

An aerial view of the New York City skyline, featuring numerous skyscrapers and buildings. The image is darkened to serve as a background for the text. The text is centered and reads "THE STATE OF NEW YORK'S CLIMATE LAWS" in large, white, bold, sans-serif capital letters.

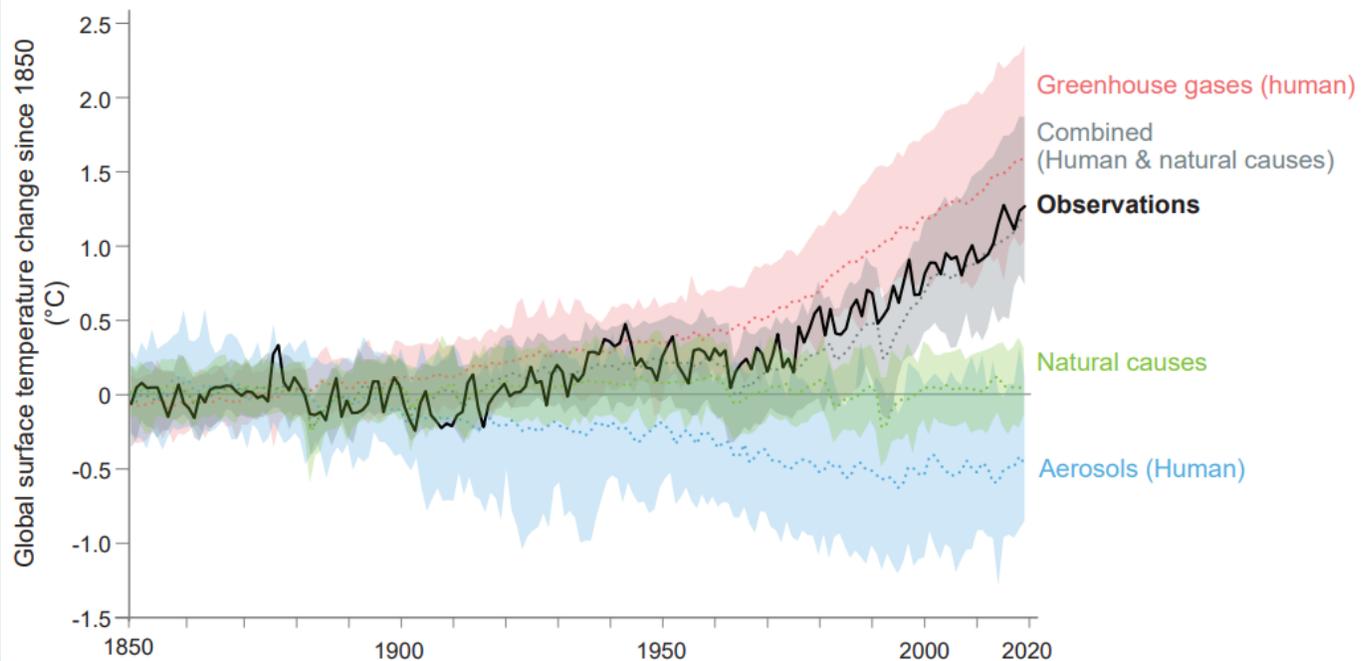
THE STATE OF NEW YORK'S CLIMATE LAWS

APRIL 2024

CLIMATE CHANGE IS REAL AND IT'S HAPPENING NOW

How do we know humans are causing climate change?

