential studies and analysis, and workforce development.

- **Workforce training for gas sector workers to operate thermal energy networks:** The piped infrastructure of thermal energy networks makes gas sector and pipeline workers a strong fit to install the clean heating and cooling infrastructure of the future. Labor unions for these sectors were vital partners in passing the Utility Thermal Energy Networks and Jobs Act. The PSC and DPS, DOL, the Office of Just Transition, and other State agencies should work together with utilities and unions, including unions for operations and maintenance workers, to help connect trained gas workers with new thermal energy network projects, on training and skills development, and on efforts to bring new workers into the sector.

- **Develop appropriate regulations and permit fees for geothermal wells greater than 500 feet deep:** DEC regulations developed for oil and gas wells also apply to geothermal wells greater than 500 feet, despite differences in environmental risks. These regulations further apply on a per-well basis, whereas large GSHP and thermal energy network projects benefit from drilling multiple boreholes to distribute heat, adding a regulatory burden and permitting costs to geothermal projects. Currently, financial security requirements for regulated well types are set in statute, including the specific dollar amounts. The following actions should be taken to make regulations more appropriate for geothermal wells:
  - DEC should develop regulations for geothermal and stratigraphic wells to relieve some of the economic and time burden while still protecting the environment and public health from the risks associated with these well types.
  - Remove the dollar amounts from ECL §§ 23-0305(8)(k) (FS for oil and gas) and 23-0305(14)(f) (FS for geothermal wells) and allow DEC to establish financial security requirements in regulation as it does for mines.
  - Remove the fixed dollar amount in ECL § 23-1903, which sets permit fees for regulated wells on a variable depth, per-well basis, and allow DEC to develop an appropriate permit fee schedule in regulation.
- **Streamline access to public and utility rights of way as well as heat sources/sinks:** The State, in partnership with local governments, should develop clear processes and rules for thermal energy network projects to access already established public and utility rights of way. In addition, the State should establish appropriate default compensation levels intended to compensate property owners in these rights of way. In high density areas, thermal energy network infrastructure should be evaluated and pursued simultaneously with other planned infrastructure projects to minimize incremental cost and disruption. State and local governments also should provide simple and transparent access to heat sources and sinks for potential use by thermal energy network developers. Any rules promoting thermal energy networks should be carefully designed to avoid undermining private property rights or diminishing private property values.
- **Support public-private partnerships for geothermal and thermal energy network financing and development:** The PSC is working to advance a regulatory framework that encourages both

utility development of thermal energy networks and third-party participation and competition where it will maximize benefits to customers. The passage of the federal Inflation Reduction Act may provide opportunities to develop new approaches for financing geothermal investments, due to the combination of generous long-term tax credits and accelerated depreciation. Ongoing analysis of legal, tax, and regulatory issues, institutional investor scale investment structures, and funding approaches is needed to determine the feasibility of and consumer benefit from potential third-party ownership financing structures that would leverage private-sector investment to finance GSHP systems and thermal energy networks.

- **Prioritize public sector support for thermal energy networks that serve LMI housing and buildings in Disadvantaged Communities:** The State should place emphasis on leveraging the economies of scale presented by thermal energy networks to support a transition to clean heating and cooling in LMI, affordable, and public housing and historically underserved or Disadvantaged Communities. The Utility Thermal Energy Networks and Jobs Act and subsequent direction from the PSC support this goal by requiring that at least one thermal energy network pilot project per utility service territory must be located in a Disadvantaged Community.
- **Explore thermal energy networks as part of the gas system transition:** The State should further explore opportunities to convert buildings to heat pumps or thermal energy networks on a street-by-street or neighborhood-by-neighborhood basis, which could allow for strategic decommissioning of gas infrastructure as part of the managed transition of the gas system.

B7. Align Energy Price Signals with Policy Goals

The low relative cost of gas compared with electricity is a major barrier to building electrification. Over time, the costs of operating high-efficiency electric heat pumps will need to become more attractive compared with heating with fossil natural gas. *Chapter 17. Economywide Strategies* discusses a potential economywide policy that would price carbon emissions, and *Chapter 18. Gas System Transition* addresses a managed transition of the gas system. Such policy actions are expected to increase consumer energy prices for fossil fuels. Moreover, electric rate structures will need to evolve to be supportive of and appropriate for higher levels of electrification of buildings and vehicles, with attention to equitable rate design.

The CJWG called for a more expansive set of actions related to consumer protection that would include a safety net style guarantee of renewable energy to every household. Expanding access to community solar (as discussed above) and aligning energy bill discount programs (discussed below) are related strategy components.

Components of the Strategy

- **Price GHG emissions from fossil fuels:** *Chapter 17. Economywide Strategies* of this Scoping Plan discusses a potential economywide program that would effectively price GHG emissions.
- **Align electric rates:** The PSC and DPS should lead consideration of dynamic underlying electric rate structures and programs (such as dynamic load management) that provide appropriate price signals to customers to incentivize deployment and usage of DERs, including heat pump systems, EV charging, battery and thermal storage, and other load flexibility measures that promote more efficient utilization of the electric delivery system and help to mitigate summer and winter system peaks. In March 2022, the PSC adopted an alternative cost of service approach that will result in Standby Service and Buyback Service rates that more accurately align individual customers' contribution to system costs with the rates such customers pay, thereby sending improved price signals to those customers. Customers opting into the voluntary Standby Service rates will have an increased ability to manage their bills, and those bills will more accurately reflect the effects of those customers' usage, specifically when combined with the installation of DERs and electrification technologies.[223]
- **Align bill discount programs:** For low-income households, the State should expand existing low-income energy bill discount programs administered by the major electric and gas utilities and ensure that current or future public utility bill assistance programs recognize and adjust for both increased cooling needs and the shift from traditional forms of heating to efficient electrification.

Expand New York's Commitment to Market Development, Innovation, and Leading-by-Example in State Projects

In coordination with financial incentives and regulations, State support for market development and innovation is important for ensuring the delivery of building decarbonization solutions that perform well and make our lives better. Areas of focus should include workforce skills and broad public awareness and engagement that motivates behavioral change. State RD&D investment in building decarbonization solutions should be structured to help attract and expand economic development and support products that are manufactured in New York, to serve the growing New York and regional markets.

The CJWG expressed broad support for market development and innovation investments as proposed in the following strategies. The group called for attention to growing local supply chains and creating jobs in

[223] New York State Department of Public Service. "Case 15-E-0751, Allocated Cost of Service Methodology for Standby and Buyback Service Rates and Energy Storage Demand Charge Exemptions Order." Issued March 16, 2022.

clean energy businesses that serve Disadvantaged Communities, as well as providing dedicated support to minority- and women-owned business enterprises (MWBE) to innovate and actively participate in the transformation of the buildings sector.

B8. Invest in Workforce Development

Chapter 7. Just Transition discusses critical actions to scale up workforce education, training, job placement, and development initiatives that equip New York's current and future workforce for the clean energy economy and ensure the application of appropriate labor standards. Equally important, the chapter describes strategies to increase industry diversity and clean energy job placements for residents of Disadvantaged Communities, low-income residents, veterans, workers in fossil fuel industries, and other priority populations.

Consistent with the just transition framework and implementation partners described in *Chapter 7. Just Transition*, equipping a workforce to design, install, inspect, maintain, and operate healthy, comfortable, zero-emission buildings needs to include expanded or new training. For example, many heat pump installers today have knowledge or skill gaps around best practices for sizing, selecting, and installing ASHPs in New York's cold climate, underscoring the importance of workforce development to support quality installations and build market confidence. Overall, workforce development investments are critical to close skill gaps and address the shortage of qualified, skilled workers who are ready to deliver the unprecedented speed and scale of adoption of heat pumps and energy efficiency measures that is needed over this decade to meet New York's climate requirements.

Components of the Strategy

NYSERDA, DOL, the Office of Just Transition, and Empire State Development (ESD) should work together to support workforce development actions, in a manner that is responsive to industry needs and job placement opportunities and is supportive of applicable labor standards and the promotion of equitable access to family-sustaining jobs, including union jobs, consistent with the discussion in *Chapter 7. Just Transition.* State agencies should work in coordination with educational institutions, training organizations, unions, industry actors, local governments and community-based organizations, workforce one-stops, and foundations.

- **Expand training:** Training for incumbent and new clean energy workers and adjacent industries needs to be increased dramatically, through investments in training infrastructure/delivery, career pathways, direct-entry Pre-apprenticeship and Registered Apprenticeship programs, on-the-job-training, and industry partnerships. The State should support expanded or new training and resources across targeted workforce segments in the following priority areas listed in Table 12.

Table 12. Priority Training and Resource Areas and Target Workforce Segment

Priority Training and Resource Area	Target Workforce Segment
Building and energy code education, requirements, and enforcement	• Local government code officials • Building inspectors • Contractors • Labor unions and Registered Apprenticeships
Sizing, selection, and installation of heat pumps and supporting measures	• Contractors • Technicians • Designers
Addressing leak reduction and proper disposal of HFCs already in use in building equipment, and transitioning to low-GWP alternatives for building equipment and spray foam insulation to reduce HFC emissions	• Contractors • Technicians • Designers
Continuing education on building decarbonization as part of existing or new licensing and/or registration requirements	• Contractors • Architects • Engineers • Building operators • Labor unions and Registered Apprenticeships • Real estate professionals, such as brokers and inspectors
Retention of experienced building service workers	• Building and facility operators • Maintenance workers • Service workers • Labor unions and Registered Apprenticeships
Building management systems training	• Building and facility operators • Labor unions and Registered Apprenticeships
Understanding and engagement in planning processes that will support the clean energy transition	• Planners • Designers • Planning boards
Identifying and addressing health and safety issues during audits and home visits with cross-training on healthy homes	• Contractors • Energy auditors • Health and social workers
Partnering with industry to increase the number of qualified geothermal drillers	• Drilling contractors • Labor unions and Registered Apprenticeships
Just Transition of workers in fossil fuel industries to transfer their skills to clean energy opportunities	• Existing fossil fuel workers, including utility workers equipped to build and maintain thermal energy networks • Technicians • Labor unions and Registered Apprenticeships

- **Curricula and career services:** The State should encourage building decarbonization curricula and career services in State-funded and private education including P-12, technical schools, apprenticeships, and engineering and architecture programs at universities.
- **Prioritize Disadvantaged Communities and other priority populations:** The State should prioritize Disadvantaged Communities and low-income residents for training and job placement by creating community-to-employment pipelines and career pathways that are informed by an analysis of the effectiveness of current on-the-job training investments, led by the skills and hiring needs of employers to maximize job placement, and pared with wrap-around services to support job retention. Family sustaining wages, comprehensive benefits, and local and targeted training and hiring should be ensured through direct-entry Pre-apprenticeships and Registered Apprenticeships, project labor and Community Benefits/Workforce Agreements, and On the Job Training Funding as described in *Chapter 7. Just Transition*. The State should increase ranks of MWBEs, service-disabled veteran-owned businesses (SDVOBs), and worker cooperatives through increased funding for workforce training, business development support, and certification assistance, so as to provide increased opportunities for MWBE and SDVOB utilization on State contracts, in accordance with Executive Law Articles 15-A and 17-B.

B9. Scale Up Public Awareness and Consumer Education

With competing demands on our attention, there is low public awareness about New York's Climate Act in general, and more specifically, low awareness about steps to take to decarbonize buildings. Similarly, most people are not aware that using combustion appliances in their home such as heating systems and gas stoves may increase indoor air pollutant concentrations (see *Chapter 8. Public Health* for a description of associated health risks), while also contributing to outdoor air pollution and climate change. New York should expand its support for broad public awareness and consumer education, create strategic partnerships with trusted community leaders, and scale up targeted outreach and decision-making support to increase market demand and accelerate the transition to low-carbon, energy-efficient, and electrified buildings.

