State-Level Approaches to Environmentally Sustainable Affordable Housing

March 22, 2023
2023 Warren M. Anderson Series

State-Level Approaches to Environmentally Sustainable and Affordable Housing

March 22, 2023

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State-Level Approaches to Environmentally Sustainable Affordable Housing

March 22, 2023

Agenda

12:00 p.m.  Introductions
Hon. Leslie E. Stein ’81, Director of the Government Law Center at Albany Law School
Cinnamon Piñon Carlarne (moderator), Robert J. Lynn Chair in Law and Associate Dean for Faculty and Intellectual Life at the Ohio State University Moritz College of Law, and 19th President and Dean of Albany Law School, effective July 1, 2023

12:05 p.m.  Part 1: Defining the Problem

12:15 p.m.  Part 2: Identifying Solutions (Existing and Potential Policies and Technologies)

12:40 p.m.  Part 3: Possibilities for the Future

12:50 p.m.  Conclusion; Q&A
The Government Law Center at Albany Law School Presents
The 2023 Warren M. Anderson Series
State-Level Approaches to Environmentally Sustainable Affordable Housing
March 22, 2023

Speaker Biographies

CINNAMON PIÑON CARLARNE is currently Robert J. Lynn Chair in Law and
Associate Dean for Faculty and Intellectual Life at the Ohio State University Moritz
College of Law. Dean Carlarne is a leading expert in environmental law and climate
change law and policy. She previously taught at the University of South Carolina
School of Law, Wadham College, Oxford, and the University of Cincinnati Center
for Environmental Studies. Prior to her teaching career, she was an associate
attorney in the Energy, Land Use, and Environment section at Akin Gump Strauss
Hauer & Feld in Washington, DC. Dean Carlarne earned her law degree from the
University of California at Berkeley. She also holds a Bachelor of Civil Law and a
Master’s degree in environmental change and management from the University of
Oxford. Starting July 1, 2023, she will be the 19th President and Dean of Albany
Law School.

RORY M. CHRISTIAN is Chair and Chief Executive Officer of the New York State
Public Service Commission. He was appointed to this role by Governor Kathy
Hochul on September 30, 2021. On June 10, 2021, Mr. Christian was appointed
Commissioner, and his term runs through February 1, 2027. Mr. Christian began
his career in the energy industry with KeySpan Energy where he first served as a
civil engineer before transitioning to a role engaging government agencies operating
in Long Island and New York City. Later, Mr. Christian worked at Exelon Energy
and, subsequently, the New York City Housing Authority. More recently, he was
the Director of New York Clean Energy at Environmental Defense Fund where he
provided strategy management, programming, business development and
stakeholder collaboration for the Clean Energy program in NY. He currently
Teaches energy efficiency courses at the Columbia University School of Professional
Studies. He also serves as a Board Member at NYSERDA. Mr. Christian graduated
from the City College of New York Grove School of Engineering with a Bachelor’s
degree in Civil Engineering and an MBA from the Baruch College Zicklin School of
Business.

CASIUSS PEALER is Associate Dean for Development, Director of Sustainable Real
Estate Development, and Shane Professor of Practice at Tulane’s School of
Architecture. Trained as an architect and a real estate attorney, Mr. Pealer has over 20 years of community development experience, including five years as legal counsel for public housing authorities across the country implementing mixed-finance redevelopment projects. He also was the first Director of Affordable Housing at the U.S. Green Building Council (USGBC) in Washington, DC, including advising on state and federal green building policy. Mr. Pealer currently serves as Vice Chair of the Next City board and previously served as chair of the American Institute of Architects (AIA) national Housing Committee, and as president of the Board of Commissioners for the Housing Authority of New Orleans (HANO). He holds a J.D. from the University of Michigan Law School, and a Master’s in Architecture from the Tulane School of Architecture. Mr. Pealer is licensed to practice law in New York State and Washington, DC.

AMAR SHAH is a Manager on the Carbon-Free Building team at Rocky Mountain Institute (RMI). The team is responsible for cross-cutting analytics to build a fact base on fossil fuels in buildings and identify highest priority opportunities. Prior to RMI, Mr. Shah spent twelve years at Applied Predictive Technologies (APT), helping Global 2000 companies deploy data analytics capabilities to improve decision-making and go-to-market strategies. He has led engagements across three continents, with diverse industries spanning retail, financial services, telecommunications, pharmaceuticals, and manufacturing. Mr. Shah has held a variety of market leadership, delivery, and product management roles, including Division Lead for Australia/New Zealand. Following acquisition of APT by MasterCard, Mr. Shah served as Vice President, Data & Services for MasterCard, where he was responsible for analytic partnerships with US Financial Institutions. Mr. Shah graduated from the University of Virginia with a Bachelor’s degree in Economics. He was a 2019 Fellow at the Clean Energy Leadership Institute.

About the Warren M. Anderson Series

The Warren M. Anderson Series, held annually since 1992, features experts who address major legal and policy issues pending before New York State government. The series is named in honor of WARREN M. ANDERSON ‘40, a distinguished alumnus of Albany Law School. He served in the New York State Senate for 36 years working with six governors. He was the longest-serving majority leader of the Senate, holding that position from 1973 to 1988. He was best known for working to bail out New York City from its fiscal crisis in the mid-1970s. He also was responsible for establishing the state’s Tuition Assistance Program which helped fund the education of thousands of New York college students.
AN ACT to amend the environmental conservation law, the public service law, the public authorities law, the labor law and the community risk and resiliency act, in relation to establishing the New York state climate leadership and community protection act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and declaration. The legislature hereby enacts the "New York state climate leadership and community protection act" and finds and declares that:

EXPLANATION—Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.
1. Climate change is adversely affecting economic well-being, public health, natural resources, and the environment of New York. The adverse impacts of climate change include:
   a. an increase in the severity and frequency of extreme weather events, such as storms, flooding, and heat waves, which can cause direct injury or death, property damage, and ecological damage (e.g., through the release of hazardous substances into the environment);
   b. rising sea levels, which exacerbate damage from storm surges and flooding, contribute to coastal erosion and saltwater intrusion, and inundate low-lying areas, leading to the displacement of or damage to coastal habitat, property, and infrastructure;
   c. a decline in freshwater and saltwater fish populations;
   d. increased average temperatures, which increase the demand for air conditioning and refrigeration among residents and businesses;
   e. exacerbation of air pollution; and
   f. an increase in the incidences of infectious diseases, asthma attacks, heart attacks, and other negative health outcomes. These impacts are having a detrimental effect on some of New York's largest industries, including agriculture, commercial shipping, forestry, tourism, and recreational and commercial fishing. These impacts also place additional strain on the physical infrastructure that delivers critical services to the citizens of New York, including the state's energy, transportation, stormwater, and wastewater infrastructure.

2. a. The severity of current climate change and the threat of additional and more severe change will be affected by the actions undertaken by New York and other jurisdictions to reduce greenhouse gas emissions. According to the U.S. Global Change Research Program (USGCRP) and the Intergovernmental Panel on Climate Change (IPCC), substantial reductions in greenhouse gas emissions will be required by mid-century in order to limit global warming to no more than 2°C and ideally 1.5°C, and thus minimize the risk of severe impacts from climate change. Specifically, industrialized countries must reduce their greenhouse gas emissions by at least 80% below 1990 levels by 2050 in order to stabilize carbon dioxide equivalent concentrations at 450 parts per million—the level required to stay within the 2°C target.
   b. On December 12, 2015, one hundred ninety-five countries at the 21st Conference of the parties of the United Nations Framework Convention on Climate Change adopted an agreement addressing greenhouse gas emissions mitigation, adaptation, and finance starting in the year 2020, known as the Paris Agreement. The Paris Agreement was adopted on November 4, 2016, and is the largest concerted global effort to combat climate change to date.

3. Action undertaken by New York to reduce greenhouse emissions will have an impact on global greenhouse gas emissions and the rate of climate change. In addition, such action will encourage other jurisdictions to implement complementary greenhouse gas reduction strategies and provide an example of how such strategies can be implemented. It will also advance the development of green technologies and sustainable practices within the private sector, which can have far-reaching impacts such as a reduction in the cost of renewable energy components, and the creation of jobs and tax revenues in New York.

4. It shall therefore be a goal of the state of New York to reduce greenhouse gas emissions from all anthropogenic sources 100% over 1990 levels by the year 2050, with an incremental target of at least a 40 percent reduction in climate pollution by the year 2030, in line with
USGCRP and IPCC projections of what is necessary to avoid the most severe impacts of climate change.

5. Although substantial emissions reductions are necessary to avoid the most severe impacts of climate change, complementary adaptation measures will also be needed to address those risks that cannot be avoided. Some of the impacts of climate change are already observable in New York state and the northeastern United States. Annual average temperatures are on the rise, winter snow cover is decreasing, heat waves and precipitation are intensifying, and sea levels along New York's coastline are approximately one foot higher than they were in 1900. New York has also experienced an increasing number of extreme and unusual weather events, like Hurricanes Irene and Lee and the unprecedented Superstorm Sandy in 2012, which caused at least 53 deaths and $32 billion in damage in New York state.

6. New York should therefore minimize the risks associated with climate change through a combination of measures to reduce statewide greenhouse gas emissions and improve the resiliency of the state with respect to the impacts and risks of climate change that cannot be avoided.

7. Climate change especially heightens the vulnerability of disadvantaged communities, which bear environmental and socioeconomic burdens as well as legacies of racial and ethnic discrimination. Actions undertaken by New York state to mitigate greenhouse gas emissions should prioritize the safety and health of disadvantaged communities, control potential regressive impacts of future climate change mitigation and adaptation policies on these communities, and prioritize the allocation of public investments in these areas.