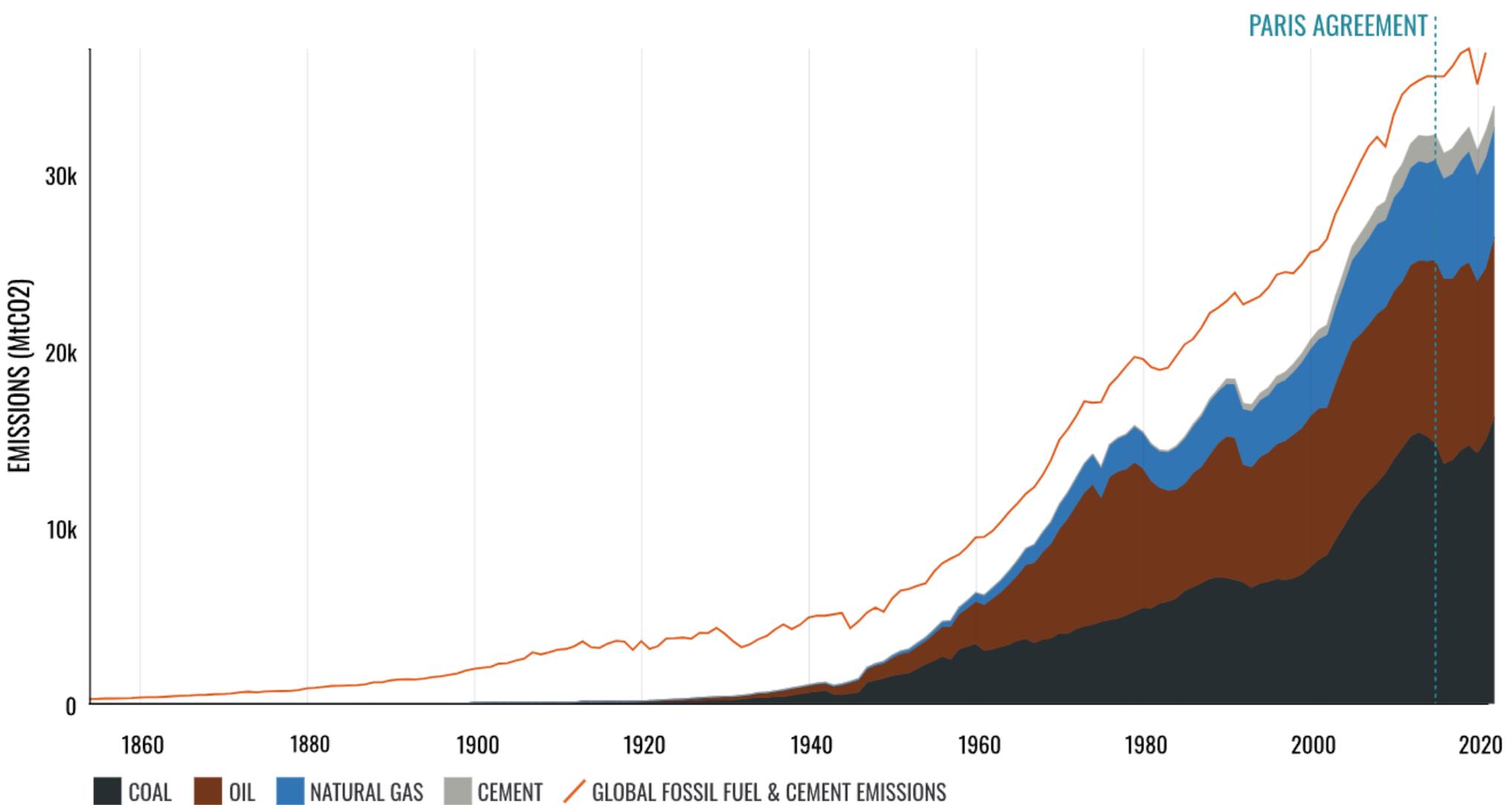
Observed warming (1850-2019) is only reproduced in simulations including human influence.



Changes get larger with every increment of global warming



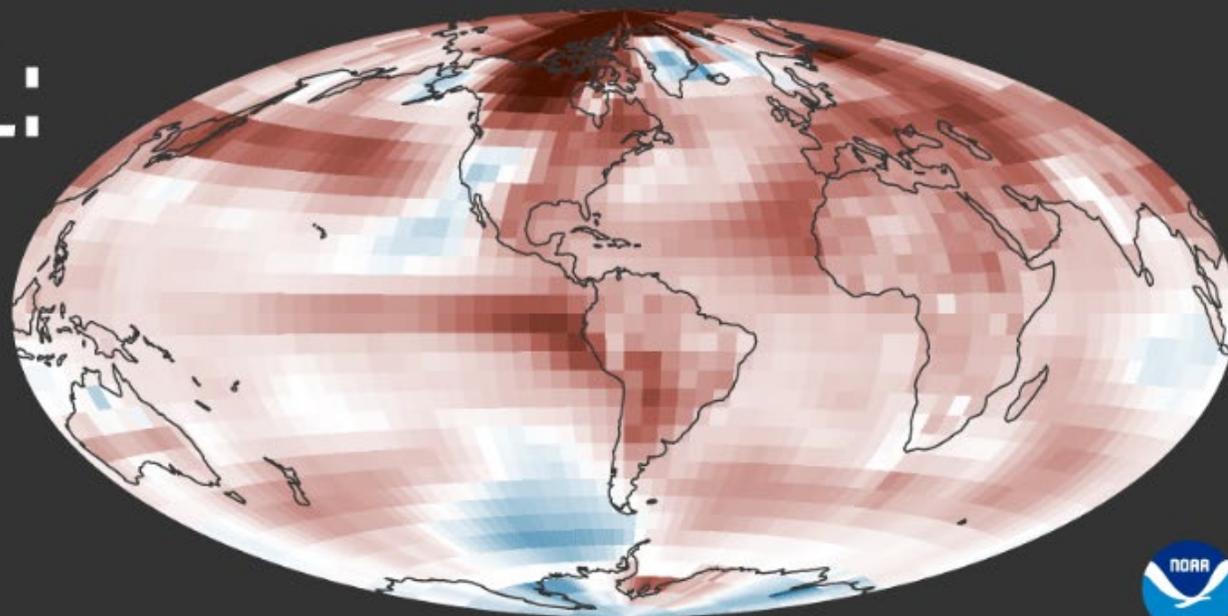
Carbon Majors & Global CO2 Emissions (1854-2022)