Components of the Strategy

NYSERDA, the PSC and DPS, and utilities should lead these efforts, in coordination with local governments and community-based organizations and leaders.

- **Scale up campaigns:** The State should support and scale up multilingual, culturally appropriate public and consumer education efforts through large-scale, coordinated awareness, inspiration, and education campaigns. This would include traditional and broad reaching media, digital communication, "influencer" style campaigns, user-generated campaigns, virtual tours, and mailers. Campaigns would provide specific resources and tools for installers, distributors, the home-visiting workforce, and other supply chain actors to educate consumers on building decarbonization options that will decrease GHG emissions and improve resilience. Topics for informational campaigns targeting building owners and residents would emphasize available incentives to replace equipment before failure, available low-cost financing products, and information on upcoming applicable codes and standards requirements. Broad education would further communicate the benefits of healthy, efficient, and low-/zero-emission building systems and building materials for occupants and property values.

- **Create strategic partnerships:** The State should create strategic partnerships that can have broad impact, including with trusted community leaders, religious leaders, and community-based organizations. The State should also partner with utilities to promote decarbonization and sunset messaging that promotes fossil natural gas as a "cleaner" choice. Other partners should include the State University of New York (SUNY), cooperative extensions, business councils, industry organizations and leading companies, unions, schools and teachers, film and public venues, and State and local elected officials. This work can build on experience from NYSERDA's HeatSmart programs.
- **Prioritize Disadvantaged Communities:** The State should ensure messages, messengers, and media reflect Disadvantaged Communities in marketing efforts, and prioritize education and technical assistance for Disadvantaged Communities. NYSERDA should build on its development of regional Clean Energy Hubs and on NYSERDA's and the State's electric and gas utilities' commitment to maintain the New York Energy Advisor website as a "one-stop shop" source of information for clean energy, electrification, and energy efficiency programs for LMI households. The State should fund and expand community hubs to offer education, resources, local contractors, technical assistance, and program navigator support.
- **Publicize leaders:** The State should publicize best practices for efficient building operations and recognize leaders and innovators in efficient operations that support building occupants. The State should create an incentive program or challenge to attract or encourage others to sign a pledge to commit to neutrality.
- **Provide technical resources:** The State should provide technical assistance and resource toolkits for building decision-makers and residents including playbooks for low-carbon solutions in common building types, free in-home or virtual audits to homeowners, and capital planning support for large buildings. This includes resources and tools to support tenant engagement and

demonstrating low-carbon solutions through challenges and case studies. The State should develop case studies showing the feasibility, performance, and costs for three paths to transition to highly efficient and electrified buildings: full electrification, phased electrification, and electrification readiness. The State should support new public-private partnerships or local government entities (such as the NYC Accelerator) to work with building owners and assist with access to useful resources and guidance, where appropriate in coordination with the State's regional Clean Energy Hubs.

B10. Support Innovation

For nearly all buildings in New York, technologies exist today that can dramatically reduce the building's energy use and, with zero-emission electricity, decarbonize the building. However, ongoing innovation with respect to technology, design and planning, and business models is needed to reduce the cost and increase the value of such upgrades in order to make their value proposition competitive with conventional building systems. RD&D also should be pursued to develop and deploy specific technologies, such as long-duration energy storage and ultra-low GWP alternatives to HFCs, including natural refrigerants, spray foam insulation, HVAC, water heating, and refrigeration technologies. In these areas, federal government RD&D funding and leadership is critical.

Complementary RD&D investment by New York in building decarbonization solutions offers multiple benefits. These include a strong multiplier for jobs and economic development, in-state demonstration projects and case studies for emerging technologies in prevalent building types, increased resilience of New York's buildings stock, and demonstration projects that are located in and benefit Disadvantaged Communities. The State should continue to support RD&D and help to bring new companies and manufacturers to New York that offer innovative solutions for highly efficient, electrified, and resilient buildings; for grid-interactive buildings; and for reducing embodied carbon in buildings.

Components of the Strategy

NYSERDA and ESD should lead the State's RD&D investments in coordination with Regional Economic Development Councils (REDCs) and local economic development agencies (as critical partners to assess innovation opportunities), SUNY, DEC, DPS, and the utilities.

- **Leverage federal resources:** The State should advocate for, and leverage, federal and national laboratory resources focused on identifying and commercializing advancements in technologies for building decarbonization and building resilience.

- **Scale up tech transfer:** The State should scale up resources to identify and promote technology transfer for innovative building decarbonization technologies and design approaches that are in use internationally and could be transferred to the New York market. For example, key areas for tech-transfer support include adapting technologies for U.S. and New York standards, in-state demonstrations, market research, partnering with New York entities, and manufacturing assistance.
- **Attract and expand in-state businesses, manufacturing, and economic development:** As discussed in *Chapter 14. Industry*, the State should continue to develop an in-state supply chain of green economy businesses and manufactures by offering economic incentives such as loans, grants, tax credits, technical assistance programs, and access to venture capital investments. These incentives should attract, expand, and retain green economy businesses as well as identify and advance in-state economic opportunities, for example to take advantage of production line re-purposing or attract green manufacturing to legacy/rust belt cities and Disadvantaged Communities.
- **Support minority- and women-owned and socially responsible business enterprises:** The State should provide support and outreach for MWBEs, cooperatives, and B Corps, including dedicated access to expert advisory services, internships, fellowships, board placement in innovative companies, and access to venture capital for underrepresented women and minority entrepreneurs, via New York Ventures.
- **Support NextGen building decarbonization solutions:** The State should continue to support RD&D, demonstrations, and technology transfer and commercialization for next generation HVAC systems, building envelopes, and design approaches that meet technical needs, deliver high performance, and lower costs. This includes continued improvement in cold climate performance across a range of heat pump products and sizes; improved domestic hot water heat pump technologies; solutions for harder-to-electrify buildings, including those on the Con Ed steam system; community thermal loops; advanced heat recovery and ventilation; improved thermal storage for HVAC applications; innovative materials, construction approaches, and manufacturing methods that improve building envelopes; and other technologies.
- **Support NextGen grid-interactive buildings solutions:** The State should support RD&D, demonstrations, technology transfer and commercialization, and development of standards across manufacturers and equipment for Grid-Interactive Efficient Buildings to deliver energy efficiency, load flexibility, and modulation capabilities that contribute to efficient grid management and grid reliability. The State should support the development of market signals, including revenue streams for Grid-Interactive Efficient Buildings, via analysis of opportunities

to provide grid services and electric/thermal services to neighboring buildings, assessment of market mechanisms for supporting desired policy outcomes, and pilots and demonstrations to inform rulemaking and ratemaking.

- **Support RD&D for alternative fuels:** The State should assess and then support RD&D needs with respect to the potential for some use of alternative fuels in buildings (such as renewable natural gas [RNG], green hydrogen, wood, and/or high-percentage biodiesel blends) and bioenergy with carbon capture and storage for harder-to-electrify building end uses or systems, which may include campuses with district energy systems. This research should account for impacts on not only the buildings sector, but the industrial, transportation, agriculture, waste, and power sectors, which could benefit from advancement of these solutions. The research agenda should include:
  - Rigorous energy, GHG, and environmental sustainability guidelines and metrics
  - Analysis of the potential air quality and health impacts and best practices to minimize these impacts, such as emissions control technologies, as well as mitigating localized impacts in Disadvantaged Communities
  - Life cycle GHG accounting, with strong preference given to zero- or negative-emission sources
  - The safety of green hydrogen
- **Support RD&D for building resilience:** The State should assess and then support RD&D needs with respect to building resilience as it looks toward both widespread building electrification and more frequent extreme weather and chronic changes to the climate. The State should research, develop, and pilot grid-independent, non-fossil fuel approaches for heating and cooling buildings during prolonged power outages, such as long-duration thermal storage, GSHP plus battery systems, and passive cooling approaches. Related RD&D investments (also discussed in *Chapter 13. Electricity*) include the flexibility and resilience of the electrical system and long-term energy and thermal storage solutions.

B11. Reduce Embodied Carbon from Building Construction

A specific area for RD&D and for the State to lead by example is to reduce the embodied carbon associated with building construction, which describes all GHG emissions that result from the mining, harvesting, processing, manufacturing, transportation, and installation of the products and materials that are used in buildings, as well as end-of-life emissions associated with the disposal of those materials. The most impactful way to reduce embodied carbon is to reuse existing buildings where practical, rather than demolishing and constructing anew. When new construction or renovation occurs, smart and integrated building design processes can significantly reduce embodied carbon at little-to-no added cost of construction. Moreover, in-state manufacturing can grow to produce the low-carbon alternative products. However, there is currently a broad lack of awareness in the industry of embodied carbon impacts from products in use in buildings, including among designers, contractors, and manufacturers.

To lower the embodied carbon of products and materials used in the buildings sector, New York should establish procurement requirements and design specifications for State-funded projects, building on the framework established in Executive Order 22 directing the GreenNY Council to issue operational directives and guidance for common construction materials to be used in projects using the state procurement process. To lower emissions associated with concrete use in buildings, the State should build on the elements of the Low Embodied Carbon Concrete Leadership Act of 2021, directing the Office of General Services to establish a stakeholder group to set guidelines for state agency procurement of low-carbon concrete.

The State should further take actions to create broad carbon literacy regarding the impact of construction materials as well as support education, building reuse, building de-construction and material reuse, RD&D, and in-state manufacturing of alternative products. These efforts also will increase industry attention to carbon-sequestering products, such as hempcrete and sustainable wood products like mass timber. Some of the components in this strategy relate closely to those presented in *Chapter 14. Industry* (Strategy I2) and *Chapter 15. Agriculture and Forestry* (Strategy AF19).

Components of the Strategy

Interagency coordination through the GreenNY Council should include DASNY, DEC, New York State Office of General Services (OGS), NYPA, NYSERDA, DOS, ESD, and other agencies.

- **Lead by example in State projects:** Pursuant to the Low Embodied Carbon Concrete Leadership Act and Executive Order 22, the State should continue to drive embodied carbon reductions through design and procurement in State-funded new construction projects.
- **Make embodied carbon transparent:** In design specifications, the State should require Environmental Product Declarations for structural building materials where available and require the use of available modeling software and design tools for calculation of the project's embodied carbon budget. The State, through the GreenNY Council, should adopt methodologies for calculation of carbon reduction, including use of a standardized database of values to support analysis for calculation of carbon emissions for use in environmental product declarations. The

methodologies, database, and analyses should leverage the efforts of the federal Buy Clean Initiative and Inflation Reduction Act directives for federal agencies to establish consistency and allow for a like for like comparison across different building materials.

- **Follow lower-carbon specifications:** The State should require that State-funded projects follow lower-carbon specifications (see GreenNY) for the most carbon intensive construction materials and products (such as concrete, foam insulations, glass, and window units).
- **Set reduction targets for projects:** Subsequently, the State should set a target embodied carbon reduction level for projects that is below the established mean embodied carbon budget, as illustrated over the previous years.
- **Incorporate embodied carbon budgets into permitting:** The State should require an embodied carbon budget to be submitted as part of the permit process for all commercial and institutional new construction (and additions and alterations as applicable), immediately for State entities and no later than 2025 for local government entities. The State should provide funding for training and resources for designers and for State and local permitting entities to check carbon budgets for completeness at first and then for accuracy as the market improves in its abilities.
- **Encourage building reuse:** The State should identify and pursue financial incentives, changes to building codes, and other strategies to encourage building reuse, beginning in urban centers that are returning vacant buildings to use. Maintaining the existing building facade and architectural style can be an additional benefit to the embodied carbon reduction. Consistent with *Chapter 16. Waste*, this would include State support for local communities to establish and expand material reuse and exchange centers, as well as training for local crafts and trades people, to encourage the reuse, retrofitting, and repair of existing buildings and building systems and the deconstruction and reuse of building materials.
- **Support RD&D:** The State should support RD&D, demonstration projects, and technology transfer and commercialization for enhanced low-embodied carbon construction, including preference for reuse of existing buildings, as well as showcase low-embodied carbon designs and undertake industry outreach.
- **Expand in-state manufacturing for products:** The State should provide economic incentives and technical assistance to expand in-state manufacturing and assembly for products that are lower in embodied carbon or made of carbon sequestering materials (also known as biogenic or agriculture-based materials). ESD, the New York State Wood Products Development Council (WPDC), SUNY College of Environmental Science and Forestry (ESF), and DEC are well-positioned to provide and coordinate assistance.