8. Creating good jobs and a thriving economy is a core concern of New York state. Shaping the ongoing transition in our energy sector to ensure that it creates good jobs and protects workers and communities that may lose employment in the current transition must be key concerns of our climate policy. Setting clear standards for job quality and training standards encourages not only high-quality work but positive economic impacts.

9. Workers are at the front lines of climate change. Construction workers and building service workers were some of the first workers dedicated to cleaning up damage inflicted by recent storms. These workers were often operating in unsafe and toxic environments, cleaning up mold, and working in unstable buildings. In order to protect the health and welfare of these workers, it is in the interest of the state of New York to establish safe and healthy working conditions and proper training for workers involved in climate change related activities. In addition, much of the infrastructure work preparing our state for additional climate change events must happen quickly and efficiently. It is in the interest of the state to ensure labor harmony and promote efficient performance of work on climate change related work sites by requiring workers to be well-trained and adequately compensated.

10. Ensuring career opportunities are created and shared geographically and demographically is necessary to ensure increased access to good jobs for marginalized communities while making the same neighborhoods more resilient. Climate change has a disproportionate impact on low-income people, women, and workers. It is in the interest of the state of New York to protect and promote the interests of these groups against the impacts of climate change and severe weather events and to advance our equity goals by ensuring quality employment opportunities in safe working environments.
11. The complexity of the ongoing energy transition, the uneven
distribution of economic opportunity, and the disproportionate cumula-
tive economic and environmental burdens on communities mean that there
is a strong state interest in setting a floor statewide for labor stand-
ards, but allowing and encouraging individual agencies and local govern-
ments to raise standards.

12. By exercising a global leadership role on greenhouse gas miti-
gation and climate change adaptation, New York will position its econo-
my, technology centers, financial institutions, and businesses to bene-
fit from national and international efforts to address climate change.
New York state has already demonstrated leadership in this area by
undertaking efforts such as:
a. executive order no. 24 (2009), establishing a goal to reduce green-
house gas emissions 80% by the year 2050, creating a climate action
council, and calling for preparation of a climate action plan;
b. chapter 433 of the laws of 2009, establishing a state energy plan-
ning board and requiring the board to adopt a state energy plan;
c. chapter 388 of the laws of 2011, directing the department of envi-
ronmental conservation to promulgate rules and regulations limiting
emissions of carbon dioxide by newly constructed major generating facil-
ities;
d. the adoption of a state energy plan establishing clean energy goals
for the year 2030 aimed at reducing greenhouse gas emission levels by
40% from 1990 levels, producing 70% of electricity from renewable sourc-
es, increasing energy efficiency from 2012 levels by 23% and the addi-
tional expressed goal of reducing 100% of the electricity sector's
greenhouse gas emissions by 2040;
e. collaboration with other states on the Regional Greenhouse Gas
Initiative, and the development of a regional low carbon fuel standard;
f. creation of new offices and task forces to address climate change,
including the New York state office of climate change, the renewable
energy task force, and the sea level rise task force; and
g. the enactment of the Community Risk and Resiliency Act (CRRA),
which requires agencies to consider sea level rise and other climate-re-
lated events when implementing certain state programs.

This legislation will build upon these past developments by creating a
comprehensive regulatory program to reduce greenhouse gas emissions that
 corresponds with the targets established in executive order no. 24, the
state energy plan, and USGCRP and IPCC projections.

§ 2. The environmental conservation law is amended by adding a new
article 75 to read as follows:

ARTICLE 75

CLIMATE CHANGE

Section 75-0101. Definitions.

75-0103. New York state climate action council.
75-0105. Statewide greenhouse gas emissions report.
75-0107. Statewide greenhouse gas emissions limits.
75-0109. Promulgation of regulations to achieve statewide green-
house gas emissions reductions.
75-0111. Climate justice working group.
75-0113. Value of carbon.
75-0115. Community air monitoring program.
75-0117. Investment of funds.
75-0119. Implementation reporting.

§ 75-0101. Definitions.
For the purposes of this article the following terms shall have the following meanings:

1. "Allowance" means an authorization to emit, during a specified year, up to one ton of carbon dioxide equivalent.

2. "Carbon dioxide equivalent" means the amount of carbon dioxide by mass that would produce the same global warming impact as a given mass of another greenhouse gas over an integrated twenty-year time frame after emission.


4. "Council" means the New York state climate action council established pursuant to section 75-0103 of this article.

5. "Disadvantaged communities" means communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

6. "Emissions reduction measures" means programs, measures and standards, authorized pursuant to this chapter, applicable to sources or categories of sources, that are designed to reduce emissions of greenhouse gases.

7. "Greenhouse gas" means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other substance emitted into the air that may be reasonably anticipated to cause or contribute to anthropogenic climate change.

8. "Greenhouse gas emission limit" means the maximum allowable level of statewide greenhouse gas emissions, in a specified year, expressed in tons of carbon dioxide equivalent, as determined by the department pursuant to this article.

9. "Greenhouse gas emission offset" means a deduction representing one metric ton of carbon dioxide equivalent emissions, reduced, avoided, or sequestered by a greenhouse gas emission offset project from a measured baseline of emissions pursuant to the statewide greenhouse gas emissions report.

10. "Greenhouse gas emission offset projects" means one or more projects, including:
    a. Natural carbon sinks including but not limited to afforestation, reforestation, or wetlands restoration;
    b. Greening infrastructure;
    c. Restoration and sustainable management of natural and urban forests or working lands, grasslands, coastal wetlands and sub-tidal habitats;
    d. Efforts to reduce hydrofluorocarbon refrigerant, sulfur hexafluoride, and other ozone depleting substance releases;
    e. Anaerobic digesters, where energy produced is directed toward localized use;
    f. Carbon capture and sequestration;
    g. Ecosystem restoration; and
    h. Other types of projects recommended by the council in consultation with the climate justice working group that provide public health and environmental benefits, and do not create burdens in disadvantaged communities.

11. "Greenhouse gas emission source" or "source" means any anthropogenic source or category of anthropogenic sources of greenhouse gas emissions, determined by the department:
    a. whose participation in the program will enable the department to effectively reduce greenhouse gas emissions; and,
b. that are capable of being monitored for compliance.

12. "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by an increase in emissions of greenhouse gases outside of the state.

13. "Statewide greenhouse gas emissions" means the total annual emissions of greenhouse gases produced within the state from anthropogenic sources and greenhouse gases produced outside of the state that are associated with the generation of electricity imported into the state and the extraction and transmission of fossil fuels imported into the state. Statewide emissions shall be expressed in tons of carbon dioxide equivalents.

14. "Statewide greenhouse gas emissions limit" or "statewide emissions limit" means the maximum allowable level of statewide greenhouse gas emissions in a specified year, as determined by the department pursuant to this article.

15. "Environmental justice advisory group" shall mean the permanent environmental justice advisory group established by a chapter of the laws of two thousand nineteen amending the environmental conservation law relating to establishing a permanent environmental justice advisory group and an environmental justice interagency coordinating council, as proposed in legislative bills numbers S. 2385 and A. 1564.

§ 75-0103. New York state climate action council.
1. There is hereby established the New York state climate action council ("council") which shall consist of the following twenty-two members:
   a. the commissioners of transportation, health, economic development, agriculture and markets, housing and community renewal, environmental conservation, labor, the chairperson of the public service commission, the presidents of the New York state energy research and development authority; New York power authority; Long Island power authority; the secretary of state, or their designees.
   b. two non-agency expert members appointed by the governor;
   c. three members to be appointed by the temporary president of the senate;
   d. three members to be appointed by the speaker of the assembly;
   e. one member to be appointed by the minority leader of the senate;
   and
   f. one member to be appointed by the minority leader of the assembly.
2. The at large members shall include at all times individuals with expertise in issues relating to climate change mitigation and/or adaptation, such as environmental justice, labor, public health and regulated industries.
3. Council members shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.
4. The co-chairpersons of the council shall be the commissioner of environmental conservation and the president of the New York state energy research and development authority or their designee.
5. Each member of the council shall be entitled to one vote. The council's approval and adoption of the final scoping plan pursuant to this section, and any subsequent interim updates thereto, shall require a supermajority of the council. No action may be taken by the council unless there is a quorum, which shall at all times be a majority of the members of the council.
6. Any vacancies on the council shall be filled in the manner provided for the initial appointment.
7. The council shall convene advisory panels requiring special expertise and, at a minimum, shall establish advisory panels on transportation, energy intensive and trade-exposed industries, land-use and local government, energy efficiency and housing, power generation, and agriculture and forestry. The purpose of the advisory panels shall be to provide recommendations to the council on specific topics, in its preparation of the scoping plan, and interim updates to the scoping plan, and in fulfilling the council's ongoing duties.

   a. Each advisory panel shall be chaired by the relevant agency head or his or her designee. The council may convene and dissolve additional advisory panels, in its sole discretion, and pursuant to the requirements herein.

   b. Advisory panels shall be comprised of no more than five voting members. The council shall elect advisory panel members, and such membership shall at all times represent individuals with direct involvement or expertise in matters to be addressed by the advisory panels pursuant to this section.

   c. Advisory panels shall work directly with the council on the preparation of the scoping plan pursuant to this section. Each advisory panel shall coordinate with the environmental justice advisory group and climate justice working group.

   d. All agencies of the state or subdivisions thereof may, at the request of any such advisory panel or the council, provide the advisory panel with such facilities, assistance, and data as will enable advisory panels to carry out their powers and duties.