IT'S OFFICIAL:

2023 was the
world's warmest
year on record

(1850-2023)



Difference from 1991-2020 average (°F)

-5 0 5

47 years since Earth's had a colder-than-average year



yearly temperature compared to 20th-century average

NOAA Climate.gov/NCEI

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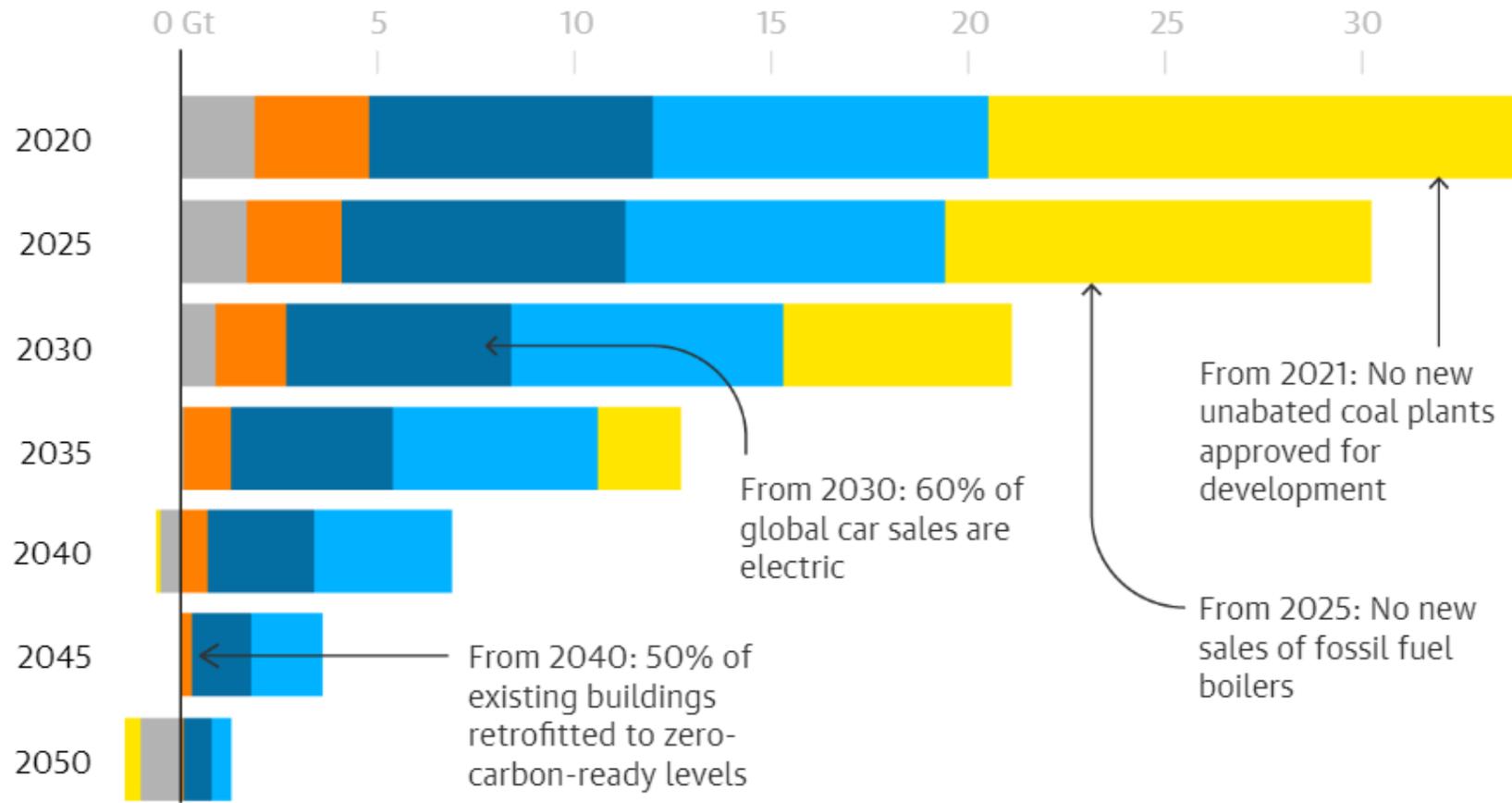
Fossil fuels must remain in the ground to keep warming below 1.5°C, study says