- **Incorporate embodied carbon specifications into incentive programs:** In the design of energy efficiency incentive programs, the State should incorporate lower-carbon specifications for the most carbon intensive products (such as foam insulations in homes).
- **Leverage federal efforts and policy development:** The Inflation Reduction Act directs the EPA to develop a program to support the development, enhanced standardization and transparency, and reporting criteria for environmental product declarations for construction materials and products, through offering grants and technical assistance to manufacturers. New York should participate in the federal Buy Clean state government partnership effort in order to expand markets for clean manufacturing and low-carbon materials across the U.S. To assist with standardization and methodological consistency, New York should leverage tools being developed by the federal government, such as the U.S. Department of Energy's Building Technology Office, for life cycle analysis and standard setting for specific products.

Transition from Hydrofluorocarbons

B12. Advance a Managed and Just Transition from Reliance on Hydrofluorocarbon Use

HFC use is currently widespread in refrigeration and HVAC equipment, including in heat pumps that are being recommended to electrify space conditioning and water heating and in foams that provide insulation for higher efficiency buildings. New York State agencies should continue to coordinate with U.S. Climate Alliance states on HFC reduction policies and ensuring an effective phasedown of HFCs. In 2020, DEC adopted the 6 NYCRR Part 494 regulation as a first step in reducing the use of high-GWP HFCs in New York. In 2022, DEC began stakeholder outreach on a rulemaking to expand Part 494 in response to the draft Scoping Plan.

Components of the Strategy

- **Provide education and training:** The State should provide resource toolkits, programs, and incentives that make low-GWP refrigerant technologies and low-GWP alternatives available and affordable, including a focus on natural refrigerants. NYSERDA should support design professional and workforce training and education, including in Registered Apprenticeship programs, around low-GWP refrigerants and alternatives, including natural refrigerants, in building equipment and in building/construction spray foam. DEC should promulgate regulations regarding proper disposal of HFCs already in use in existing equipment and such regulations should be supported by training installers and contractors on handling, equipment maintenance, and disposal protocols.

- **Update regulations, codes, and standards:** As soon as possible, the State should update relevant codes, including the mechanical code, to allow the use of low-GWP alternatives for HFCs in relevant building equipment. DEC should promulgate regulations requiring reclamation or destruction of refrigerants from appliances at end-of-life, with verification and reporting, and require leak detection for certain commercial refrigeration. In addition to education and training, the State should provide economic support (such as, incentives to purchase leak detection and reclamation equipment, or compensation for refrigerant reclamation) to aid local industry with this transition.
- **Support the HFC phase-out in food stores:** Supermarkets are the largest source of HFC emissions in New York. There are natural alternatives available today that not only provide significant GHG reduction benefits but are also more efficient, do not contain fluorinated chemicals, and have a lower total cost of ownership. The key barrier to wider adoption is the high cost of installation, which may be prohibitive for small businesses and for stores in Disadvantaged Communities. NYSERDA, DPS, and DEC should coordinate to develop incentives such as utility rebates and grant programs to support the adoption of natural refrigerants in food stores. Incentives are particularly needed to fund a substantial portion of the installation of new equipment in existing stores in Disadvantaged Communities or stores operated by independent companies or small chains, to enable food stores to phase out HFCs without impacting LMI consumers or negatively affecting food security.
- **Phase out high-GWP HFCs:** DEC should expand the scope of 6 NYCRR Part 494, which prohibits certain HFCs in refrigerator/freezers, chillers, commercial refrigeration, and aerosols/foams/solvents end uses, including through the establishment of a GWP threshold that decreases over time as low and ultra-low GWP options become available and addressing leakage in existing equipment during the transition. DEC should align New York policy with anticipated federal (EPA) policy measures to meet HFC reduction requirements as well as with other U.S. Climate Alliance states, to send a strong market signal to manufacturers and industry while mitigating costs of the transition.
- **Research health effects and environmental impacts:** The State should support further research into known data gaps, including an analysis of typical leak rates and charge size in heat pump technologies and research into long-term health effects of exposure to new HFC-alternative chemicals in building materials.
- **Support RD&D:** The State should continue to support demonstration projects for low and ultra-low GWP refrigerants in HVAC and hot water systems and for refrigerant leakage detection and reduction strategies. The State should develop case studies in refrigerant management and

alternatives to HFCs, including natural refrigerants, showing the safety, performance, and cost impacts.

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MEMORANDUM

TO: **Mayor Kyriacou and Members of the City Council of the City of Beacon**

FROM: **Keane & Beane, P.C.**

RE: **Alternative Legislative Measures to Promote the Electrification of Buildings in the City of Beacon**

DATE: **December 21, 2022**

As a follow-up to the City Council's discussion on November 14, 2022, concerning legislation to ban gas hookups in new construction, our office spoke to Elizabeth Staubach from NYSERDA to discuss legislative options to promote the electrification of buildings in the City of Beacon. Ms. Staubach confirmed that there are issues of preemption with respect to any legislation that effectively bans fossil fuel hookups in new construction that must be considered when drafting local laws to promote electrification of buildings. NYSERDA is collaborating with outside counsel to review pathways for such legislation that are effective and legal. However, as detailed at the end of this memo, we believe the NYS Energy Code may provide authority for the City to regulate in this area.

NYSERDA Programs to Promote Electrification

NYSERDA is working on developing legislation for local governments to promote the electrification of buildings. NYSERDA recently created the NYSERDA Stretch to zero pilot program to create and evaluate workable approaches for the local and statewide implementation of a decarbonized, zero on-site greenhouse gas emissions code. A zero on-site emissions code will require all new construction within the adopting municipality to be all-electric. NYSERDA selected two municipalities (the Village of Hastings and one other, not yet publicly announced) to participate in the pilot program. NYSERDA hopes that that these municipalities will be ready to adopt and implement a zero on-site greenhouse gas emissions code by December 2023. The local laws adopted by the pilot municipalities in 2023 will then be available for other municipalities to consider.

NYSERDA also plans to open the Stretch to Zero Program to additional municipalities in the first quarter of 2023. When the program goes live, the City of Beacon will be notified via the City's Clean Energy Coordinator. Applications will be accepted on a rolling basis.

NYSERDA is also working on the Stretch 2023 Energy Code. The Stretch 2023 Energy Code will go father than the 2020 Stretch Energy Code to establish more stringent energy efficient requirements for new buildings to provide greater savings over the State Energy Code for both residential and commercial buildings. The City would need to adopt a local law to require the 2023 Stretch Code. NYSERDA has not announced when the 2023 Stretch Code will be released.

New York City Legislation to Promote All-Electric Buildings

In 2019, New York City enacted Local Law 97. Local Law 97 sets forth criteria that drastically reduce the city's emissions through the implementation of carbon caps on infrastructure. This stringent and extremely ambitious law aims to cut New York City's emissions by 40% by 2030 and by 80% by 2050. On May 18, 2022, a group of building owners, residents and corporations filed a lawsuit against New York City, the Department of Buildings and the Department of Buildings Commissioner in New York County Supreme Court. The complaint in *Glen Oaks Village Owners, Inc. v. City of New York*, Index No. 154327/2022 (Sup. Ct., NY Cnty.) seeks to overturn Local Law 97 on the alleged grounds that it: (i) is preempted by the New York State Climate Leadership and Community Protection Act of 2019 (CLCPA); (ii) violates due process because it levies excessive penalties against property owners, is retroactive, and is impermissibly vague; and (iii) constitutes an unauthorized tax, contrary to state constitutional and statutory provisions. On July 28, 2022 the New York City Defendants filed a Motion to Dismiss the Complaint. The court has not yet issued a decision on the Motion to Dismiss. Our office will monitor this litigation.

In December 2021, New York City signed into Local Law 154 which effectively mandates the electrification of most new buildings by prohibiting the on-site "combustion of a substance that emits 25 kilograms or more of carbon dioxide per million British thermal units of energy." Local Law 154 will take effect in December 2023 for buildings under seven stories and in 2027 for buildings greater than seven stories. Under the law, construction projects submitted for approval after 2027 must use sources like electricity for stoves, space heaters and water boilers instead of gas or oil. According to Amy Turner, a Senior Fellow at the Sabin Center for Climate Change Law at Columbia Law School, Local Law 154 attempts to avoid the issue of preemption in two main ways:

> First, by setting an air emissions standard, it limits preemption risk by the U.S. Energy Policy & Conservation Act (EPCA), which prohibits state and local regulations 'concerning the energy efficiency, energy use or water use of' many building systems and appliances. Second, by allowing for the continued provision of all forms of fuel, including fossil gas, it steers clear of potential preemption by the New York State public service law's so-called 'obligation to serve,' which declares as New York State policy 'the continued provision of…

> gas, electric and steam service to all residential customers.' It should be noted that New York City has broad local building code authority, while many local governments are preempted by statewide codes.[1]

Local Law 154 has not yet been challenged so the issue of whether such legislation is preempted remains to be seen.

New York State All Electric Buildings Act

The issues of preemption could be easily addressed if New York State adopted the All-Electric Building Act (S6843C/A8431). This legislation provides that the state energy conservation construction code shall prohibit infrastructure, building systems, or equipment used for the combustion of fossil fuels in new construction statewide no later than December 31, 2023 if the building is less than seven stories and July 1, 2027 if the building is seven stories or more. A copy of this legislation in attached hereto. In 2022, Governor Kathy Hochul proposed a version of the bill in her January budget. While this legislation was removed from the proposed budget, the bill is still under review by the State legislature.

The City Council may adopt a resolution to support this legislation and encourage its adoption.

NYS Energy Code

NYS Energy Law Section 11-109 allows municipalities to promulgate, subject to review and approval by the NYS DOS Codes Council, local energy conservation construction codes that are more stringent than the State Energy Code. Section 11-104 of the Energy Code, entitled State Energy Conservation Construction Code, provides in relevant part:

> State energy conservation construction code. In addition to meeting the purposes set forth in section 11-101 of this article, the code shall be designed to satisfy the following specific criteria:

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[1] Turner, Amy, *Emerging Local Legal Pathways for Building Electrification: Air Pollution and Land Use Regulation in New York City & Brookline, Massachusetts*, May 28, 2021, https://blogs.law.columbia.edu/climatechange/2021/05/28/emerging-local-legal-pathways-for-building-electrification-air-pollution-and-land-use-regulation-in-new-york-city-brookline-massachusetts/ (Note that on February 25, 2022 Attorney General Maura Healey ruled that the Town of Brookline's efforts to use zoning bylaws to stop fossil fuels in new buildings violated state law.)

1. The code's standards and requirements, so far as may be practicable, shall be formulated in terms of performance objectives.

2. To the fullest extent feasible, use of modern technical methods, devices and improvements which tend to minimize consumption of energy and utilize to the greatest extent practical solar and other renewable sources of energy without affecting reasonable requirements for the health, safety and security of the occupants or users of buildings shall be permitted.

3. As far as may be practicable, the improvement of energy conservation construction practices, methods, equipment, materials and techniques shall be encouraged.

4. The code shall provide reasonable uniform standards and requirements for construction and construction materials for the improvement of energy conservation construction practices.

5. The state fire prevention and building code council, in consultation with the commissioner of the department of parks, recreation and historic preservation, is authorized to adopt exemptions to such uniform standards and requirements for historic buildings as defined in section 11-102 of this article, to the extent that the uniform standards and requirements would threaten, degrade, or destroy the historic form, fabric, or function of such historic buildings.