8. The council shall convene a just transition working group. The working group shall be chaired by the commissioner of labor and the president of the New York state energy research and development authority and shall consist of no less than thirteen, but no more than seventeen members and shall include the commissioners of housing and community renewal, the chair of the department of public service, representatives of environmental justice communities and representatives of labor organizations, clean energy developers and at least five representatives of distinct energy-intensive industries. The just transition working group shall:

   a. advise the council on issues and opportunities for workforce development and training related to energy efficiency measures, renewable energy and other clean energy technologies, with specific focus on training and workforce opportunities for disadvantaged communities, and segments of the population that may be underrepresented in the clean energy workforce such as veterans, women and formerly incarcerated persons;

   b. identify energy-intensive industries and related trades and identify sector specific impacts of the state's current workforce and avenues to maximize the skills and expertise of New York state workers in the new energy economy;

   c. identify sites of electric generating facilities that may be closed as a result of a transition to a clean energy sector and the issues and opportunities presented by reuse of those sites;

   d. with respect to potential for greenhouse gas emission limits developed by the department of environmental conservation pursuant to this article, advise the council on the potential impacts of carbon leakage risk on New York state industries and local host communities, including the impact of any potential carbon reduction measures on the competitiveness of New York state business and industry;
e. advise the council and conduct stakeholder outreach on any other workforce matters directed by the council; and
f. at a time frame determined by the council, prepare and publish recommendations to the council on how to address: issues and opportunities related to the energy-intensive and trade-exposed entities; workforce development for trade-exposed entities, disadvantaged communities and underrepresented segments of the population; measures to minimize the carbon leakage risk and minimize anti-competitiveness impacts of any potential carbon policies and energy sector mandates.

g. The just transition working group is hereby authorized and directed to conduct a study of and report on:
i. The number of jobs created to counter climate change, which shall include but not be limited to the energy sector, building sector, transportation sector, and working lands sector;
ii. The projection of the inventory of jobs needed and the skills and training required to meet the demand of jobs to counter climate change; and
iii. Workforce disruption due to community transitions from a low carbon economy.

9. The department and the New York state energy research and development authority shall provide the council with such facilities, assistance and data as will enable the council to carry out its powers and duties. Additionally, all other agencies of the state or subdivisions thereof may, at the request of the co-chairpersons, provide the council with such facilities, assistance, and data as will enable the council to carry out its powers and duties.

10. The council shall consult with the climate justice working group established in section 75-0111 of this article, the department of state utility intervention unit, and the federally designated electric bulk system operator.

11. The council shall on or before two years of the effective date of this article, prepare and approve a scoping plan outlining the recommendations for attaining the statewide greenhouse gas emissions limits in accordance with the schedule established in section 75-0107 of this article, and for the reduction of emissions beyond eighty-five percent, net zero emissions in all sectors of the economy, which shall inform the state energy planning board’s adoption of a state energy plan in accordance with section 6-104 of the energy law. The first state energy plan issued subsequent to completion of the scoping plan required by this section shall incorporate the recommendations of the council.

12. The draft scoping plan shall be developed in consultation with the environmental justice advisory group, and the climate justice working group established pursuant to section 75-0111 of this article and other stakeholders.

a. The council shall hold at least six regional public comment hearings on the draft scoping plan, including three meetings in the upstate region and three meetings in the downstate region, and shall allow at least one hundred twenty days for the submission of public comment.

b. The council shall provide meaningful opportunities for public comment from all segments of the population that will be impacted by the plan, including persons living in disadvantaged communities as identified pursuant to section 75-0111 of this article.

c. On or before three years of the effective date of this article, the council shall submit the final scoping plan to the governor, the speaker of the assembly and the temporary president of the senate and post such plan on its website.
13. The scoping plan shall identify and make recommendations on regulatory measures and other state actions that will ensure the attainment of the statewide greenhouse gas emissions limits established pursuant to section 75-0107 of this article. The measures and actions considered in such scoping plan shall at a minimum include:

a. Performance-based standards for sources of greenhouse gas emissions, including but not limited to sources in the transportation, building, industrial, commercial, and agricultural sectors.

b. Measures to reduce emissions from the electricity sector by displacing fossil-fuel fired electricity with renewable electricity or energy efficiency.

c. Land-use and transportation planning measures aimed at reducing greenhouse gas emissions from motor vehicles.

d. Measures to achieve long-term carbon sequestration and/or promote best management practices in land use, agriculture and forestry.

e. Measures to achieve six gigawatts of distributed solar energy capacity installed in the state by two thousand twenty-five, nine gigawatts of offshore wind capacity installed by two thousand thirty-five, a statewide energy efficiency goal of one hundred eighty-five trillion British thermal units energy reduction from the two thousand twenty-five forecast; and three gigawatts of statewide energy storage capacity by two thousand thirty.

f. Measures to promote the beneficial electrification of personal and freight transport and other strategies to reduce greenhouse gas emissions from the transportation sector.

g. Measures to achieve reductions in energy use in existing residential or commercial buildings, including the beneficial electrification of water and space heating in buildings, establishing appliance efficiency standards, strengthening building energy codes, requiring annual building energy benchmarking, disclosing energy efficiency in home sales, and expanding the ability of state facilities to utilize performance contracting.

h. Recommendations to aid in the transition of the state workforce and the rapidly emerging clean energy industry.

i. Measures to achieve healthy forests that support clean air and water, biodiversity, and sequester carbon.

j. Measures to limit the use of chemicals, substances or products that contribute to global climate change when released to the atmosphere, but are not intended for end-use combustion.

k. Mechanisms to limit emission leakage as defined in subdivision eleven of section 75-0101 of this article.

l. Verifiable, enforceable and voluntary emissions reduction measures.

14. In developing such plan the council shall:

a. Consider all relevant information pertaining to greenhouse gas emissions reduction programs in states in the United States Climate Alliance, as well as other states, regions, localities, and nations.

b. Evaluate, using the best available economic models, emission estimation techniques and other scientific methods, the total potential costs and potential economic and non-economic benefits of the plan for reducing greenhouse gases, and make such evaluation publicly available.

In conducting this evaluation, the council shall quantify:

i. The economic and social benefits of greenhouse gas emissions reductions, taking into account the value of carbon, established by the department pursuant to section 75-0113 of this article, any other tools that the council deems useful and pertinent for this analysis, and any environmental, economic and public health co-benefits (such as the
reduction of co-pollutants and the diversification of energy sources); and

ii. The costs of implementing proposed emissions reduction measures, and the emissions reductions that the council anticipates achieving through these measures.

c. Take into account the relative contribution of each source or source category to statewide greenhouse gas emissions, and the potential for adverse effects on small businesses, and recommend a de minimis threshold of greenhouse gas emissions below which emission reduction requirements will not apply.

d. Identify measures to maximize reductions of both greenhouse gas emissions and co-pollutants in disadvantaged communities as identified pursuant to section 75-0111 of this article.

15. The council shall update its plan for achieving the statewide greenhouse gas emissions limits at least once every five years and shall make such updates available to the governor, the speaker of the assembly and the temporary president of the senate and post such updates on its website.

16. The council shall identify existing climate change mitigation and adaptation efforts at the federal, state, and local levels and may make recommendations regarding how such policies may improve the state's efforts.

17. The council shall maintain a website that includes public access to the scoping plan and greenhouse gas limit information.

§ 75-0105. Statewide greenhouse gas emissions report.

1. No later than two years after the effective date of this article, and each year thereafter, the department shall issue a report on statewide greenhouse gas emissions, expressed in tons of carbon dioxide equivalents, from all greenhouse gas emission sources in the state, including the relative contribution of each type of greenhouse gas and each type of source to the statewide total.

2. The statewide greenhouse gas emissions report shall be a comprehensive evaluation, informed by a variety of data, including but not limited to:

a. information relating to the use of fossil fuels by sector, including for electricity generation, transportation, heating, and other combustion purposes;

b. information relating to fugitive and vented emissions from systems associated with the production, processing, transport, distribution, storage, and consumption of fossil fuels, including natural gas;

c. information relating to emissions from non-fossil fuel sources, including, but not limited to, garbage incinerators, biomass combustion, landfills and landfill gas generators, and anaerobic digesters;

d. information relating to emissions associated with manufacturing, chemical production, cement plants, and other processes that produce non-combustion emissions; and

e. information from sources that may be required to participate in the registration and reporting system pursuant to subdivision four of this section.

3. The statewide greenhouse gas emissions report shall also include an estimate of greenhouse gas emissions associated with the generation of imported electricity and with the extraction and transmission of fossil fuels imported into the state which shall be counted as part of the statewide total.

4. Within one year after the effective date of this article, the department shall consider establishing a mandatory registry and report-
ing system from individual sources to obtain data on greenhouse gas emissions exceeding a particular threshold. If established, such registry and reporting system shall apply a consistent reporting threshold to ensure the unbiased collection of data.

5. The statewide greenhouse gas emissions report shall also include an estimate of what the statewide greenhouse gas emissions level was in 1990.

6. The statewide greenhouse gas emissions report shall utilize best available science and methods of analysis, including the comparison and reconciliation of emission estimates from all sources, fuel consumption, field data, and peer-reviewed research.

7. The statewide greenhouse gas emissions report shall clearly explain the methodology and analysis used in the department’s determination of greenhouse gas emissions and shall include a detailed explanation of any changes in methodology or analysis, adjustments made to prior estimates, as needed, and any other information necessary to establish a scientifically credible account of change.