Milestones to net zero CO₂ carbon emissions in 2050

Emissions

Buildings Transport Industry Power Other



Guardian graphic. Source: IEA

Exxon Scientists Predicted Global Warming, Even as Company Cast Doubts, Study Finds

Starting in the 1970s, scientists working for the oil giant made remarkably accurate projections of just how much burning fossil fuels would warm the planet.

'Smoking gun proof': fossil fuel industry knew of climate danger as early as 1954, documents show

Supported by

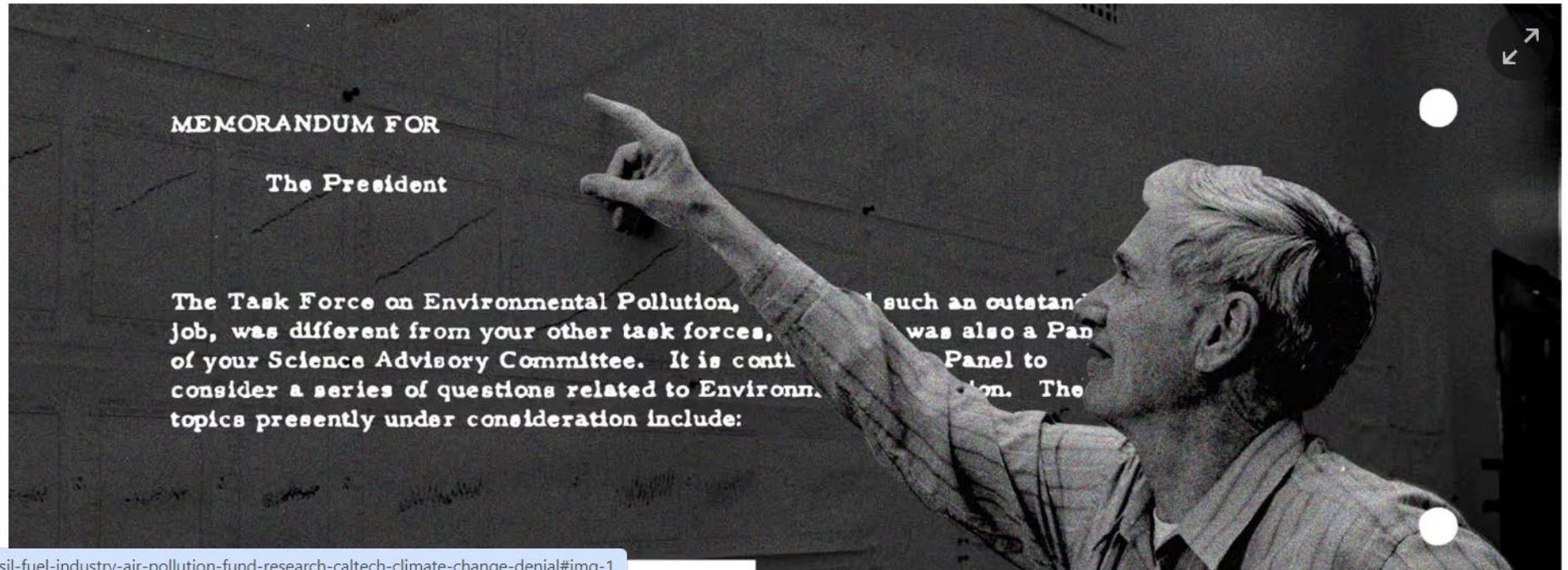
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Oliver Milman