6. To the fullest extent feasible, the standards for construction of buildings in the code shall be designed to help achieve the state's clean energy and climate agenda, including but not limited to greenhouse gas reduction, set forth within chapter one hundred six of the laws of two thousand nineteen, also known as the New York state climate leadership and community protection act, and as further identified by the New York state climate action council established pursuant to section 75-0103 of the environmental conservation law.

Relying on Sections 11-109 and 11-104 (2) and (6), the City may be able to craft a law that limits new construction to only including electric power as the energy source. Our office continues to review the Energy Code to draft a local law restricting the use of natural gas for certain new construction.

Climate Action Scoping Plan

On December 19, 2022, the New York State Climate Action Council approved its final Scoping Plan, which outlines recommended policies and actions to help meet the goals and requirements of the nation-leading Climate Leadership and Community Protection Act (the "Climate Act"). The Scoping Plan includes the following recommendations for buildings:

- By 2050, 85 percent of homes and commercial building space statewide should be electrified with energy-efficient heat pumps and thermal energy networks;
- Adopt zero-emission codes and standards and require energy benchmarking for buildings;
- Scale up public financial incentives and expand access to public and private low-cost financing for building decarbonization;
- Expand New York's commitment to market development, innovation, and leading by example in State projects; and
- Transition from hydrofluorocarbons.

Under the Climate Act, New York is required to reduce greenhouse gas emissions by 85 percent from 1990 levels by 2050. To achieve these goals, the Scoping Plan encourages the State to develop model energy conservation building codes and construction policies to encourage local policy decisions that accelerate energy efficiency with a focus on equity.

Conclusion

We will advise the Council as our research progresses and prepare an update for the Council's review in January, which will provide an overview of potential legislation the City may consider to encourage the electrification of buildings. We will also continue to monitor State legislation and policy concerning energy efficiency.

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MEMORANDUM

TO: **Mayor Kyriacou and Members of the City Council of the City of Beacon**

FROM: **Keane & Beane, P.C.**

RE: **Legislation to Promote the Electrification of Buildings in the City of Beacon**

DATE: **January 6, 2023**

The City Council is considering adopting a local law to ban fossil fuel connections (natural gas and oil tanks) in new construction. The purpose of such a local law is to promote electrification of buildings in the City of Beacon and reduce combustion of fossil fuels. Our office is preparing an Energy Code Supplement for the City to regulate new construction and/or equipment to substantially reduce greenhouse gas emissions. Our goal is to draft legislation that is achievable, affordable and impactful. The Energy Code Supplement will act as an overlay to the New York State Energy Conservation Construction Code ("NYS Energy Code"), not a replacement. All other applicable State code requirements must still be met. As set forth in our December 21, 2022, memorandum, the NYS Energy Code provide authority for the City to promulgate local energy conservation construction codes that are more stringent than the NYS Energy Code.

The Final Scoping Plan

On December 19, 2022, the New York State Climate Action Council released its Final Scoping Plan which provides a framework for how New York will reduce greenhouse gas emissions and achieve net-zero emissions, increase renewable energy use and ensure all communities equitably benefit in the clean energy transition. Attached hereto is Chapter 12 of the Final Scoping Plan, which focuses on the residential and commercial building sector and sets forth key sector strategies. In addition, the Final Scoping Plan includes recommendations specifically focused on the local government sector. Specifically, the Final Scoping Plan recommends "development of model above-minimum energy conservation codes and construction policies to encourage local energy policy decisions that accelerate energy efficiency with a focus on equity. Recognizing that many local governments struggle with tight budgets and limited staff capacity, which limits their ability to take local climate action, this strategy also includes leveraging and expanding existing State programs to help support communities with a focus on equity."[1] The Climate Action Council's first recommendation in terms of timeline is to require all electric for new residential construction of three stories and under by 2025, and later dates — 2030, 2035 — for other construction, including taller residential, commercial and replacement of non-electric fixtures at end of useful life. Our office will draft a local law for the City of Beacon that furthers the goals and objectives outlined in the Final Scoping Plan and encourages energy efficiency.

Questions for Consideration to Draft Proposed Legislation on the Electrification of Buildings in the City of Beacon

Drafting of the law requires that the goals set by the law can be achieved. A law that is aspirational and the technology is not yet available or feasible will not achieve the City's objectives. To that end, we have focused this memorandum on regulating residential construction and providing for a phasing-in of regulations of commercial buildings. The remaining portion of this memorandum outlines specific questions for the City Council to review when considering drafting such a local law.

1. What types of construction should the proposed local law regulate?

    a) Residential construction (upon the effective date of the law):

        (i) Single-family,

        (ii) Two-family,

        (iii) Multi-family,

        (iv) Condominium/Townhouses

    b) Commercial construction (Phased in starting in 2028):

        (i) All commercial construction

        (ii) Specific categories of commercial construction:

            [1] Mixed Use (commercial/residential),

            [2] Restaurant,

            [3] Retail store,

            [4] Business office, or

            [5] Other construction

2. We have identified two categories of construction that the proposed local law may apply to: New Construction and Major Renovations (which includes additions). We assume the City would like the law to apply to all new construction. The City must also determine whether the law should apply to

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[1] Final Scoping Plan, https://climate.ny.gov/-/media/project/climate/files/NYS-Climate-Action-Council-Final-Scoping-Plan-2022.pdf, Chapter 1, Executive Summary (P. 18)

major renovations, where the scope of the work, feasibility of integrating non-fossil fuel energy sources into existing buildings and the cost may hinder those efforts:

a) Construction of new buildings - to be included.

b) Major renovations, including structural additions:

   (i) How will the term "major renovation" be defined?

      [1] For example, is a major renovation where work is less than 75% of the building floor area subject to the law?

      [2] Must the whole building comply, or just the renovated work area?

3. Will the requirements of the new law apply to projects or construction that do not include heated space? Heated space refers to space that is intended to be used for living, sleeping, cooking or eating purposes, or any combination thereof that is heated by a central heating system or other fixed equipment. Unheated space may include an enclosed porch, a basement, an attic, garage or shed. If a property owner adds a garage addition- will such addition trigger the requirements of the new law?

4. What exemptions should the law include?

a) The City may consider exemptions for:

   (i) Emergency back-up power;

   (ii) Commercial food establishments;

   (iii) Light Industrial and Industrial;

   (iv) Municipal Water and Wastewater Facilities;

   (v) Low income housing;

   (vi) Buildings greater than three stories;

   (vii) Laboratories;

   (viii) Laundromats;

   (ix) Hospitals;

   (x) Historic Buildings; or

   (xi) Crematoriums.

b) The Energy Code Supplement adopted by the City and Town of Ithaca in 2021 allows cooking and process energy to use fossil-fuels. (Process energy is energy consumed in support of a manufacturing, industrial, commercial, research, or educational process other than space heating, ventilating, air conditioning, service water heating, plug loads, lighting, and appliances. Examples of process loads include commercial cooking, commercial refrigeration, energy used by machinery in manufacturing, energy used by medical equipment, emergency generators, and energy used for agricultural needs. Examples of loads that are not considered process loads include electricity required for exhaust fans, heating and cooling for ventilation makeup air for any purpose, including kitchen and lab hoods, and energy used for clothes drying.)

5. When should the City's fossil fuel ban go into effect? The City Council should consider whether it wants to take the first step to ban fossil fuels in new construction sooner than is set forth in the Final Scoping Plan adopted by the Climate Action Council.

    a) Example #1: Land use approvals issued after June 30, 2025 must comply with the law.

    b) Example #2: Building permits issued after January 1, 2024 must comply with the law.

    c) Example #3: Building permits issued after January 1, 2023 must comply with the law.

    d) The City may also consider an option to phase in the fossil-fuel ban. For example, the City may require new residential construction to comply with the City's net-zero requirements by January 1, 2026 and commercial construction to comply by January 1, 2028.

    e) Under the Energy Code Supplement adopted by the City and Town of Ithaca in 2021, all buildings shall be built to have net-zero greenhouse gas emissions and shall not use fossil fuels for space heating, water heating, or clothes drying starting January 1, 2026. Note, this requirement applies to all commercial buildings and residential buildings.

6. Should the law include a hardship exemption? (For example, if the applicant presents an unreasonable hardship, the applicant may apply for an exemption.)

7. Who should review the hardship exemption application? (ZBA, City Council, Building Inspector?)

8. If a hardship exemption is permitted what is the hardship standard?

    a) Example #1: In applying for an exemption, the burden is on the applicant to demonstrate the unreasonable hardship, and that the proposed exemption fulfills alternative energy conservation standards or otherwise achieves to the maximum extent practicable reduction of greenhouse gas emissions.

b) Example #2: Must show unreasonable hardship exemptions will only be granted in unusual circumstances based upon a showing of good cause and a determination that the public interest is not substantially prejudiced by the exemption or other compelling circumstances.

c) Example #3: Must show that compliance with the law is financially, technically or physically infeasible.

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MEMORANDUM

TO: **Mayor Kyriacou and Members of the City Council of the City of Beacon**

FROM: **Keane & Beane, P.C.**

RE: **Legislation to Promote the Electrification of Buildings Updated Decision Tree Memo Responses**

DATE: **January 20, 2023**

At the January 9, 2022 City Council workshop meeting, the City Council discussed amendments to the City Code concerning draft legislation to promote the electrification of buildings in the City of Beacon. This memorandum outlines the questions the City Council considered concerning such legislation. Our office is speaking with architects to get a better understanding of the implementation of the law. NYSERDA has also referred us to speak to its Communities and Local Government Program Manager. We have contacted this person and are waiting for a response back.

1. What types of construction should the proposed local law regulate?

   - **<u>Answer:</u>** At the City Council's recommendation, fossil fuel connections (natural gas and oil tanks) shall be prohibited in new residential construction effective January 1, 2024, and commercial construction effective January 1, 2027. Residential construction shall include single-family dwellings, two-family dwellings, multi-family dwellings, and townhouses. The classification of mixed-use properties as residential or commercial remains an open question to be discussed with NYSERDA.

2. We have identified two categories of construction that the proposed local law may apply to: New Construction and Major Renovations (which includes additions). We assume the City would like the law to apply to all new construction. The City must also determine whether the law should apply to major renovations, where the scope of the work, feasibility of integrating non-fossil fuel energy sources into existing buildings and the cost may hinder those efforts,

   - **<u>Answer:</u>** The proposed local law shall apply to all (a) new construction, and (b) major renovations where the scope of work includes replacement of the existing heating/ hot water systems. For example, if someone does a renovation to their home or commercial building and is not replacing their two-year old boiler and steam radiator system in connection with such renovation, they will not be required to comply with the City's electrification requirements.

3. Will the requirements of the new law apply to projects or construction that do not include heated space? Heated space refers to space that is intended to be used for living, sleeping, cooking or eating purposes, or any combination thereof that is heated by a central heating system or other fixed equipment. Unheated space may include an enclosed porch, a basement, an attic, garage or shed. If a property owner adds a garage addition- will such addition trigger the requirements of the new law?

   - **Answer:** The requirements of the proposed local law shall only apply to projects that involve heated space.

4. What exemptions should the law include?

   - **Answer:** The proposed local law shall not apply to the installation of Emergency back-up power and municipal water and wastewater facilities or projects that received approval from the Planning Board before June 30, 2023.

5. When should the City's fossil fuel ban go into effect? The City Council should consider whether it wants to take the first step to ban fossil fuels in new construction sooner than is set forth in the Final Scoping Plan adopted by the Climate Action Council.

   - **Answer:** All building permit applications submitted on or after January 1, 2024 concerning the construction of a residential shall not contain any fossil fuel hookup (natural gas or oil tank). All building permit applications submitted on or after January 1, 2027 concerning the construction of any commercial building shall not contain any fossil fuel hookup.