8. The department shall hold at least two public hearings to seek public input regarding the methodology and analysis used in the determination of statewide greenhouse gas emissions, and periodically thereafter.

§ 75-0107. Statewide greenhouse gas emissions limits.

1. No later than one year after the effective date of this article, the department shall, pursuant to rules and regulations promulgated after at least one public hearing, establish a statewide greenhouse gas emissions limit as a percentage of 1990 emissions, as estimated pursuant to section 75-0105 of this article, as follows:
   a. 2030: 60% of 1990 emissions.
   b. 2050: 15% of 1990 emissions.

2. Greenhouse gas emission limits shall be measured in units of carbon dioxide equivalents and identified for each individual type of greenhouse gas.

3. In order to ensure the most accurate determination feasible, the department shall utilize the best available scientific, technological, and economic information on greenhouse gas emissions and consult with the council, stakeholders, and the public in order to ensure that all emissions are accurately reflected in its determination of 1990 emissions levels.

4. In order to comply with the statewide greenhouse gas emissions limits promulgated pursuant to this section, a source may utilize the alternative compliance mechanism established pursuant to subdivision four of section 75-0109 of this article. The use of such mechanism shall be in accordance with the provisions of that subdivision.

§ 75-0109. Promulgation of regulations to achieve statewide greenhouse gas emissions reductions.

1. No later than four years after the effective date of this article, the department, after public workshops and consultation with the council, the environmental justice advisory group, and the climate justice working group established pursuant to section 75-0111 of this article, representatives of regulated entities, community organizations, environmental groups, health professionals, labor unions, municipal corporations, trade associations and other stakeholders, shall, after no less than two public hearings, promulgate rules and regulations to ensure compliance with the statewide emissions reduction limits and work with other state agencies and authorities to promulgate regulations required.
by section eight of the chapter of the laws of two thousand nineteen
that added this article.

2. The regulations promulgated by the department pursuant to this
section shall:
a. Ensure that the aggregate emissions of greenhouse gases from green-
house gas emission sources will not exceed the statewide greenhouse gas
emissions limits established in section 75-0107 of this article.
b. Include legally enforceable emissions limits, performance stand-
ards, or measures or other requirements to control emissions from green-
house gas emission sources, with the exception of agricultural emissions
from livestock.
c. Reflect, in substantial part, the findings of the scoping plan
prepared pursuant to section 75-0103 of this article.
d. Include measures to reduce emissions from greenhouse gas emission
sources that have a cumulatively significant impact on statewide green-
house gas emissions, such as internal combustion vehicles that burn
gasoline or diesel fuel and boilers or furnaces that burn oil or natural
gas.

3. In promulgating these regulations, the department shall:
a. Design and implement all regulations in a manner that seeks to be
equitable, to minimize costs and to maximize the total benefits to New
York, and encourages early action to reduce greenhouse gas emissions.
b. Ensure that greenhouse gas emissions reductions achieved are real,
permanent, quantifiable, verifiable, and enforceable by the department.
c. Ensure that activities undertaken to comply with the regulations do
not result in a net increase in co-pollutant emissions or otherwise
disproportionately burden disadvantaged communities as identified pursu-
ant to section 75-0111 of this article.
d. Prioritize measures to maximize net reductions of greenhouse gas
emissions and co-pollutants in disadvantaged communities as identified
pursuant to section 75-0111 of this article and encourage early action
to reduce greenhouse gas emissions and co-pollutants.
e. Incorporate measures to minimize leakage.

4. a. The department may establish an alternative compliance mechanism
to be used by sources subject to greenhouse gas emissions limits to
achieve net zero emissions.
b. The use of such mechanism shall account for not greater than
fifteen percent of statewide greenhouse gas emissions estimated as a
percentage of nineteen ninety emissions pursuant to section 75-0105 of
this article, provided that the use of this mechanism must offset a
quantity greater than or equal to the greenhouse gases emitted. The
offset of greenhouse gas emissions shall not result in disadvantaged
communities having to bear a disproportionate burden of environmental
impacts.
c. The department shall verify that greenhouse gas emission offset
projects authorized pursuant to this subdivision represent greenhouse
gas equivalent emission reductions or carbon sequestration that are
real, additional, verifiable, enforceable, and permanent.
d. Any greenhouse gas emissions offset project shall comply with all
of the requirements of this subdivision.
e. The department shall establish an application process that, at a
minimum, requires a source to sufficiently demonstrate that compliance
with the greenhouse gas emissions limits is not technologically feasi-
ble, and that the source has reduced emissions to the maximum extent
practicable. After an initial four year period, the department shall
review the participation of a source in this mechanism, and make a
determination as to the source's continued need for an alternative compliance, considering the extent to which the source is utilizing the best available technology standards.

f. Sources in the electric generation sector shall not be eligible to participate in such mechanism.

g. The following types of projects shall be prohibited:
   i. waste-to-energy projects, including incineration and pyrolysis; and
   ii. biofuels used for energy or transportation purposes.

h. Any greenhouse gas emission offset project approved by the department shall:
   i. be designed to provide a discernable benefit to the environment rather than to the source;
   ii. be located in the same county, and within twenty-five linear miles, of the source of emissions, to the extent practicable;
   iii. enhance the conditions of the ecosystem or geographic area adversely affected; and
   iv. substantially reduce or prevent the generation or release of pollutants through source reduction.

i. A greenhouse gas emission offset project shall not be approved by the department where the project:
   i. is required pursuant to any local, state or federal law, regulation, or administrative or judicial order;
   ii. contains measures which the source would have undertaken anyway within the next five years;
   iii. contributes to environmental research at a college or university; or
   iv. is a study or assessment without a commitment to implement the results.

j. In approving greenhouse gas emission offset projects, the department shall prioritize projects that maximize public health and environmental benefits within the state and especially localized benefits in disadvantaged communities, defined pursuant to section 75-0111 of this article.

k. The department shall establish a public registry of greenhouse gas emission offset projects approved pursuant to this subdivision.

l. Prior to the inclusion of any alternative compliance mechanism in the regulations, to the extent feasible and in the furtherance of achieving the statewide greenhouse gas emissions limit, the department shall do all of the following:
   i. consult with the council, the environmental justice advisory group, and the climate justice working group;
   ii. consider the potential for direct, indirect, and cumulative emission impacts from this mechanism, including localized impacts in disadvantaged communities as identified pursuant to section 75-0111 of this article;
   iii. design the alternative compliance mechanism to prevent any increase in the emissions of co-pollutants; and
   iv. maximize additional environmental, public health, and economic benefits for the state and for disadvantaged communities identified pursuant to section 75-0111 of this article, as appropriate.

§ 75-0111. Climate justice working group.

1. There is hereby created within the department, no later than six months after the effective date of this article, a "climate justice working group". Such working group will be comprised of representatives from environmental justice communities, the department, the department
of health, the New York state energy and research development authority, and the department of labor.

a. Environmental justice community representatives shall be members of communities of color, low-income communities, and communities bearing disproportionate pollution and climate change burdens, or shall be representatives of community-based organizations with experience and a history of advocacy on environmental justice issues, and shall include at least three representatives from New York city communities, three representatives from rural communities, and three representatives from upstate urban communities.

b. The working group, in consultation with the department, the departments of health and labor, the New York state energy and research development authority, and the environmental justice advisory group, will establish criteria to identify disadvantaged communities for the purposes of co-pollutant reductions, greenhouse gas emissions reductions, regulatory impact statements, and the allocation of investments related to this article.

c. Disadvantaged communities shall be identified based on geographic, public health, environmental hazard, and socioeconomic criteria, which shall include but are not limited to:

i. areas burdened by cumulative environmental pollution and other hazards that can lead to negative public health effects;

ii. areas with concentrations of people that are of low income, high unemployment, high rent burden, low levels of home ownership, low levels of educational attainment, or members of groups that have historically experienced discrimination on the basis of race or ethnicity; and

iii. areas vulnerable to the impacts of climate change such as flooding, storm surges, and urban heat island effects.

2. Before finalizing the criteria for identifying disadvantaged communities and identifying disadvantaged communities pursuant to subdivision one of this section, the department shall publish draft criteria and a draft list of disadvantaged communities and make such information available on its website.

a. The council shall hold at least six regional public hearings on the draft criteria and the draft list of disadvantaged communities, including three meetings in the upstate region and three meetings in the downstate region, and shall allow at least one hundred twenty days for the submission of public comment.

b. The council shall also ensure that there are meaningful opportunities for public comment for all segments of the population that will be impacted by the criteria, including persons living in areas that may be identified as disadvantaged communities under the proposed criteria.

3. The group will meet no less than annually to review the criteria and methods used to identify disadvantaged communities and may modify such methods to incorporate new data and scientific findings. The climate justice working group shall review identities of disadvantaged communities and modify such identities as needed.

§ 75-0113. Value of carbon.

1. No later than one year after the effective date of this article, the department, in consultation with the New York state energy research and development authority, shall establish a social cost of carbon for use by state agencies, expressed in terms of dollars per ton of carbon dioxide equivalent.

2. The social cost of carbon shall serve as a monetary estimate of the value of not emitting a ton of greenhouse gas emissions. As determined by the department, the social cost of carbon may be based on marginal
greenhouse gas abatement costs or on the global economic, environmental, and social impacts of emitting a marginal ton of greenhouse gas emissions into the atmosphere, utilizing a range of appropriate discount rates, including a rate of zero.

3. In developing the social cost of carbon, the department shall consider prior or existing estimates of the social cost of carbon issued or adopted by the federal government, appropriate international bodies, or other appropriate and reputable scientific organizations.

§ 75-0115. Community air monitoring program.