Tue 30 Jan 2024 12.00 EST

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THE RESPONSE IN NEW YORK

In 2019, the Climate Leadership and Community Protection Act ([Climate Act](#)) was signed into law. The Climate Act is among the most ambitious climate laws in the nation and requires New York to:

1. reduce economy-wide greenhouse gas emissions 40 percent by 2030
2. By 2040: achieve 100% zero-emission electricity
3. no less than 85 percent by 2050 from 1990 levels.



How the Plan Was Made



****Climate Action Council held a total of 32 public meetings to develop and finalize the Scoping Plan.**

NEW YORK'S CLIMATE PLAN

Plan calls for creation of a “resilient infrastructure fund and prioritize investments in Disadvantaged Communities.”

To date, no such fund – at least one that can handle the scale of the problem – has been established.

CLCPA GOALS

- By 2030, New York aims to get 70% its electricity from renewable sources and by 2040 the goal is to have all the state's electricity come from carbon-free sources like wind and solar energy. Some New York utility providers claim this goal is too ambitious and will result in higher bills for New York residents.
- Already about 60% of electricity within New York State is being produced by carbon free sources, mainly hydroelectric dams and nuclear power plants.



DISADVANTAGED COMMUNITIES

- The plan includes certain stipulations to direct no less than 35% of the program's benefits to historically disadvantaged communities based on a number of determinants related to "public health, environmental hazards, and socioeconomic factors" and decided by the newly created Climate Justice Working Group.



NEW YORK

Why New York's ambitious climate goals are drifting away

Growing costs and canceled projects are putting New York's climate goals at risk.



NEW YORK CITY LOCAL LAW 97

- Local Law No 97 of 2019, passed as a part of the Climate Mobilization Act by the New York City Council in March 2019,^[1] requires large (over 25,000 square feet in 2017) existing buildings in New York City reduce their emissions by 40% by 2030 and 80% by 2050.



NEW YORK CITY LL97

- Local Law 97 is a legislation introduced by New York City to limit carbon emissions from buildings. It is a part of the city's efforts to address climate change and reduce greenhouse gas emissions.

1. Covered Buildings

1. Buildings that are 25,000 square feet or larger.

2. Compliance Periods

1. The compliance period starts in 2024 for buildings over 50,000 square feet.
2. The compliance period starts in 2025 for buildings between 25,000 and 50,000 square feet.



NEW YORK CITY LOCAL LAW 154

- Sets CO₂ limits that effectively prohibit fossil fuel systems in new buildings and gut renovations
- Phases in requirements starting with lower-rise buildings in 2024 and taller buildings in mid-2027





NEW YORK STATE ALL-ELECTRIC BUILDINGS ACT

- The prohibition on the use of fossil fuels starts in 2026 for new buildings up to 7 stories tall, except for commercial and industrial buildings larger than 100,000 square feet. In 2029, new buildings of all sizes—aside from the exemptions for certain uses listed in the bill—must be built without fossil fuel equipment.
- Like LL154, the state bill makes exemptions for manufacturing facilities, commercial food establishments, laundromats, hospitals, crematoriums, wastewater treatment facilities, and emergency backup power.
- The state law also exempts new agricultural buildings, manufactured homes, car washes, other medical facilities beyond hospitals, and critical infrastructure including emergency management facilities. It also exempts fuel cell systems, although the law does not clearly define those systems.



NY HEAT

The NY HEAT (New York Home Energy Affordable Transition) Act seeks to limit a requirement known as the “obligation to serve,” where utilities automatically provide gas to new customers who request it, and to curb the expansion of gas infrastructure.

Gas companies must provide free hookups to new customers within 100 feet of the pipe system. Existing ratepayers subsidize the work.

Getting rid of the so-called 100-foot rule would save ratepayers about \$200 million annually and encourage utilities and new customers to explore other energy options.

GOV. HOCHUL'S VERSION

Hochul's version, dubbed the Affordable Gas Transition Act, notably scraps the "100-foot rule" that pays for new gas lines. Moreover, it ends utilities' "obligation to serve" gas to every household — and could eventually allow the state to shift entire neighborhoods off fossil fuels, provided it can ensure reliable service.