6. Should the law include a hardship exemption? (For example, if the applicant presents an unreasonable hardship, the applicant may apply for an exemption.)

   - **Answer:** The law will include a hardship exemption.

7. Who should review the hardship exemption application? (ZBA, City Council, Building Inspector?)

   - **Answer:** The hardship exemption applications will be reviewed by the ZBA.

8. If a hardship exemption is permitted what is the hardship standard?

- **<u>Answer:</u>** An applicant seeking a hardship must show that compliance with the law is financially, technically or physically infeasible.

PROPOSED LOCAL LAW NO. 1 OF 2023

CITY COUNCIL
CITY OF BEACON

LOCAL LAW TO CREATE CHAPTER 106, ARTICLE V OF THE ENERGY CONSERVATION CODE OF THE CITY OF BEACON

A LOCAL LAW to create Chapter 106, Article V of the Energy Conservation Code of the City of Beacon to require the electrification of new residential and commercial buildings.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 106, Article V of the Energy Conservation Code of the City of Beacon entitled "All-Electric Buildings" is hereby created as follows:

Chapter 106 Energy Conservation

…

Article V All-Electric Buildings

§ 106-30 Intent and purpose; findings; authority

A. Intent and purpose. It is the policy of City of Beacon and State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. This article establishes a local energy conservation code supplement for all new construction and major renovations to further these policy goals, promote the public health, safety, and general welfare and protects, secures and guarantees an individual's right to a healthy environment as required under the New York State Environmental Rights Amendment (the "Green Amendment") implemented as Article I, §19 of the New York State Constitution's Bill of Rights. The Green Amendment creates a constitutionally protected right that "Each person shall have a right to clean air and water, and to a healthful environment." This article furthers that protection by removing greenhouse gas emissions that adversely affect indoor air, outdoor air and the environment in general. It is the intent of this article to deliver measurable and long-lasting reduction in greenhouse gas emissions from all new construction and major renovations to support the goal of zero on-site greenhouse gas emissions and the state's clean energy and climate agenda, including but not limited to greenhouse gas reduction requirements set forth within the New York State Climate Leadership and Community Protection Act ("CLCPA"). The purpose of this article is to eliminate obsolete natural gas infrastructure and associated greenhouse gas emissions in new buildings where all-electric infrastructure can be most practicably integrated, thereby reducing the environmental and health hazards produced by the consumption and transportation of natural gas.

B. Findings. The City Council of the City of Beacon finds the following:

(1) Climate change is causing an increase in extreme weather events, such as storms, flooding, and heat waves that threaten human life, health communities, and critical infrastructure to the City, New York State, and across the world.

(2) There is a clear emerging international consensus that to avoid the most severe impacts of a changing climate, global warming should be limited to 1.5 degrees Celsius.

(3) Greenhouse gas emissions related to human activity are the main cause of global warming. Buildings within the City of Beacon are a significant contributor to local greenhouse gas emissions.

(4) New York State, through its CLCPA, adopted on July 18, 2019, has set ambitious goals to combat climate change through greenhouse gas reduction. The CLCPA mandates significant reductions in greenhouse gas emissions and requires that all electricity be derived from emissions-free sources by 2040. State goals are in line with the objectives of this article, including reducing emissions in buildings, electrifying space heating, water heating, and cooking systems, increasing the use of renewable energy and reducing the use of fossil fuels.

(5) On November 2, 2021, New York voters approved the Green Amendment to the New York State Constitution. The Green Amendment secures each person's "right to clean air and water, and a healthful environment." N.Y. Const., Art. 1, Sec. 19. The goal of the Green Amendment is to ensure government officials seek to avoid and prevent environmental harm.

(6) On December 19, 2022, the New York State Climate Action Council adopted its Final Scoping Plan to reduce New York's greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050. The Final Scoping Plan recommends that by 2050 85 percent of homes and commercial building space statewide should be electrified with energy-efficient heat pumps and thermal energy networks, and encourages the state and municipalities to adopt zero-emission codes and standards and require energy benchmarking for buildings.

(7) The combustion of fossil fuels in homes and other buildings decreases internal air quality and has adverse impacts on human health.

(8) Electrification has been proven to be a vital and cost-effective tool in reducing greenhouse gas emissions. According to the U.S. Energy Information Administration, buildings account for 28 percent of the United States' energy use and greenhouse gas emissions.

(9) Corporations seeking approval for infrastructure to transport and distribute natural gas in New York have emphasized that the rationale for creating such infrastructure is based in part on projected increased demand for natural gas from customers in new buildings. Prohibiting the use of fossil fuels in new construction will eliminate this rationale and help achieve the

greenhouse gas emission reduction goals established in the CLCPA and further New York's record as a leader in combating climate change.

(10) The most cost-effective time to integrate electrical infrastructure is in the design phase of a building project because building systems and spaces can be designed to optimize the performance of electrical systems and the project can take full advantage of avoided costs and space requirements from the elimination of natural gas piping and venting for combustion air safety.

(11) All-electric buildings will be more durable, have lower maintenance costs, will last longer, and have eliminated risk of gas explosions and carbon monoxide poisoning.

(12) All-electric building design benefits the health, welfare and resiliency of the City and its residents.

C. Authority: Pursuant to § 11-109 of the New York State Energy Law, and subject to the provisions and requirements of that section, the City of Beacon has the power to promulgate a local energy conservation construction code that is more stringent than the Energy Conservation Construction Code of New York State (the "Energy Code"). The City also has the authority to enact this law based upon Article 1, Section 19 of the New York State Constitution which guarantees each person's "right to clean air and water, and a healthful environment."

§ 106-31 Applicability.

A. This article provides requirements and standards that are in addition to, and shall supplement, the requirements and standards set forth in the Energy Code and in Chapter 119, Uniform Fire Prevention and Building Code, of the Code of the City of Beacon. If a requirement of this article is less stringent than that of the Energy Code in effect at the time of application for a building permit, then the more stringent Energy Code requirement shall take precedence.

B. The City shall enforce this article in addition to the City's enforcement of the Energy Code. Chapter 119, Uniform Fire Prevention and Building Code, of the Code of the City of Beacon sets forth the method for administration and enforcement of this article and establishes powers, duties and responsibilities in connection therewith, including penalties and other remedies for violations of this article.

§ 106-32 Exemptions.

A. The requirements of this article shall not apply to the following:

(1) Systems for emergency back-up power.

(2) Manufactured homes.

(3) Buildings specifically designated for occupancy by a manufacturing facility, commercial food establishment, laboratory, laundromat, crematorium, hospital, or other medical facility.

(4) Municipal water and sewer facilities.

(5) Any project that received site plan approval from the Planning Board prior to June 30, 2023.

B. Where an exemption is permitted, such exemption shall limit or require, to the fullest extent feasible, as determined in the sole discretion of the Building Inspector as follows:

(1) Limit the use of fossil-fuel equipment and building systems to the system and area of the building for which a prohibition on fossil-fuel equipment and building systems is infeasible; and

(2) Require the area or service within a new building where fossil-fuel equipment and building systems are installed be all-electric ready.

§ 106-~~32~~ 33 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALL-ELECTRIC READY

A building, project, or portion thereof that contains electrical systems and designs that provide sufficient capacity for the future retrofit of a mixed-fuel building to an all-electric building, including but not limited to, sufficient space, drainage, electrical conductors or raceways, bus bar capacity, and overcurrent protective devices for such retrofit.

COMMERCIAL BUILDING

Any building that is not included in the definition of "residential building" or "mixed use building."

ENERGY CODE

The State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

FOSSIL FUELS

An energy source formed in the Earth's crust from decayed organic material. The common fossil fuels are petroleum, coal, and natural gas. For purposes of this article, fossil fuels shall also include common extracts, derivatives, and products of fossil fuels, including but not limited to propane, kerosene, and gasoline.

GREENHOUSE GAS (GHG)

Any of several gases, including carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases, that trap heat in the atmosphere.

HEATED FLOOR AREA

An area or room that is enclosed within the building thermal envelope and is directly or indirectly heated using fossil fuel, electricity, or biomass as the energy source. Spaces are indirectly heated where they connect through openings with heated spaces, where they are separated from heated spaces by uninsulated walls, floors or ceilings, or where they contain uninsulated ducts, piping or other sources of heating using fossil fuel, electricity, or biomass.

MAJOR RENOVATION

Any construction or renovation to an existing structure, other than a repair or addition, where the work area exceeds 75% of the heated floor area and involves the replacement or new installation of a heating or hot water system (e.g., boiler, furnace, or other major system). Changes to ventilation and air conditioning systems are not considered renovations of the heating system.

MANUFACTURED HOME

A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with our without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Such term shall not include any self-propelled recreational vehicle.

MIXED-USE BUILDING

Any building in which a portion of the use is residential, and a portion of the use is commercial.

NATURAL GAS INFRASTRUCTURE

Fuel gas piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the gas meter.

NEW CONSTRUCTION

Site preparation for, and construction of, entirely new structures, excluding additions and renovations.

RESIDENTIAL BUILDING

Any building covered by the Residential Code of New York State, as well as any building that is classified in accordance with Chapter 3 of the Building Code of New York State in Group R-2, R-3, or R-4, including accessory dwelling units. ~~Any portion of a mixed-use building sued for residential purposes shall be regulated as a residential building.~~

§ 106-~~33~~ 34 All-electric building requirements.

A. Effective on January 1, 2024, no building permit application shall be accepted by the Building Department and no building permit issued for new construction of or major renovations to residential, commercial or mixed-use buildings which requires the use of fossil fuels to power any equipment or building systems therein, including space heating, water heating, cooking, and clothes drying.

B. Any heating or hot water system (e.g. boiler, furnace, or other major system) replaced or installed within five years after the issuance of any building permit to construct or renovate an existing structure involving 75% or more of the heated floor area, other than a repair or addition, shall be electric.

~~B. Effective on January 1, 2024, no building permit application shall be accepted by the Building Department and no building permit issued for new construction or major renovations related to any portion of a mixed-used building used for residential purposes which requires the use of fossil fuels to power any equipment or building systems therein, including space heating, water heating, cooking, and clothes drying.¶~~

~~C. Effective on January 1, 2027, no building permit application shall be accepted by the Building Department and no building permit issued for new construction or major renovations of commercial buildings which requires the use of fossil fuels to power any equipment or building systems therein, including space heating, water heating, cooking, and clothes drying.~~

~~D. Effective on January 1, 2027, no building permit application shall be accepted by the Building Department and no building permit issued for new construction or major renovations related to any portion of a mixed-used building used for commercial purposes which requires the use of fossil fuels to power any equipment or building systems therein, including space heating, water heating, cooking, and clothes drying.~~

C. All plans submitted in connection with new construction subject to the provisions of this article shall, as applicable, include notes and drawings to show the removal of petroleum tanks and demonstrate that any tank removed was appropriately closed in accordance with state regulations. All plans submitted in connection with new construction subject to the provisions of this article shall, as applicable, include notes and drawings to show the removal of natural gas infrastructure and demonstrate that such natural gas infrastructure was capped, and appropriate details shall be noted on the plan if such natural gas infrastructure is required to support an emergency back-up generator.

§ 106-~~34~~ 35 Hardship exemption.

A. An applicant whose building permit application has been denied may apply to the Zoning Board of Appeals for a hardship exemption to obtain relief from the requirements of this article. Upon receipt of an application for relief, the Zoning Board of Appeals shall, within 45 days thereafter, hold a public hearing. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2B.

B. At the public hearing, the Zoning Board of Appeals may hear testimony and entertain the submission of written evidence from the applicant and/or the public.

C. To obtain a certificate of hardship, the applicant must prove the existence of a hardship by establishing that compliance with this article is financially, technically or physically infeasible.

D. The Zoning Board of Appeals shall make a decision within 30 days of the conclusion of the hearing on the application. The Board's decision shall be in writing and shall state the reasons for granting or denying the hardship application.

