



Jennifer Bloom Leone
Assistant Commissioner, Chief Sustainability Officer
NYC Department of Housing Preservation and Development
100 Gold Street
New York, NY 10038

May 15, 2025

Dear Assistant Commissioner Bloom Leone,

The Department of Environmental Conservation (DEC) has reviewed the public comments on the variance application you submitted on behalf of New York City Department of Housing Preservation & Development (NYCHPD), pursuant to Section 494-1.8(a) of Title 6 of New York Codes, Rules and Regulations.

The application was deemed incomplete on March 26, 2025. A subsequent application was submitted on April 7, 2025, reviewed, and issued for public comment through May 14, 2025. DEC received comments from two entities, Mitsubishi Electric US and the Real Estate Board of New York. Staff have completed their review of the application and comment materials, pursuant to Section 494-1.8(d).

DEC finds that NYCHPD met the criteria for an Impossibility Variance such that a compliant substance is not currently or potentially available, a variance will not increase the overall risk to human health or the environment, and NYCHPD used best efforts to anticipate and address the impossibility. Specifically, NYCHPD anticipated the impacts to human health and the environment from the substances regulated under Part 494 as part of previous initiatives, including the August 2024 HPD-NYSERDA Space Heating Heat Pump Technical Requirements cited in the application. As such, NYCHPD is able to use its existing policies and procedures to reduce hydrofluorocarbon emissions and mitigate the impacts of the emissions resulting from these projects as much as possible. Furthermore, NYCHPD and partners prepared an informational webinar on February 27, 2025 and other outreach to ensure that the affected community is aware of these policies and are considering alternatives to R-410a VRF systems in future projects. This is also supported by the December 2024 report prepared by NYCHPD and NYSERDA, “Large Split VRF Systems in Multifamily Buildings”, summarizing the findings of a workgroup evaluating the challenges with VRF and alternative solutions.

DEC is issuing the following variance. For the projects identified by NYCHPD in its application dated April 7, 2025, the prohibition on the installation of VRF systems using R-410a is suspended until January 1, 2028 on the condition that the Compliance Plan and Mitigation Plan are implemented as presented in that application with the intent that the owners or operators of the systems limit R-410a leakage to be no more than the

rate estimated in the application. DEC reserves the right to confirm that the Compliance Plan and Mitigation Plan are implemented as required.

If you have any questions, please contact Office of Climate Change at climate.regs@dec.ny.gov.

A handwritten signature in black ink that reads "M Leddy". The signature is written in a cursive, flowing style.

Maureen Leddy
Director, Office of Climate Change
NYS Department of Environmental Conservation