Hochul's proposal doesn't include the heat Act's cornerstone affordability provision, which would codify the state's existing goal of ensuring that utility bills not exceed six percent of household incomes. The Public Service Commission set this target in 2016, but has so far failed to meet it.

NOTHING MUCH (SO FAR)

- NY HEAT, blocked
- Climate Superfund, blocked
- Fossil fuel handouts, blocked
- Apparent big winner in budget –
Fossil Fuel Lobby





Office of the NEW YORK

STATE COMPTROLLER

NYS Comptroller Thomas P. DiNapoli

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NEWS from the Office of the New York State Comptroller

Contact: Press Office 518-474-4015



DiNapoli: Localities Spending More to Address Climate Change Hazards

Survey of Climate Smart Communities Found Flooding and Increased Storm Activity Outweighed Other Threats

April 20, 2023

A sample of local governments across New York reported \$1.34 billion in actual and anticipated spending on capital projects over a 10-year period, with about 55% of the total in response to climate-related hazards such as increased flooding and storm damage, according to a [report released today](#) by State Comptroller Thomas P.

An aerial photograph showing a road completely submerged in floodwater. A white car is partially submerged in the water. A 'No Left Turn' sign is visible on the left side of the road. The surrounding area is lush with green trees.

**THE NEW NORMAL:
COMBATING
STORM-RELATED
EXTREME WEATHER
IN NEW YORK CITY**

A 2021 report from the city called “The New Normal” estimated that “recalibrating our sewers for storms like Ida” would take decades and cost \$100 billion.

A \$52 Billion Proposal Aims to Protect New York Harbor From Storm Surges

The proposal for 12 movable sea barriers across waterways like Jamaica Bay replaces a disputed plan for a single, larger outer-harbor wall.



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“You’re probably looking at [between] \$75 [billion] and \$100 billion” for new roads and other infrastructure improvements, said Cameron, chairman of the Long Island Regional Planning Council, a bicounty commission that studies economic trends and promotes a regional approach to development.

LONG ISLAND / ENVIRONMENT

Rising ocean, bay tides could eventually reshape Long Island — and will alter how we live, work and play, experts say



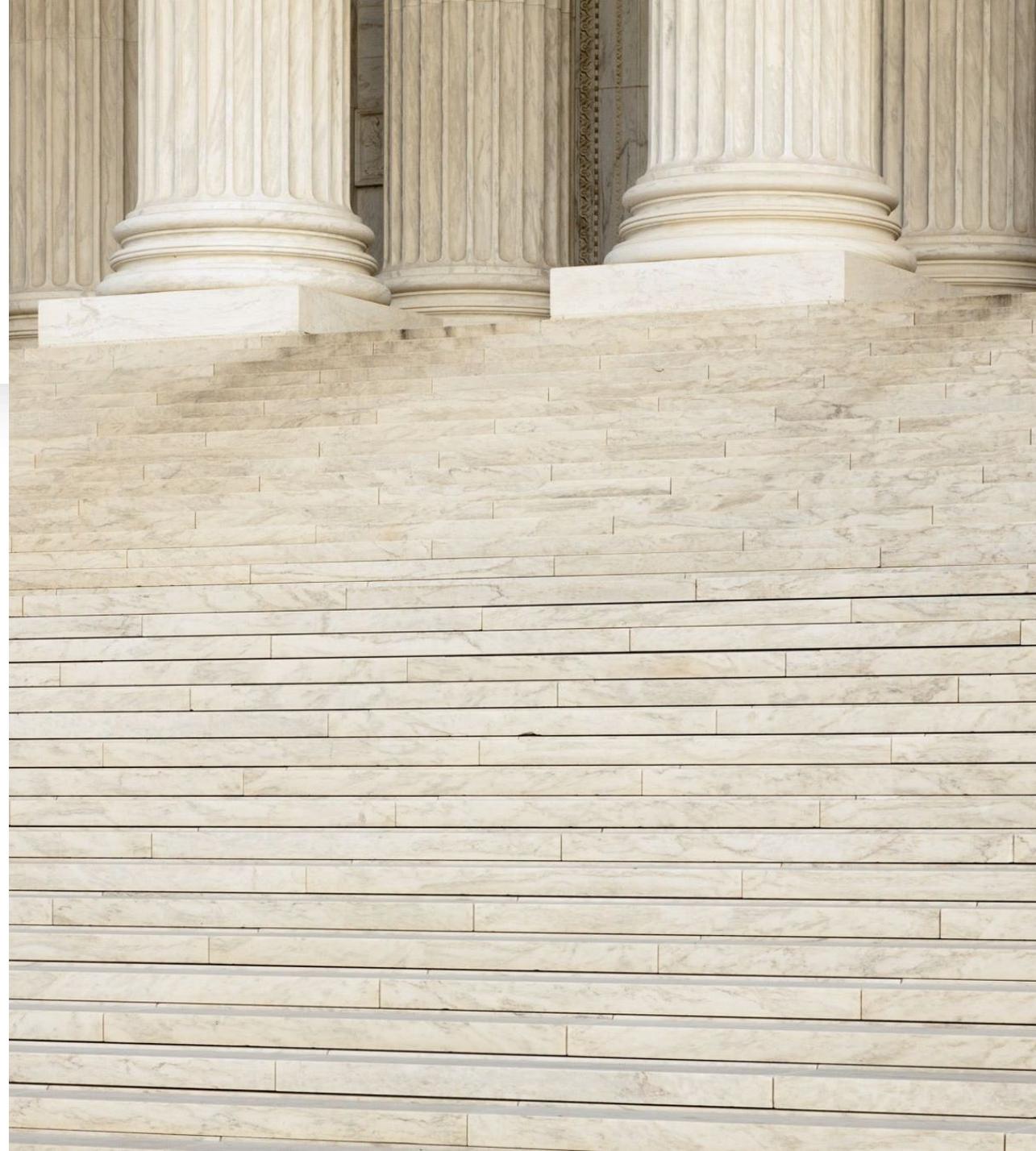
VIDEO ON CLIMATE CHANGE SUPERFUND ACT S.2129-A/A.3351-A)