E. Notwithstanding any granted hardship exemption, all new construction and major renovations shall be required at a minimum to have sufficient electric capacity, wiring and conduit to facilitate future full building electrification.

Section 2. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 3. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State. The City shall file a copy of this local law with the State Fire Prevention and Building Code Council within thirty (30) days after promulgation or adoption of this Local Law. The City may enforce this Local Law until and unless the State Fire Prevention and Building Code Council denies the more stringent local energy code standards set forth in this Local Law.

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Local Law to require the electrification of new residential, commercial and mixed-use buildings.			
Project Location (describe, and attach a location map): City of Beacon			
Brief Description of Proposed Action: The City of Beacon is considering a proposed local law to create Chapter 106, Article V of the Code of the City of Beacon to require the electrification of new residential, commercial and mixed-use buildings. Effective on January 1, 2024, no building permit application shall be accepted by the Building Department and no building permit issued for new construction of or major renovations to residential, commercial or mixed-use buildings which requires the use of fossil fuels to power any equipment or building systems therein, including space heating, water heating, cooking, and clothes drying.			
Name of Applicant or Sponsor: City of Beacon	Telephone: 845-838-5000 E-Mail: cityofbeacon@beaconny.gov		
Address: 1 Municipal Plaza			
City/PO: Beacon	State: NY	Zip Code: 12508	

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☐	☑
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☐	☐

3. a. Total acreage of the site of the proposed action? ___________ acres
   b. Total acreage to be physically disturbed? ___________ acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? ___________ acres

4. Check all land uses that occur on, are adjoining or near the proposed action:

☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☐
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: ____________________	☐	☐
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☐	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☐
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: ____________________ ____________________	☐	☐
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: ____________________ ____________________	☐	☐
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: ____________________ ____________________	☐	☐
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☐	☐
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: ____________________ ____________________ ____________________		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☐	☐
16. Is the project site located in the 100-year flood plan?	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	☐	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ______	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: ______	☐	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: ______	☐	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: ______	☐	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: City of Beacon City Code Date: February 23, 2023

Signature: Drew Gamils Title: City Attorney

PRINT FORM

City of Beacon
Short Environmental Assessment Form
Part 1 - Project Information

Project Narrative

The City Council is considering adopting a local law to create Chapter 106, Article V of the Code of the City of Beacon to require the electrification of new residential, commercial and mixed use-buildings. The purpose of the proposed local law is to establish a local energy code supplement for all new construction and major renovations to promote the public health, safety, and general welfare and protect, secure and guarantee an individual's right to a healthy environment as required under the New York State Environmental Rights Amendment (the "Green Amendment") implemented as Article I, §19 of the New York State Constitution's Bill of Rights. The Green Amendment creates a constitutionally protected right that "Each person shall have a right to clean air and water, and to a healthful environment." This proposed local law furthers that protection by removing greenhouse gas emissions that adversely affect indoor air, outdoor air and the environment in general. The City believes the proposed local law will result in a measurable and long-lasting reduction in greenhouse gas emissions from all new construction and major renovations to support the goal of zero on-site greenhouse gas emissions and the state's clean energy and climate agenda, including but not limited to greenhouse gas reduction requirements set forth within the New York State Climate Leadership and Community Protection Act ("CLCPA"). The proposed local law will eliminate obsolete natural gas infrastructure and associated greenhouse gas emissions in new buildings where all-electric infrastructure can be most practicably integrated, thereby reducing the environmental and health hazards produced by the consumption and transportation of natural gas.

Under the proposed local law, effective on January 1, 2024, no building permit application shall be accepted by the Building Department and no building permit issued for new construction of or major renovations to residential, commercial or mixed-use buildings which requires the use of fossil fuels to power any equipment or building systems therein, including space heating, water heating, cooking, and clothes drying. In addition, any heating or hot water system (e.g. boiler, furnace, or other major system) replaced or installed within five years after the issuance of any building permit to construct or renovate an existing structure involving 75% or more of the heated floor area, other than a repair or addition, shall be electric. All plans submitted in connection with new construction subject to the all-electric requirements of the proposed local law shall, as applicable, include notes and drawings to show the removal of petroleum tanks and demonstrate that any tank removed was appropriately closed in accordance with state regulations.

All plans submitted in connection with new construction subject to the requirements of the proposed local law shall, as applicable, include notes and drawings to show the removal of natural gas infrastructure and demonstrate that such natural gas infrastructure was capped, and appropriate details shall be noted on the plan if such natural gas infrastructure is required to support an emergency back-up generator.

The proposed local law exempts the following from the all-electric requirements of the proposed local law:

(1) Systems for emergency back-up power.

(2) In a manufactured home.

(3) Buildings specifically designated for occupancy by a manufacturing facility, commercial food establishment, laboratory, laundromat, crematorium, hospital, or other medical facility.

(4) Municipal water and sewer facilities.

(5) Any project that received site plan approval from the Planning Board prior to June 30, 2023.

Where an exemption is permitted, such exemption shall limit or require, to the fullest extent feasible, as determined in the sole discretion of the Building Inspector (1) limit the use of fossil-fuel equipment and building systems to the system and area of the building for which a prohibition on fossil-fuel equipment and building systems is infeasible; and (2) require the area or service within a new building where fossil-fuel equipment and building systems are installed be all-electric ready.

The proposed local law also includes a hardship exemption. An applicant whose building permit application has been denied may apply to the Zoning Board of Appeals for a hardship exemption to obtain relief from the all-electric requirements of the proposed local law. To obtain a certificate of hardship, the applicant must prove the existence of a hardship by establishing that compliance with this article is financially, technically or physically infeasible.

City of Beacon City Council Agenda
03/06/2023

Title:

Approving DMS Consolidators, Ltd. 2021 Tax Certiorari Settlement

ATTACHMENTS

Draft Resolution Approving DMS Consolidators, Ltd. 2021 Tax Certiorari Settlement

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. __ OF 2023

**RESOLUTION RE: CERTIORARI SETTLEMENT –
MTR. OF DMS CONSOLIDATORS, LTD. v. BOARD OF ASSESSMENT REVIEW OF THE CITY OF BEACON, ET ANO. (SUP. CT DUTCHESS CO. INDEX NOS. 53246/21, ET SEQ.) –
SETTLEMENT OF 2021 TAX CERTIORARI PROCEEDINGS**

WHEREAS, tax certiorari proceedings, titled *Mtr. of DMS Consolidators, Inc. v. Board of Assessment Review of the City of Beacon, et al.* (Sup. Ct. Dutchess Co. Index Nos. 53246/21, *et seq.*), are pending before the Supreme Court, Dutchess County (Hon. James V. Brands, J.S.C., presiding); and

WHEREAS, these proceedings challenge the 2021 assessments of property identified as Parcel Nos. 5954-26-665932, 5954-26-665931, 5954-26-665935, 5954-26-664933, 5954-26-664939, 5954-26-664938 and 5954-26-664935 on the City of Beacon 2021 Assessment Roll; and

WHEREAS, a proposed settlement of these proceedings has been reached by and between Petitioner DMS Consolidators, Ltd. and the City of Beacon; and

WHEREAS, the City of Beacon has obtained the advice and assistance of its counsel, Keane & Beane, P.C., with respect to the proposed settlement terms and has duly considered same; and

WHEREAS, under the settlement terms, the City will be liable for a City tax refund in the amount of Two Thousand Three Hundred Sixty-Six and 80/100 ($2,366.80) Dollars;

NOW, THEREFORE, BE IT RESOLVED that the City Council accepts the settlement of this proceeding so that the following adjustment is made to the real property tax assessment of the above-described tax parcels:

Tax Parcel	Assessment	Revised Assessment	Reduction
5954-26-665932	$465,000	$425,000	$40,000
5954-26-665931	$575,000	$480,000	$95,000
5954-26-665935	$485,000	$450,000	$35,000
5954-26-664933	$525,000	$490,000	$35,000
5954-26-664939	$525,000	$495,000	$30,000
5954-26-664938	$440,000	$405,000	$35,000
5954-26-664935	$505,000	$470,000	$35,000

BE IT FURTHER RESOLVED, that counsel for the City of Beacon, Keane & Beane, P.C., together with the City Administration, is hereby authorized to undertake such actions as are necessary to confirm and effectuate this settlement, including execution of the Consent Order and Judgment incorporating the settlement terms.

Resolution No. __ of 2023			**Date: ______, 2023**				
☐ **Amendments**						☐ **2/3 Required**	
☐ **Not on roll call.**			☐ **On roll call**			☐ **3/4 Required**	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Justice McCray					
		George Mansfield					
		Wren Longno					
		Molly Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
03/06/2023

Title:

Approving 30 Beekman Street, LLC 2022 Tax Certiorari Settlement

ATTACHMENTS

Draft Resolution Approving 30 Beekman Street, LLC 2022 Tax Certiorari Settlement

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. __ OF 2023

RESOLUTION RE: CERTIORARI SETTLEMENT – MTR. OF 30 BEEKMAN STREET, LCC. v. BOARD OF ASSESSMENT REVIEW OF THE CITY OF BEACON, ET ANO. (SUP. CT DUTCHESS CO. INDEX NOS. 52538/22, ET SEQ.) – SETTLEMENT OF 2022 TAX CERTIORARI PROCEEDINGS

WHEREAS, tax certiorari proceedings, titled Mtr. of 30 Beekman Street, LLC v. Board of Assessment Review of the City of Beacon, et al. (Sup. Ct. Dutchess Co. Index Nos. 52538/22), are pending before the Supreme Court, Dutchess County (Hon. James V. Brands, J.S.C., presiding); and

WHEREAS, these proceedings challenge the 2022 assessments of property identified as Parcel Nos. 5954-26-666931, 5954-26-666932, 5954-26-666933, 5954-26-666934, 5954-26-666934, 5954-26-666936, 5954-26-666937 and 5954-26-666938 on the City of Beacon 2022 Assessment Roll; and

WHEREAS, a proposed settlement of these proceedings has been reached by and between ENEL and the City of Beacon; and

WHEREAS, the City of Beacon has obtained the advice and assistance of its counsel, Keane & Beane, P.C., with respect to the proposed settlement terms and has duly considered same; and

WHEREAS, under the settlement terms, the City will be liable for a City tax refund in the amount of Thirteen Thousand One Hundred Forty Three and 75/100 ($13,143.75) Dollars;

NOW, THEREFORE, BE IT RESOLVED that the City Council accepts the settlement of this proceeding so that the following adjustment is made to the real property tax assessment of the above-described tax parcel:

Tax Parcel	Assessment	Revised Assessment	Reduction
5954-26-666931	$900,000	$612,500	$287,500
5954-26-666932	$900,000	$612,500	$287,500
5954-26-666933	$900,000	$612,500	$287,500
5954-26-666934	$900,000	$612,500	$287,500
5954-26-666936	$900,000	$612,500	$287,500
5954-26-666937	$900,000	$612,500	$287,500
5954-26-666938	$950,000	$800,000	$150,000

BE IT FURTHER RESOLVED, that counsel for the City of Beacon, Keane & Beane, P.C., together with the City Administration, is hereby authorized to undertake such actions as are necessary to confirm and effectuate this settlement, including execution of the Consent Order and Judgment incorporating the settlement terms.