1. For purposes of this section, the following definitions and related provisions shall apply:
   a. "Community air monitoring system" means advanced sensing monitoring equipment that measures and records air pollutant concentrations in the ambient air at or near sensitive receptor locations in disadvantaged communities.
   b. "Disadvantaged community" means a community identified as disadvantaged pursuant to the criteria set forth in section 75-0111 of this article.
   c. "Sensitive receptors" includes hospitals, schools and day care centers, and such other locations as the department may determine.

2. a. On or before October first, two thousand twenty-two, the department shall prepare, in consultation with the climate justice working group, a program demonstrating community air monitoring systems.
   b. The program shall identify the highest priority locations in disadvantaged communities around the state to deploy community air monitoring systems, which shall be communities with potentially high exposure burdens for toxic air contaminants and criteria air pollutants. The program shall be undertaken in no less than four communities statewide with regional consideration.
   c. The department shall publish the air quality data produced by the community air monitoring systems deployed pursuant to this section on its website as it becomes available.

3. On or before June first, two thousand twenty-four, the department shall prepare, in consultation with the climate justice working group, a strategy to reduce emissions of toxic air contaminants and criteria air pollutants in disadvantaged communities affected by a high cumulative exposure burden. The strategy shall include criteria for the development of community emission reduction programs. The criteria presented in the strategy shall include, but are not limited to, the following:
   a. an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants.
   b. a methodology for assessing and identifying the contributing sources or categories of sources, including, but not limited to, stationary and mobile sources, and an estimate of their relative contribution to elevated exposure to air pollution in impacted communities identified pursuant to paragraph a of this subdivision.
   c. an assessment of the existing and available measures for reducing emissions from the contributing sources or categories of sources identified pursuant to paragraph b of this subdivision.

4. a. Based on the assessment and identification of disadvantaged communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants completed pursuant to paragraph a of subdivision three of this section, the department shall select disadvantaged communities around the state for preparation of community emis-
sions reduction programs. The department may select additional locations annually thereafter, as appropriate.

b. The department shall have the authority to adopt regulations establishing programs to achieve emissions reductions for the locations selected using the most cost-effective measures identified pursuant to paragraph c of subdivision three of this section.

§ 75-0117. Investment of funds.
State agencies, authorities and entities, in consultation with the environmental justice working group and the climate action council, shall, to the extent practicable, invest or direct available and relevant programmatic resources in a manner designed to achieve a goal for disadvantaged communities to receive forty percent of overall benefits of spending on clean energy and energy efficiency programs, projects or investments in the areas of housing, workforce development, pollution reduction, low income energy assistance, energy, transportation and economic development, provided however, that disadvantaged communities shall receive no less than thirty-five percent of the overall benefits of spending on clean energy and energy efficiency programs, projects or investments and provided further that this section shall not alter funds already contracted or committed as of the effective date of this section.

§ 75-0119. Implementation reporting.
1. The department in consultation with the council shall, not less than every four years, publish a report which shall include recommendations regarding the implementation of greenhouse gas reduction measures.
2. The report shall, at minimum, include:
   a. Whether the state is on track to meet the statewide greenhouse gas emissions limits established in section 75-0107 of this article.
   b. An assessment of existing regulations and whether modifications are needed to ensure fulfillment of the statewide greenhouse gas emissions limits.
   c. An overview of social benefits from the regulations or other measures, including reductions in greenhouse gas emissions and copollutants, diversification of energy sources, and other benefits to the economy, environment, and public health.
   d. An overview of compliance costs for regulated entities and for the department and other state agencies.
   e. Whether regulations or other greenhouse gas reduction measures undertaken are equitable, minimize costs and maximize the total benefits to the state, and encourage early action.
   f. Whether activities undertaken to comply with state regulations disproportionately burden disadvantaged communities as identified pursuant to section 75-0111 of this article.
   g. An assessment of local benefits and impacts of any reductions in co-pollutants related to reductions in statewide and local greenhouse gas emissions.
   h. An assessment of disadvantaged communities' access to or community ownership of the services and commodities identified in section six of the chapter of the laws of two thousand nineteen which added this article.
   i. Whether entities that have voluntarily reduced their greenhouse gas emissions prior to the implementation of this article receive appropriate credit for early voluntary reductions.
   j. Recommendations for future regulatory and policy action.
3. In preparing this report, the department shall, at a minimum, consult with the council, and the climate justice working group established in section 75-0111 of this article.

4. The report shall be published and posted on the department’s website.

§ 3. Paragraphs f and g of subdivision 1 of section 54-1523 of the environmental conservation law, as added by section 5 of part U of chapter 58 of the laws of 2016, are amended and a new paragraph h is added to read as follows:

f. enabling communities to become certified under the climate smart communities program, including by developing natural resources inventories, right sizing of municipal fleets and developing climate adaptation strategies; [em]

g. climate change adaptation planning and supporting studies, including but not limited to vulnerability assessment and risk analysis of municipal drinking water, wastewater, and transportation infrastructure; [em]

h. to establish and implement easily-replicated renewable energy projects, including solar arrays, heat pumps and wind turbines in public low-income housing in suburban, urban and rural areas.

§ 4. The public service law is amended by adding a new section 66-p to read as follows:

§ 66-p. Establishment of a renewable energy program. 1. As used in this section:

(a) "jurisdictional load serving entity" means any entity subject to the jurisdiction of the commission that secures energy to serve the electrical energy requirements of end-use customers in New York state;

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

2. No later than June thirtieth, two thousand twenty-one, the commission shall establish a program to require that: (a) a minimum of seventy percent of the state wide electric generation secured by jurisdictional load serving entities to meet the electrical energy requirements of all end-use customers in New York state in two thousand thirty shall be generated by renewable energy systems; and (b) that by the year two thousand forty (collectively, the "targets") the statewide electrical demand system will be zero emissions. In establishing such program, the commission shall consider and where applicable formulate the program to address impacts of the program on safe and adequate electric service in the state under reasonably foreseeable conditions. The commission may, in designing the program, modify the obligations of jurisdictional load serving entities and/or the targets upon consideration of the factors described in this subdivision.

3. No later than July first, two thousand twenty-four and every two years thereafter, the commission shall, after notice and provision for the opportunity to comment, issue a comprehensive review of the program established pursuant to this section. The commission shall determine, among other matters: (a) progress in meeting the overall targets for deployment of renewable energy systems and zero emission sources, including factors that will or are likely to frustrate progress toward the targets; (b) distribution of systems by size and load zone; and (c) annual funding commitments and expenditures.
4. The commission may temporarily suspend or modify the obligations under such program provided that the commission, after conducting a hearing as provided in section twenty of this chapter, makes a finding that the program impedes the provision of safe and adequate electric service; the program is likely to impair existing obligations and agreements; and/or that there is a significant increase in arrears or service disconnections that the commission determines is related to the program.

5. No later than July first, two thousand twenty-four, the commission shall establish programs to require the procurement by the state's load serving entities of at least nine gigawatts of offshore wind electricity generation by two thousand thirty-five and six gigawatts of photovoltaic solar generation by two thousand twenty-five, and to support three gigawatts of statewide energy storage capacity by two thousand thirty.

6. In any proceeding commenced by the commission with a goal of achieving one hundred eighty-five trillion British thermal units of end-use energy savings below the two thousand twenty-five energy-use forecast, the commission will include mechanisms to ensure that, where practicable, at least twenty percent of investments in residential energy efficiency, including multi-family housing, can be invested in a manner which will benefit disadvantaged communities, as defined in article seventy-five of the environmental conservation law, including low to moderate income consumers.

7. In the implementation of this section, the commission shall design programs in a manner to provide substantial benefits for disadvantaged communities, as defined in article seventy-five of the environmental conservation law, including low to moderate income consumers, at a reasonable cost while ensuring safe and reliable electric service. Specifically, the commission shall:
   (a) To the extent practicable, specify that a minimum percentage of energy storage projects should deliver clean energy benefits into NYISO zones that serve disadvantaged communities, as defined in article seventy-five of the environmental conservation law, including low to moderate income consumers, and that energy storage projects be deployed to reduce the usage of combustion-powered peaking facilities located in or near disadvantaged communities;
   (b) In pursuing the state's solar deployment goals, the New York state energy research and development authority shall consider enhanced incentive payments for solar and community distributed generation projects, focusing in particular but not limited to those serving disadvantaged communities, as defined in article seventy-five of the environmental conservation law, which result in energy cost savings or demonstrate community ownership models; and,
   (c) In the allocation of ratepayer funds for clean energy, direct the New York state energy research and development authority and investor owned utilities to develop and report metrics for energy savings and clean energy market penetration in the low and moderate income market and in disadvantaged communities, as defined in article seventy-five of the environmental conservation law, and post such information on the authority's website.

§ 5. This act shall be subject to current prevailing wage law.