<table>
<tr><td colspan="3">Resolution No. __ of 2023
☐ Amendments
☐ Not on roll call.</td><td colspan="3">Date: ______, 2023

☐ On roll call</td><td colspan="2">
☐ 2/3 Required
☐ 3/4 Required</td></tr>
<tr><td>Motion</td><td>Second</td><td>Council Member</td><td>Yes</td><td>No</td><td>Abstain</td><td>Reason</td><td>Absent</td></tr>
<tr><td></td><td></td><td>Paloma Wake</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td>Justice McCray</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td>George Mansfield</td><td></td><td></td><td></td><td></td><td></td></tr>
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<tr><td></td><td></td><td>Mayor Lee Kyriacou</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td></td><td></td><td>Motion Carried</td><td></td><td></td><td></td><td></td><td></td></tr>
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City of Beacon City Council Agenda
03/06/2023

Title:

Accepting Fire Hydrant Easement Agreements at 29 Riding Ridge Trail and 30 Riding Ridge Trail

ATTACHMENTS

Agreement for a Fire Hydrant Easement at 29 Riding Ridge Trail

Agreement for a Fire Hydrant Easement at 30 Riding Ridge Trail

Draft Resolution Accepting Fire Hydrant Easement Agreements at 29 Riding Ridge Trail and 30 Riding Ridge Trail

RECORD AND RETURN TO:

Jennifer L. Gray, Esq.
Keane & Beane PC
445 Hamilton Avenue, Suite 1500
White Plains, New York 10601

FIRE HYDRANT EASEMENT AGREEMENT

THIS FIRE HYDRANT EASEMENT AGREEMENT (this "**Agreement**"), made this ____ day of ________, 2022, between Peter Powers, having an address at 29 Riding Ridge Trail, Beacon, New York 12508 ("**Grantor**") and the City of Beacon, New York, a municipal corporation, having an address at Municipal Plaza, Beacon, New York 12508 ("**Grantee**").

W I T N E S S E T H:

WHEREAS, Grantor is the owner of that certain parcel of land located in the City of Beacon, County of Dutchess, State of New York, as more particularly described on **Schedule A** attached hereto and made a part hereof (the "**Property**"), which Property is commonly known as 29 Riding Ridge Trail, Beacon, New York;

WHEREAS, there is constructed on the Property a fire hydrant which is or is to be owned and maintained by the Grantee (together with all lines and appurtenances, the "**Hydrant**"); and

WHEREAS, Grantor desires to grant to Grantee an easement as hereinafter described for the purpose of maintaining, servicing, repairing and/or replacing the Hydrant;

NOW, THEREFORE, in consideration of the covenants, promises, declarations and agreements set forth below, the parties hereto agree to and with each other as follows:

1. <u>Grant of Easement</u>. Grantor hereby grants to Grantee a perpetual easement (the "**Easement**") in, on, over, under, across and through a portion of the Property reasonably proximate to the Hydrant (the "**Easement Area**") for the purpose of installing, operating, servicing, maintaining, repairing and/or replacing the Hydrant. Promptly following any entry on the Property by Grantee, Grantee shall restore the Easement Area to substantially the condition existing prior to such entry.

2. <u>Ownership of Easement Area</u>. Ownership of the Easement Area remains and will remain, in perpetuity, in all respects vested in the owner of the Property, and the use and enjoyment of the Easement Area is retained in perpetuity by and for the owner thereof subject to the provisions of this Agreement.

3. <u>Indemnification</u>. Grantee hereby indemnifies and agrees to hold harmless Grantor from and against any and all loss, liability, claim, damage, obligation, cost and/or expense

including, without limitation, reasonable attorneys' fees, arising out of or related to the exercise by Grantee of the rights afforded Grantee under this Agreement.

4. Runs with the Land. The Easement shall run with the land in perpetuity and shall be binding upon the parties and their respective heirs, legal representatives, successors and assigns.

5. Amendment. This Agreement may not be modified without the written consent of each of the parties hereto.

6. Counterparts. This Agreement may be signed in counterparts, each of which shall be an original, but all of which shall be construed as one and the same instrument.

7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard to its principles of conflicts of laws.

[*Signature page to follow.*]

IN WITNESS HEREOF, the parties hereto have executed this Agreement as of the date first mentioned above.

GRANTOR:

P. Powers
____
Peter Powers

GRANTEE:

City of Beacon, New York

By:________________________
Name:
Title:

[*Signature page to Fire Hydrant Easement Agreement*]

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the 16 day of August in the year 2022 before me, the undersigned, personally appeared Peter Powers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

DOMINICK J. PENZETTA
Notary Public - State of New York
No. 02PE5062477
Qualified in Dutchess County
My Comm. Expires July 1, 20~~18~~ 26

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____________ in the year 2022 before me, the undersigned, personally appeared ____________________, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

____
Notary Public

SCHEDULE A

LEGAL DESCRIPTION

ALL that certain plot, piece or parcel of land situate, lying and being in the City of Beacon, County of Dutchess and State of New York, being designated as Lot No. 11 on a certain map entitled, "Polo Field Investments, Situate in the City of Beacon", dated 01/31/00, last revised 01/28/04 and filed in the Office of the Dutchess County Clerk on 11/04/04 as Filed Map No. 11042B.

CUDDY
+FEDER
LLP

445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Taylor M. Palmer
tpalmer@cuddyfeder.com

December 7, 2022

VIA EMAIL AND HAND DELIVERY
Nicholas Ward-Willis, Esq.
Keane & Beane, P.C.
Attorney for the City of Beacon
445 Hamilton Avenue, 15th Floor
White Plains, NY 10601

Re: Property: 30 Riding Ridge Trail, Beacon – Fire Hydrant Easement & TP-584

Dear Nick:

Please find enclosed partially executed copies of the Fire Hydrant Easement Agreement and the TP-584 form for the above-referenced Property, which is located off of Riding Ridge Trail in the City of Beacon.

Please let us know when the City will consider counter-executing the attached documents. Thank you for your attention to this matter.

Very truly yours,

Taylor M. Palmer
Enclosures

RECORD AND RETURN TO:

Jennifer L. Gray, Esq.
Keane & Beane PC
445 Hamilton Avenue, Suite 1500
White Plains, New York 10601

FIRE HYDRANT EASEMENT AGREEMENT

THIS FIRE HYDRANT EASEMENT AGREEMENT (this "**Agreement**"), made this ____ day of ________, 2022, between Judith F. Torre and Mark A. Torre, having an address at 30 Riding Ridge Trail, Beacon, New York 12508 (collectively, the "**Grantor**") and the City of Beacon, New York, a municipal corporation, having an address at Municipal Plaza, Beacon, New York 12508 ("**Grantee**").

WITNESSETH:

WHEREAS, Grantor is the owner of that certain parcel of land located in the City of Beacon, County of Dutchess, State of New York, as more particularly described on **Schedule A** attached hereto and made a part hereof (the "**Property**"), which Property is commonly known as 30 Riding Ridge Trail, Beacon, New York;

WHEREAS, there is constructed on the Property a fire hydrant which is or is to be owned and maintained by the Grantee (together with all lines and appurtenances, the "**Hydrant**"); and

WHEREAS, Grantor desires to grant to Grantee an easement as hereinafter described for the purpose of maintaining, servicing, repairing and/or replacing the Hydrant;

NOW, THEREFORE, in consideration of the covenants, promises, declarations and agreements set forth below, the parties hereto agree to and with each other as follows:

1. Grant of Easement. Grantor hereby grants to Grantee a perpetual easement (the "**Easement**") in, on, over, under, across and through a portion of the Property reasonably proximate to the Hydrant (the "**Easement Area**") for the purpose of installing, operating, servicing, maintaining, repairing and/or replacing the Hydrant. Promptly following any entry on the Property by Grantee, Grantee shall restore the Easement Area to substantially the condition existing prior to such entry.

2. Ownership of Easement Area. Ownership of the Easement Area remains and will remain, in perpetuity, in all respects vested in the owner of the Property, and the use and enjoyment of the Easement Area is retained in perpetuity by and for the owner thereof subject to the provisions of this Agreement.

3. Indemnification. Grantee hereby indemnifies and agrees to hold harmless Grantor from and against any and all loss, liability, claim, damage, obligation, cost and/or expense including, without limitation, reasonable attorneys' fees, arising out of or related to the exercise by Grantee of the rights afforded Grantee under this Agreement.

4. Runs with the Land. The Easement shall run with the land in perpetuity and shall be binding upon the parties and their respective heirs, legal representatives, successors and assigns.

5. Amendment. This Agreement may not be modified without the written consent of each of the parties hereto.

6. Counterparts. This Agreement may be signed in counterparts, each of which shall be an original, but all of which shall be construed as one and the same instrument.

7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard to its principles of conflicts of laws.

[*Signature page to follow.*]

SCHEDULE A

LEGAL DESCRIPTION

ALL that certain plot, piece, or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Beacon, County of Dutchess and State of New York, being designated as Lt #13 on a certain map entitled "Final Subdivision Plat of Phase 3 of Polo Field Investments situate in the City of Beacon, Dutchess County New York Scale 1 inch = 50 feet dated January 31, 2000" prepared by Badey & Watson Surveying & Engineering, P.C., filed in the Office of the Clerk of the County of Dutchess on November 4, 2014 as Map No. 11042B (Sheets 1-4).

IN WITNESS HEREOF, the parties hereto have executed this Agreement as of the date first mentioned above.

GRANTOR:

Judith F. Torre

____
Judith F. Torre

Mark A. Torre

____
Mark A. Torre

GRANTEE:

City of Beacon, New York

By:_____________________

Name:

Title:

[Signature page to Fire Hydrant Easement Agreement]

5258747.v1

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
) ss.:
COUNTY OF ~~WESTCHESTER~~ Dutchess)

On the 30th day of October in the year 2022 before me, the undersigned, personally appeared Judith F. Torre, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

Mary T. Meyer
Notary Public

MARY T. MEYER
NOTARY PUBLIC, State of New York
No. 01ME5061531
Qualified in Dutchess County
Term Expires June 10, 2026

STATE OF NEW YORK)
) ss.:
COUNTY OF ~~WESTCHESTER~~ Dutchess)

On the 30th day of October in the year 2022 before me, the undersigned, personally appeared Mark A. Torre, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

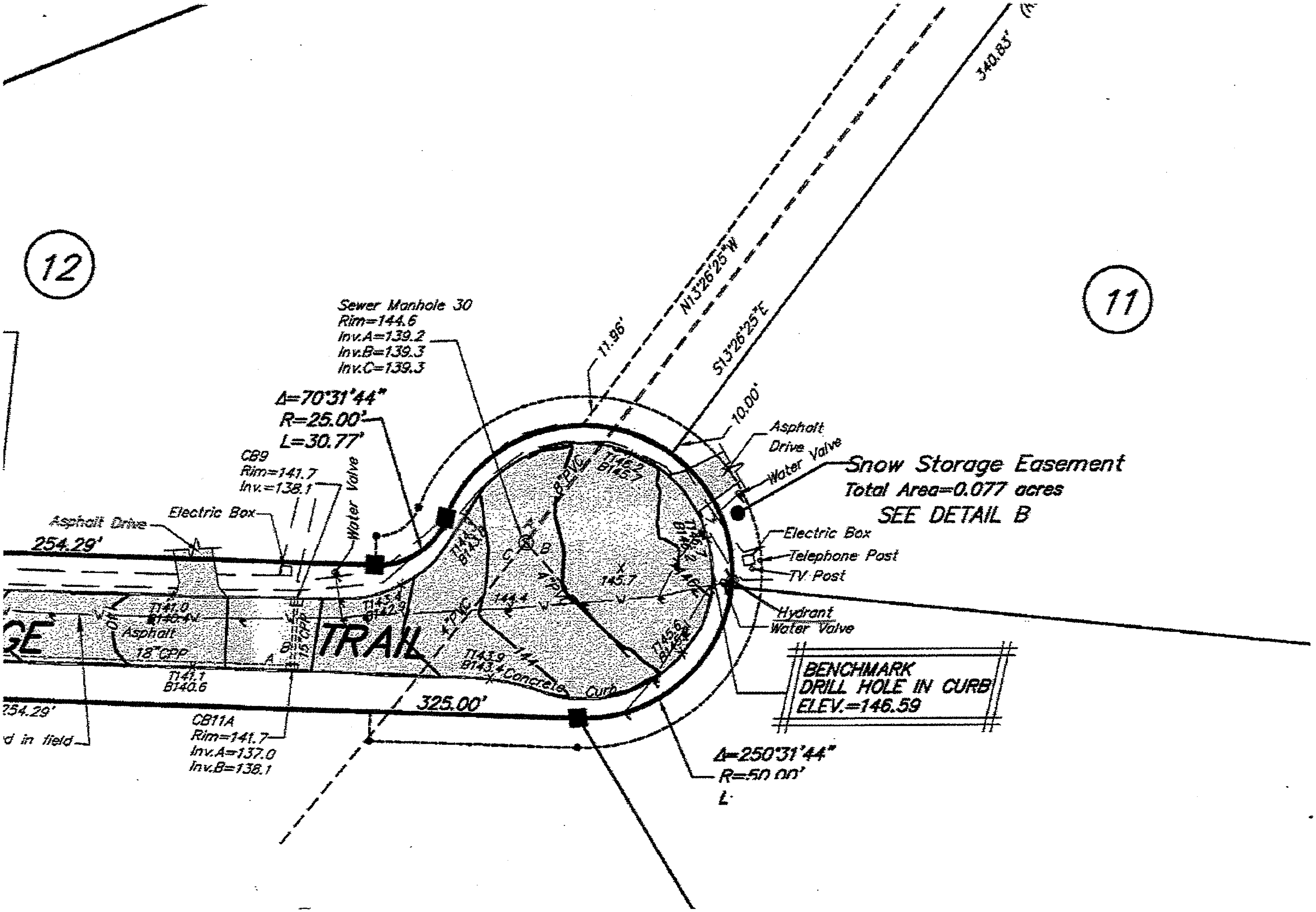
Mary T. Meyer
Notary Public

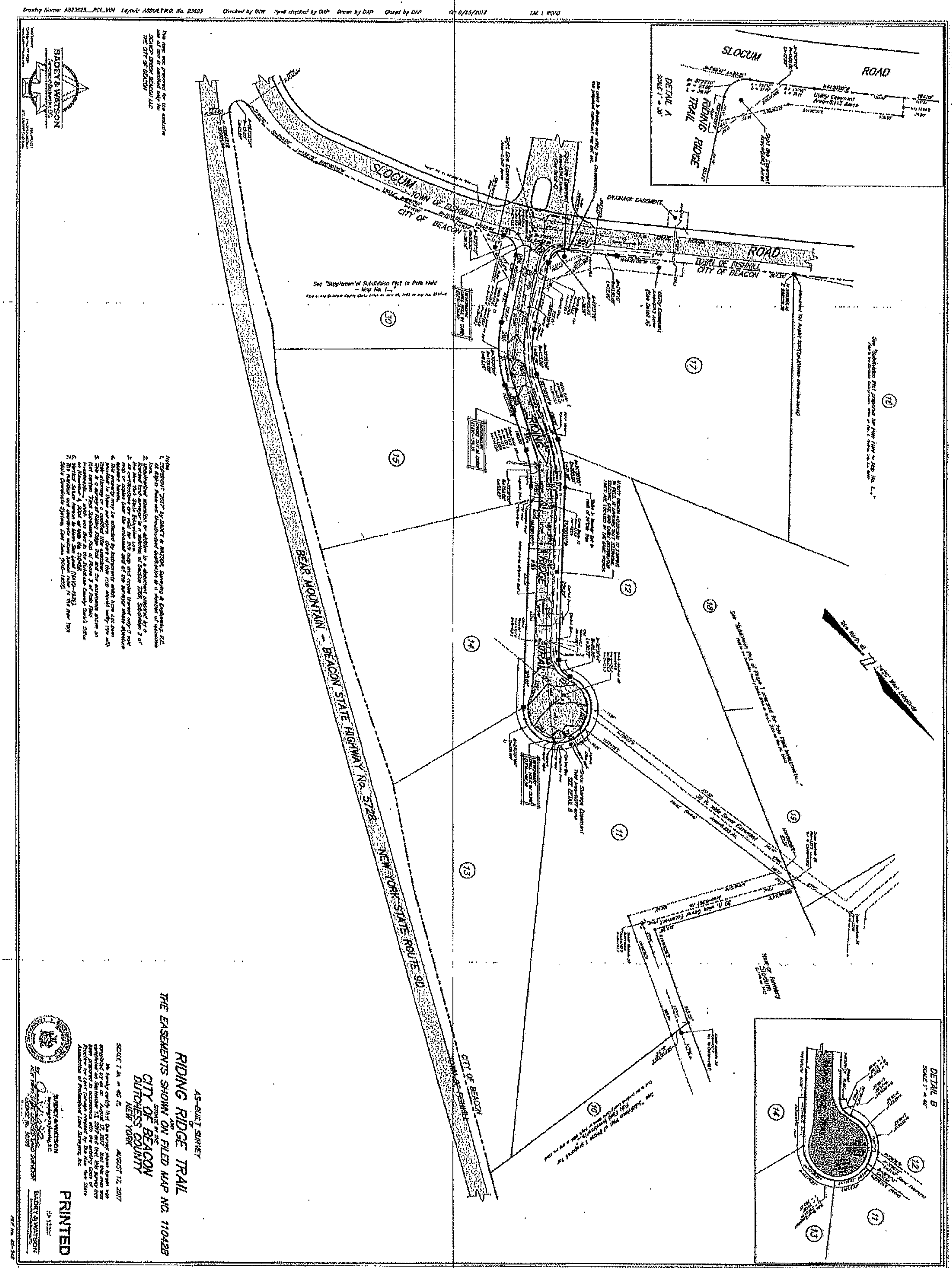
MARY T. MEYER
NOTARY PUBLIC, State of New York
No. 01ME5061531
Qualified in Dutchess County
Term Expires June 10, 2026

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____________ in the year 2022 before me, the undersigned, personally appeared ____________________, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

____
Notary Public


12
11
Sewer Manhole 30
Rim=144.6
Inv.A=139.2
Inv.B=139.3
Inv.C=139.3
Δ=70°31'44"
R=25.00'
L=30.77'
CB9
Rim=141.7
Inv.=138.1
Water Valve
Electric Box
Asphalt Drive
254.29'
11.96'
N13°26'25"W
S13°26'25"E
340.83'
10.00'
Asphalt
Drive
Water Valve
Snow Storage Easement
Total Area=0.077 acres
SEE DETAIL B
Electric Box
Telephone Post
TV Post
Hydrant
Water Valve
BENCHMARK
DRILL HOLE IN CURB
ELEV.=146.59
Δ=250°31'44"
R=50.00'
L
325.00'
TRAIL
Asphalt
18"CPP
15"CPP
T141.0
B140.4
T141.1
B140.6
T143.9
B143.4
Concrete Curb
145.7
144.4
254.29'
d in field
CB11A
Rim=141.7
Inv.A=137.0
Inv.B=138.1



SLOCUM ROAD
TOWN OF FISHKILL
CITY OF BEACON
DRAINAGE EASEMENT
DETAIL A
SCALE 1" = 30'
RIDING RIDGE TRAIL
BEAR MOUNTAIN – BEACON STATE HIGHWAY No. 5728
NEW YORK STATE ROUTE 9D
DETAIL B
SCALE 1" = 40'
AS-BUILT SURVEY
RIDING RIDGE TRAIL
THE EASEMENTS SHOWN ON FILED MAP NO. 11042B
CITY OF BEACON
DUTCHESS COUNTY
NEW YORK
SCALE 1 in. = 40 ft.
AUGUST 17, 2017
BADEY & WATSON
PRINTED

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. __ OF 2023

ACCEPTING FIRE HYDRANT EASEMENT AGREEMENTS AT 29 RIDING RIDGE TRAIL AND 30 RIDING RIDGE TRAIL

WHEREAS, Peter Powers is the owner of property located at 29 Riding Ridge Trail, known and designated on the Tax Map of the City of Beacon as Parcel No. 5954-20-933090; and

WHEREAS, Judith F. Torre and Mark A. Torre are the owners of property located at 30 Riding Ridge Trail, known and designated on the Tax Map of the City of Beacon as Parcel No. 5954-20-946077; and

WHEREAS, there is a fire hydrant located on 29 Ridging Ridge Trail and 30 Riding Ridge Trail which is or is to be owned and maintained by the City of Beacon, together with all lines and appurtenances; and

WHEREAS, the property owners submitted to the City of Beacon Fire Hydrant Easement Agreements which grants the City of Beacon an easement with the right to enter the easement area on 29 Riding Ridge Rail and 30 Riding Ridge Trail for the purpose of installing, operating, servicing, repairing and/or replacing the fire hydrant and all lines and appurtenances thereto.

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby authorizes the Mayor and/or City Administrator to sign the Fire Hydrant Easement Agreements for said purpose, along with all documents as may be necessary for the recording of such documents, subject to review and approval by the City Attorney as to form and substance.

Resolution No. __ of 2023 ☐ **Amendments** ☐ **Not on roll call.**			**Date: ______, 2023** ☐ **On roll call**			**☐ 2/3 Required** **☐ 3/4 Required**	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Justice McCray					
		George Mansfield					
		Wren Longno					
		Molly Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
03/06/2023

Title:

Proposed Amendment to the 2023 General Fund Budget

ATTACHMENTS

Proposed Amendment to the 2023 General Fund Budget

City of Beacon
Council Budget Amendments
March 13, 2023 Meeting

1. Amend the 2023 General Fund Budget for slip lining on West Main St. and repairing storm lines. Below is the proposed budget amendment:

TRANSFER TO:

A -8-8540-419800-	STORM DRAIN REPAIR	$ 40,615

TRANSFER FROM:

A -01-1990-400001-	CONTINGENCY FUND	$ 40,615

Respectfully submitted,
Susan K. Tucker CPA

City of Beacon City Council Agenda
03/06/2023

Title:

2023 City Council Priorities

ATTACHMENTS

2023 City Council Priorities

Item	Category	Lee	Paloma	George	Dan	Wren	Justice	Molly	Total (individual)	Total (weighted)	Comments
Affordable housing options	Housing	5	4	3		3	5	4	**6**	**24**	LK - zoning; PW - local housing study
Community Center/ Rec Department Improvements	Recreation		2	5		1		5	**4**	**13**	
Inclusionary zoning	Housing		5	2	4				**3**	**11**	
City study of 25 mph speed limit	Pedestrian-Traffic				5	2		2	**3**	**9**	
Police Advisory Committee	Public Safety		1		1		2		**3**	**4**	
Main Street access reccomendations	Planning	4						1	**2**	**5**	MR - Parking next steps (striping, spaces off Main, etc.)
2024-2028 Capital Plan	Administration					5			**1**	**5**	
Social service inventory and communications	Public Safety			4					**1**	**4**	GM - Social services
2024 Budget	Administration					4			**1**	**4**	
Public Safety	Public Safety						4		**1**	**4**	
Open space plan	Environment		3						**1**	**3**	
Updating public benefits for new construction	Housing				3				**1**	**3**	
Sidewalk inventory	Pedestrian-Traffic							3	**1**	**3**	
Route 52 Access Road	Planning	3							**1**	**3**	
Racial disparities in traffic stops	Pedestrian-Traffic						3		**1**	**3**	
Viewsheds	Planning				2				**1**	**2**	
Short term rentals	Housing			1					**1**	**1**	
Parking standards	Pedestrian-Traffic								**0**	**0**	
Communications strategy	Civic engagement								**0**	**0**	
Fishkill Creek	Environment								**0**	**0**	
Main Street green space	Environment								**0**	**0**	
Good Cause Eviction	Housing								**0**	**0**	
Park/rec fees for new construction when don't provide outdoor space	Housing								**0**	**0**	
Community Block Grant - 2024	Pedestrian-Traffic								**0**	**0**	
Historic District Landmark Overlay	Planning								**0**	**0**	
University settlement	Recreation								**0**	**0**	
Beacon join Stretch to Zero Program	Environment								**0**	**0**	