§ 6. Report on barriers to, and opportunities for, community ownership of services and commodities in disadvantaged communities. 1. On or before two years of the effective date of this act, the department of environmental conservation, in cooperation with the New York state energy research and development authority and the New York power authority, with input from relevant state agencies, the environmental justice advi-
sory group as defined in section 75-0101 of the environmental conserva-
1 tion law, the climate justice working group as defined in section
2 75-0111 of the environmental conservation law and Climate Action Council
3 established in article 75 of the environmental conservation law, and
4 following at least two public hearings, shall prepare a report on barri-
5 ers to, and opportunities for, access to or community ownership of the
6 following services and commodities in disadvantaged communities as iden-
7 tified in article 75 of the environmental conservation law:
8 a. Distributed renewable energy generation.
9 b. Energy efficiency and weatherization investments.
10 c. Zero-emission and low-emission transportation options.
11 d. Adaptation measures to improve the resilience of homes and local
12 infrastructure to the impacts of climate change including but not limit-
13 ed to microgrids.
14 e. Other services and infrastructure that can reduce the risks associ-
15 ated with climate-related hazards, including but not limited to:
16 i. Shelters and cool rooms during extreme heat events;
17 ii. Shelters during flooding events; and
18 iii. Medical treatment for asthma and other conditions that could be
19 exacerbated by climate-related events.
20 2. The report, which shall be submitted to the governor, the speaker
21 of the assembly and the temporary president of the senate and posted on
22 the department of environmental conservation website, shall include
23 recommendations on how to increase access to the services and commod-
24 ities.
25 3. The department of environmental conservation shall amend the scop-
26 ing plan for statewide greenhouse gas emissions reductions in accordance
27 with the recommendations included in the report.
28 § 7. Climate change actions by state agencies. 1. All state agencies
29 shall assess and implement strategies to reduce their greenhouse gas
30 emissions.
31 2. In considering and issuing permits, licenses, and other administra-
32 tive approvals and decisions, including but not limited to the execution
33 of grants, loans, and contracts, all state agencies, offices, authori-
34 ties, and divisions shall consider whether such decisions are inconsist-
35 ent with or will interfere with the attainment of the statewide green-
36 house gas emissions limits established in article 75 of the
37 environmental conservation law. Where such decisions are deemed to be
38 inconsistent with or will interfere with the attainment of the statewide
39 greenhouse gas emissions limits, each agency, office, authority, or
40 division shall provide a detailed statement of justification as to why
41 such limits/criteria may not be met, and identify alternatives or green-
42 house gas mitigation measures to be required where such project is
43 located.
44 3. In considering and issuing permits, licenses, and other administra-
45 tive approvals and decisions, including but not limited to the execution
46 of grants, loans, and contracts, pursuant to article 75 of the environ-
47 mental conservation law, all state agencies, offices, authorities, and
48 divisions shall not disproportionately burden disadvantaged communities
49 as identified pursuant to subdivision 5 of section 75-0101 of the envi-
50 ronmental conservation law. All state agencies, offices, authorities,
51 and divisions shall also prioritize reductions of greenhouse gas emis-
52 sions and co-pollutants in disadvantaged communities as identified
53 pursuant to such subdivision 5 of section 75-0101 of the environmental
54 conservation law.
§ 8. Authorization for other state agencies to promulgate greenhouse
gas emissions regulations. 1. The public service commission, the New
York state energy research and development authority, the department of
health, the department of transportation, the department of state, the
department of economic development, the department of agriculture and
markets, the department of financial services, the office of general
services, the division of housing and community renewal, the public
utility authorities established pursuant to titles 1, 1-A, 1-B, 11,
11-A, 11-B, 11-C and 11-D of article 5 of the public authorities law and
any other state agency shall promulgate regulations to contribute to
achieving the statewide greenhouse gas emissions limits established in
article 75 of the environmental conservation law. Provided, however, any
such regulations shall not limit the department of environmental conser-
vation's authority to regulate and control greenhouse gas emissions
pursuant to article 75 of the environmental conservation law.

§ 9. Chapter 355 of the laws of 2014, constituting the community risk
and resiliency act, is amended by adding two new sections 17-a and 17-b
to read as follows:

§ 17-a. The department of environmental conservation shall take
actions to promote adaptation and resilience, including:
(a) actions to help state agencies and other entities assess the
reasonably foreseeable risks of climate change on any proposed projects,
taking into account issues such as: sea level rise, tropical and extra-
tropical cyclones, storm surges, flooding, wind, changes in average and
peak temperatures, changes in average and peak precipitation, public
health impacts, and impacts on species and other natural resources.
(b) identifying the most significant climate-related risks, taking
into account the probability of occurrence, the magnitude of the poten-
tial harm, and the uncertainty of the risk.
(c) measures that could mitigate significant climate-related risks, as
well as a cost-benefit analysis and implementation of such measures.

§ 17-b. Major permits for the regulatory programs of subdivision three
of section 70-0107 of the environmental conservation law shall require
applicants to demonstrate that future physical climate risk has been
considered. In reviewing such information the department may require the
applicant to mitigate significant risks to public infrastructure and/or
services, private property not owned by the applicant, adverse impacts
on disadvantaged communities, and/or natural resources in the vicinity
of the project.

§ 10. Nothing in this act shall limit the existing authority of a
state entity to adopt and implement greenhouse gas emissions reduction
measures.

§ 11. Nothing in this act shall relieve any person, entity, or public
agency of compliance with other applicable federal, state, or local laws
or regulations, including state air and water quality requirements, and
other requirements for protecting public health or the environment.

§ 12. Review under this act may be had in a proceeding under article
78 of the civil practice law and rules at the instance of any person
aggrieved.

§ 13. Severability. If any word, phrase, clause, sentence, paragraph,
section, or part of this act shall be adjudged by any court of competent
jurisdiction to be invalid, such judgement shall not affect, impair, or
invalidate the remainder thereof, but shall be confined in its operation
to the word, phrase, clause, sentence, paragraph, section, or part ther-
eof directly involved in the controversy in which such judgement shall
have been rendered.
§ 14. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019, amending the environmental conservation law, relating to establishing a permanent environmental justice advisory group and an environmental justice interagency coordinating council, as proposed in legislative bills numbers S. 2385 and A. 1564, takes effect; provided further, the provisions of section 75-0115 of the environmental conservation law as added by section two of this act shall take effect October 1, 2022.
AN ACT to amend the environmental conservation law, the public authorities law, the labor law and the state finance law, in relation to climate and community protection

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 75-0109 of the environmental conservation law is amended by adding a new subdivision 5 to read as follows:

5. All revenue, interest and penalties received under programs and regulations adopted pursuant to this section shall be deposited in the climate and community protection transfer account established by the New York state energy research and development authority pursuant to paragraph (c) of subdivision one of section eighteen hundred fifty-nine of the public authorities law.

§ 2. Subdivision 1 of section 1859 of the public authorities law is amended by adding a new paragraph (c) to read as follows:

(c) Notwithstanding the provisions of paragraph (a) of this subdivision, the authority shall establish a segregated climate and community protection transfer account for the deposit of all funds collected by the authority under programs and regulations adopted pursuant to section 75-0109 of the environmental conservation law. Within thirty days of receipt of funds in the climate and community protection transfer account, such funds shall be deposited in the climate and community protection fund established pursuant to section ninety-two-kk of the state finance law.

§ 3. The public authorities law is amended by adding a new section 1872-b to read as follows:

§ 1872-b. Gap funding for green residential buildings. 1. The authority shall establish and administer a program to provide assistance for residences to meet green residential building standards as defined in

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.
section eighteen hundred seventy-two of this title for circumstances and
applications in which other assistance is lacking or inadequate to meet
identified needs.
2. Such program shall address existing issues in broader achievement
of green residential building standards, and in so doing, shall consider, at minimum:
(a) appropriateness of non-energy measures such as electrification
readiness;
(b) local supply chain development;
(c) increasing visibility and outreach of authority programs;
(d) whole-home retrofitting options; and
(e) pilot programs for low-income residents.
3. The authority shall implement strategies to mitigate adverse
economic impacts of the program on tenants, including but not limited to
residents in rent-regulated housing or recipients of housing subsidies.
§ 4. The public authorities law is amended by adding two new sections
1885 and 1886 to read as follows:
§ 1885. Office of equity for energy and climate. 1. Definitions. As
used in this section, the following terms shall have the following meanings:
(a) "Community solutions fund" shall mean the community directed
climate solutions fund established pursuant to subdivision three of this
section.
(b) "Office" shall mean the office of equity for energy and climate
established pursuant to subdivision two of this section.
(c) "Solutions grants program" shall mean the community directed
climate solutions grants program established pursuant to subdivision
four of this section.
2. Office of equity for energy and climate. (a) There is established
within the authority an office of equity for energy and climate.
(b) The purpose of the office of equity for energy and climate is to
support local and communally developed climate projects to support
disadvantaged communities, including by establishing and administering
the community solutions fund and the solutions grants program pursuant
to subdivisions three and four of this section.
3. The community directed climate solutions fund. There is estab-
lished within the office the community solutions fund, out of which the
office shall make grants pursuant to the solutions grants program.
4. Community directed climate solutions grants program. (a) The office
shall establish the community directed climate solutions grants program
to provide assistance to community-based organizations, projects, and
initiatives that may not meet application criteria for other assistance
programs, or for which other assistance programs are inadequate.
(b) The office shall design the solutions grants program, to the
extent practicable and permissible, to maximize the ability of grant
recipients to use such grants as matching funds in other assistance
program applications and/or to leverage the funding to receive addi-
tional grants from other assistance programs.
(c) The office shall identify the needs of disadvantaged communities
to prioritize grant allocation. Such identification process shall
include significant consultation with community stakeholders in a varie-
ty of disadvantaged communities throughout the state, at least three
public hearings, and other opportunities for public input. The office
shall also consult with the climate justice working group established
pursuant to section 75-0111 of the environmental conservation law.
(d) Applicants eligible for the solutions grants program:
(i) Lead applicants eligible for grants shall be constituency-based organizations, tribal nations, or, in communities where neither constituency-based organizations or tribal nations exist, a municipality.

(ii) Sub-applicants may include other non-profit organizations, academic institutions, business entities, municipalities and other stakeholders.

(d) The following restrictions shall apply to the community directed climate solutions grants program:

(i) Grants shall only be made for zero-emissions projects that reduce greenhouse gas emissions, urban heat island effects, or local pollution, or that support community ownership and governance of energy infrastructure.

(ii) At least seventy-five percent of funding must support projects located within disadvantaged communities.

(iii) Up to twenty-five percent of funding may support projects located outside disadvantaged communities, provided that such funding provides a benefit to disadvantaged communities, including by reducing pollution in disadvantaged communities, reducing energy costs in disadvantaged communities, or increasing disadvantaged community ownership or governance of energy infrastructure.

(iv) To the extent practicable, grants shall be distributed equitably to disadvantaged communities throughout the state, based on population.

(v) Grants shall only be made for projects which satisfy the community decision-making and accountability standards established pursuant to subdivision five of this section.

(vi) Projects funded by grants made under the solutions grants program shall be subject to the provisions of seven hundred ninety of the labor law.

(vii) Preference shall be given to proposals that include significant participation by minority and women-owned business enterprises.

§ 1886. Climate rebates. 1. The authority shall develop a rebate program to reduce potential increased costs to consumers resulting from regulatory changes undertaken pursuant to article seventy-five of the environmental conservation law.

2. Program design shall be guided by the findings and recommendations of the final scoping plan prepared pursuant to section 75-0103 of the environmental conservation law and the study conducted pursuant to subdivision three of this section.

3. The authority, in consultation with the climate justice working group established pursuant to section 75-0111 of the environmental conservation law, shall conduct a study to determine how to best structure and distribute rebates pursuant to this section in an equitable manner. Such study shall be completed by the first of February two thousand twenty-four.

4. (a) The authority shall establish a variety of rebate types to meet the varied needs of the people of the state, which may include tax cred-
its, transit vouchers, direct payments, utility assistance, or other financial benefits as are reasonable and practicable.

(b) Individuals receiving means-tested government assistance shall receive rebates through mechanisms that will not constitute income for purposes of any such means-tested government assistance programs.

5. An individual eligible for a rebate pursuant to the provisions of this section may opt out of receiving such rebate.

6. The authority shall implement the rebate program in a manner that limits the administrative effort required of recipients of rebates.

7. The authority is authorized and directed to promulgate rules and regulations to effect the provisions of this section, and shall hold no fewer than three public hearings in connection therewith.

§ 5. The labor law is amended by adding a new article 21-B to read as follows:

ARTICLE 21-B
LABOR STANDARDS FOR CLIMATE FUNDING

§ 790. Labor standards for climate funding. 1. Projects funded pursuant to paragraphs (b), (c), and subparagraph (ii) of paragraph (d) of subdivision five of section ninety-two-kk of the state finance law shall require for any procurement for the manufacturing or retrofitting as part of such project that the components and parts used or supplied in the performance of the contract or any subcontract thereto shall be produced or made in whole or substantial part in the United States, its territories or possessions and that final assembly of any article pursuant to such project shall occur in the United States, its territories or possessions.

2. The commissioner, in consultation with the New York state energy research and development authority and the office of general services, may waive the contracting requirements set forth in subdivision one of this section if the commissioner determines that the requirements would not be in the public interest, would result in unreasonable costs, or that obtaining such components and parts in the United States would increase the cost of a project by an unreasonable amount, or such components and parts cannot be produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. Such determination shall be made on an annual basis no later than December thirty-first, after providing notice and an opportunity for public comment, and be made publicly available, in writing, on the department’s website with a detailed explanation of the findings leading to such determination. If the commissioner has issued determinations for three consecutive years that no such waiver is warranted pursuant to this paragraph, then the commissioner shall no longer be required to provide the annual determinations required by this paragraph.

3. (a) Nothing in this section shall alter the rights or benefits, and privileges, including, but not limited to terms and conditions of employment, civil service status, and collective bargaining unit membership, of any current employees of any entity contracted to provide services for a project funded pursuant to paragraphs (b), (c), and subparagraph (ii) of paragraph (d) of subdivision five of section ninety-two-kk of the state finance law, or services attendant thereto.

(b) Nothing in this section shall result in: (i) the discharge, displacement, or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment
benefits; (ii) the impairment of existing collective bargaining agree-
ments; (iii) the transfer of existing duties and functions; or (iv) the
transfer of future duties and functions, of any currently employed work-
er impacted by the proposed purchase or lease who agrees to be
retrained.

(c) Prior to the beginning of the procurement process for a project
funded pursuant to paragraphs (b), (c), and subparagraph (ii) of para-
graph (d) of subdivision five of section ninety-two-kk of the state
finance law an employer whose workers provide services for such project,
shall create and implement a workforce development report that: (i)
estimates the number of current positions that would be eliminated or
substantially changed as a result of the project, and the number of
positions expected to be created by such employer as a result of the
project; (ii) identifies gaps in skills of its current workforce that
are needed to provide services for such project; (iii) includes a
comprehensive plan to transition, train, or retrain employees that are
impacted by the project; and (iv) contains an estimated budget to trans-
sition, train, or retrain employees that are impacted by the project.

(d) Nothing in this section shall: (i) limit rights of employees
pursuant to a collective bargaining agreement, or (ii) alter the exist-
ing representational relationships among collective bargaining represen-
tatives or the bargaining relationships between the employer and any
collective bargaining representative. Employees of public entities serv-
ing in positions in newly created titles shall be assigned to the appro-
priate bargaining unit.

(e) Prior to beginning the procurement process for a project funded
pursuant to paragraphs (b), (c), and subparagraph (ii) of paragraph (d)
of subdivision five of section ninety-two-kk of the state finance law,
an employer of workers covered by this section shall inform its employ-
es' collective bargaining representative of any potential impact on its
members or unit, including positions that may be affected, altered, or
eliminated as a result of the project.

4. Any work related to a project funded pursuant to paragraphs (b),
(c), and subparagraph (ii) of paragraph (d) of subdivision five of
section ninety-two-kk of the state finance law shall be considered
public work and shall be subject to prevailing wage requirements in
accordance with section two hundred twenty and two hundred twenty-b of
this chapter.

§ 6. The state finance law is amended by adding a new section 92-kk to
read as follows:

§ 92-kk. Climate and community protection fund. 1. There is hereby
established in the joint custody of the comptroller and the commissioner
of taxation and finance a special fund to be known as the "climate and
community protection fund".

2. (a) The comptroller shall establish the following separate and
distinct accounts within the climate and community protection fund:

(i) the climate jobs and infrastructure account;

(ii) the community transition account;

(iii) the worker transition account; and

(iv) the energy affordability account.

(b) All monies received by the comptroller for deposit in the
climate and community protection fund shall be deposited to the credit
of such accounts as follows: forty-one percent to the climate jobs and
infrastructure account, twenty percent to the community transition
account, six percent to the worker transition account and thirty-three
percent to the energy affordability account. No monies shall be
expended from any such account except pursuant to appropriation by the legislature.

3. Such fund shall consist of all moneys transferred pursuant to paragraph (c) of subdivision one of section eighteen hundred fifty-nine of the public authorities law and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such moneys shall be initially deposited into the climate and community protection fund, for application as provided in subdivision five of this section.

4. Moneys in the climate and community protection fund shall be kept separate and shall not be commingled with any other moneys in the custody of the comptroller. All deposits of such revenues shall, if required by the comptroller, be secured by obligations of the United States or of the state having a market value equal at all times to the amount of such deposits and all banks and trust companies are authorized to give security for such deposits. Any such moneys in such fund may, upon the discretion of the comptroller, be invested in obligations in which the comptroller is authorized to invest pursuant to section ninety-eight-a of this article.

5. (a) All moneys heretofore and hereafter deposited in the climate and community protection transfer account shall be transferred by the comptroller only to the climate jobs and infrastructure account, community transition account, worker transition account, and energy affordability account. Such transfers shall be made at the request of the director of the budget.

(b) Moneys of the climate jobs and infrastructure account shall be available, pursuant to appropriation and upon certificate of approval of availability only for projects under title nine-A of article eight of the public authorities law, projects under title fifteen of article fifty-four of the environmental conservation law, the New York state energy research and development authority NY-Sun program, the New York state energy research and development authority P-12 schools: clean green schools initiative, offshore wind projects, transit authorities, the New York state energy research and development authority truck voucher incentive program, the New York state energy research and development authority regional clean energy hubs program, the New York state energy research and development authority renewable capital programs, methane leakage detection projects, thermal energy network pilot programs, cost associate with section thirty-six hundred thirty-eight of the education law, the New York state energy research and development authority affordable multifamily energy efficiency program, the New York state energy research and development authority New York truck voucher incentive program, the agricultural environmental management program established in article eleven-A of the agriculture and markets law, the New York city housing preservation and development—New York state energy research and development authority retrofit electrification pilot program, zero-emission state light-duty vehicle fleet procurement, zero-emission medium- and heavy-duty vehicle rebates for municipalities, zero-emission light-duty vehicle rebates for municipalities, the department of environmental conservation's urban and community forestry grant program, the forest conservation easement land trusts grant program, New York state energy research and development authority clean heat program rebates and incentives, programs related to the New Efficiency: New York report, and other programs administered by the department of environmental conservation or the New York state energy research and development authority which, in the determination of the department
of environmental conservation or the New York state energy research and development authority, as applicable, meet the following requirements:

(i) the project will result in direct reductions in statewide greenhouse gas emissions and/or co-pollutants in compliance with provisions of subdivisions two and three of section 75-0109 of the environmental conservation law;

(ii) the project will not utilize any combustion fuels or fossil fuels in operation; and

(iii) the project will create jobs or support economic development subject to the standards set forth in section seven hundred ninety of the labor law.

(c) Moneys from the community transition account shall be available, pursuant to appropriation and upon certificate of approval of availability by the director of the budget, only for department of environmental conservation environmental justice grants, New York state energy research and development authority energy equity collaborative, and the community directed climate solutions grants program as established pursuant to section eighteen hundred eighty-five of the public authorities law.

(d) Moneys from the worker transition account shall be available, pursuant to appropriation, and upon certificate of approval of availability by the director of the budget, only for:

(i) Grants, income support, or programs administered by a labor union or the department of labor which provide direct support for workers adversely affected or displaced by fossil fuel facility closures, including support for such workers in starting new business enterprises.

(ii) Grants, tax replacement, payment in lieu of taxes, or programmatic support for local governments and counties which have hosted fossil fuel or energy infrastructure significantly impacted by energy regulatory changes, including:

(A) the empire state development corporation’s electric generation facility cessation mitigation program;

(B) the New York state energy research and development authority’s just transition site reuse planning program; and

(C) state assistance for brownfield opportunity areas pursuant to section nine hundred seventy-r of the general municipal law.

(e) Moneys from the energy affordability account shall be available, pursuant to appropriation and upon certificate of approval of availability by the director of the budget, for:

(i) programs that prevent increases in energy burden due to energy regulatory changes;

(ii) reducing energy use and utility costs for low- and moderate-income households, small businesses, and not-for-profits;

(iii) affordability rebate payments to help reduce potential increased costs of various goods and services that may result from the implementation of regulations promulgated pursuant to section 75-0109 of the environmental conservation law; and

(iv) assistance pursuant to section eighteen hundred seventy-two-b of the public authorities law.

(f) Agencies or authorities distributing moneys of the climate and community protection fund shall be entitled to recover from such moneys their own necessary and documented costs incurred in administering such distributions, provided, however, sums so recovered shall not exceed five percent of such moneys distributed.

6. All payments of moneys from the fund shall be subject to the provisions of section 75-0117 of the environmental conservation law.
provided that, notwithstanding the provisions thereof, disadvantaged communities shall receive no less than forty percent of such payments. Payments made from the climate jobs and infrastructure account pursuant to paragraph (b) of subdivision five of this section, the community transition account pursuant to paragraph (c) of subdivision five of this section, and payments pursuant to subparagraph (ii) of paragraph (d) of subdivision five of this section shall be subject to the requirements of section seven hundred ninety of the labor law, as applicable.

7. All payments of moneys from the fund shall be made on the audit and warrant of the comptroller.

8. Notwithstanding any other law to the contrary and in accordance with section four of this chapter, the comptroller is hereby authorized at the direction of the director of the division of the budget to transfer moneys from the general fund to the climate and community protection fund for the purpose of maintaining the solvency of the climate and community protection fund. If, in any fiscal year, moneys in the climate and community protection fund are deemed insufficient by the director of the division of the budget to meet actual and anticipated disbursements from enacted appropriations or reappropriations made pursuant to this section, the comptroller shall at the direction of the director of the division of the budget, transfer from the general fund to the climate and community protection fund moneys sufficient to meet such disbursements. Such transfers shall be made only upon certification of need by the director of the division of the budget, with copies of such certification filed with the chairperson of the senate finance committee, the chairperson of the assembly ways and means committee and the state comptroller.

§ 7. This act shall take effect immediately.
AN ACT to amend the environmental conservation law and the public housing law, in relation to enacting the "sustainable affordable housing and sprawl prevention act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "sustainable affordable housing and sprawl prevention act".

§ 2. The environmental conservation law is amended by adding a new section 8-0119 to read as follows:

§ 8-0119. Certain actions exempt or subject to limited review.

1. Exempt actions for construction of residential dwellings. (a) Notwithstanding any law, rule or regulation to the contrary, qualifying actions for the construction of a new multiple dwelling or more than one contiguous multiple dwellings that meet the following thresholds shall be automatically determined not to have a significant impact on the environment and shall be exempt from any environmental review requirements under this article or any rules or regulations promulgated there-to:

   (i) fewer than ten total residential units in municipalities that have not adopted zoning or subdivision regulations;
   (ii) fewer than fifty total residential units not to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
   (iii) in a city, town, or village having a population of ninety thousand persons or less, fewer than two hundred total residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works;
   (iv) in a city, town, or village having a population of greater than ninety thousand but less than one million, fewer than five hundred total

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.
residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works; or

(v) in a city having a population of one million or more persons, fewer than one thousand total residential units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works.

(b) To be determined as a "qualifying action" under paragraph (a) of this subdivision, such action shall:

(i) be located in a census track defined as an urbanized area or an urban cluster by the federal Census Bureau;

(ii) complete a Phase I Environmental Site Assessment (ESA) pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. Chapter 103), and complete testing for lead water and paint, asbestos, and radon, the results of which shall be submitted by the proposed developer of such action to the local agency responsible for approving or denying the application for such action;

(iii) receive certification from a qualified environmental professional, as such term is defined by the commissioner pursuant to regulation, that such action, as proposed, will not violate any state wetland laws or drinking water laws under article eleven of the public health law, or any rules or regulations promulgated thereto; and

(iv) be certified under:

(1) the Leadership in Energy and Environmental Design Building Rating System (LEED) published by the United States Green Building Council for the category of certified gold, at minimum, as determined by a LEED accredited professional;

(2) Enterprise green communities review and certification; or


2. Actions for construction of multiple dwellings subject to limited review. Notwithstanding any law, rule or regulation to the contrary, actions for the construction of new multiple dwellings that are not exempt from environmental review under subdivision one of this section shall not be subject to any environmental review standards under this article, or rules or regulations promulgated thereto, that do not consist of core environmental concerns, as such term shall be defined by the commissioner. Topics of review that shall be exempt under this subdivision as failing to meet the standard of core environmental concerns shall include, but not be limited to, traffic impacts, casting of shading or shadows, impacts on views from neighboring buildings, consistency with community character, impacts on open space, impacts on neighborhood character, and the resources of local school systems.

3. Historic sites. An action otherwise exempt from environmental review requirements under subdivision one of this section may be required to undergo environmental review pursuant to this article or the rules or regulations promulgated thereto on the basis that such action occurs wholly or partially within a historic site, provided, however that such action directly involves a contributing property within such historic site, and provided further that such environmental review is limited in its scope to such contributing property. An action shall not be required to undergo an environmental review under this subdivision solely on the basis that such action is substantially contiguous to a historic site, or located in a neighborhood containing historic sites.

4. Authority of the commissioner. The commissioner shall be authorized to consult with any other state or local agency and to promulgate and/or
amend any rules and/or regulations he or she shall deem necessary for
the implementation of the provisions of this section.
§ 3. Paragraph (i) of subdivision 4 of section 8-0105 of the environ-
mental conservation law, as amended by chapter 252 of the laws of 1977,
is amended and five new subdivisions 10, 11, 12, 13 and 14 are added to
read as follows:
(i) projects or activities directly undertaken by any agency; or
projects or activities supported in whole or part through contracts,
grants, subsidies, loans, or other forms of funding assistance from one
or more agencies; or projects or activities involving the issuance to a
person of a lease, permit, license, variance authorization, certificate
or other entitlement for use or permission to act by one or more agen-
cies; or projects or activities involving the alteration of zoning ordi-
nances by a local agency;
10. "Historic site" means a historic building, structure, facility,
site or district, or prehistoric site that is listed on the National
Register of Historic Places (36 CFR Parts 60 and 63), or that is listed
on the state register of historic places or that has been determined by
the commissioner of parks, recreation and historic preservation to be
eligible for listing on the state register of historic places pursuant
to section 14.07 or 14.09 of the parks, recreation and historic preser-
vation law.
11. "Contributing property" means a building, structure, facility, or
site located within a historic site that wholly or partially contributes
to such designation as a historic site.
12. "Dwelling" means any building or structure or portion thereof
which is occupied or intended to be occupied in whole or in part as the
home, residence, or sleeping place of one or more human beings.
13. "Multiple dwelling" means a dwelling that is either rented,
leased, let or hired out, to be occupied, or is occupied as the resi-
dence or home of four or more separate individuals or groups of individ-
uals living independently of each other. A "multiple dwelling" shall not
be deemed to include a class B multiple dwelling as defined by section
four of the multiple dwelling law, or a hospital, convent, monastery,
residential care facility, or a building used wholly for commercial
purposes.
14. "Residential unit" means a room or group of rooms within a multi-
ple dwelling that is designated as the living quarters for an individual
or group of individuals living independently from other individuals
occupying such multiple dwelling.
§ 4. Section 8-0109 of the environmental conservation law is amended
by adding a new subdivision 10 to read as follows:
10. A court shall not intervene with an environmental review conducted
pursuant to this article or rules or regulations promulgated thereto
unless there is substantial information missing that is material to the
decision makers' review.
§ 5. Section 600 of the public housing law is amended by adding a new
subdivision 6 to read as follows:
6. A covered housing agency in this state shall be subject, as appli-
cable, to the provisions of article eight of the environmental conserva-
tion law and any rules and/or regulations promulgated thereto.
§ 6. This act shall take effect on the one hundred eightieth day after
it shall have become a law. Effective immediately, the addition, amend-
ment and/or repeal of any rule or regulation necessary for the implemen-
tation of this act on its effective date are authorized to be made and
completed on or before such effective date.
State-Level Approaches to Environmentally Sustainable Affordable Housing

March 22, 2023

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