- <https://www.nypirg.org/makepolluterspay/>



SUPPORT FOR THE ACT

- **240 civic, environmental, labor, and religious organizations**
- **180 youth organizations**
- **100 local elected officials**
- **Passed state Senate last year and is part of their budget plan this year.**
- **Majority of state Assemblymembers sponsor the bill, language in support of the concept in its budget.**
- **Where is the Governor?**



CLIMATE SUPERFUND IS *NOT* A CARBON TAX

Only those responsible for the largest amount of greenhouse gases are covered.

Those that are not covered pay *no* assessment.

Those that do pay so on a *sliding* scale.

Thus, market forces will keep companies from passing on costs to the public.



VIDEO ON CLIMATE CHANGE SUPERFUND ACT

<https://www.nypirg.org/makepolluterspay/>

ADDITIONAL RESOURCES

ECONOMIC PAPER SUPPORTING THE CONCEPT

<https://policyintegrity.org/publications/detail/enacting-the-polluter-pays-principle>

LEGAL BRIEF SUPPORTING THE CONCEPT

- <https://insideepa.com/climate-news/new-york-bill-extends-polluter-pays-climate-adaptation-funding>
- <https://michigan.law.umich.edu/news/5qs-rothschild-fighting-climate-change-state-superfunds>



WHAT CAN BE DONE?

ASSEMBLY IS THE
PROBLEM ON NY
HEAT, CONTACT
SPEAKER AND LOCAL
REP

GOVERNOR IS
PROBLEM ON CLIMATE
SUPERFUND,
CONTACT
GOVERNOR'S OFFICE

LEARN MORE



RSVP

A sneak peek into lawmaking

Why hasn't the state legislature passed a conservation design bill that would require developers to protect wildlife and fragile ecosystems when planning big projects? Will there be a constitutional amendment to save a historic lodge in the Adirondacks? Or another to repurpose a former prison?

Just how does environmental legislation prevail – or not – in Albany? We'll ask the people closest to the work.

Join Adirondack Explorer, with the Times Union of Albany, for a panel discussion featuring:

- **Blair Horner**, executive director of New York Public Interest Research Group (NYPIRG)
- **Sen. Peter Harkham**, chair of the Senate Environmental Conservation Committee
- **Sen. Dan Stec**, ranking member of the Senate Environmental Conservation Committee. He represents all of Clinton, Essex, Franklin, and Warren counties, and parts of St. Lawrence County and Washington County.
- **Assemblymember Deborah Glick**, chair of the Assembly Environmental Conservation Committee
- **Assemblymember Matt Simpson**, ranking member of the Environmental Conservation committee and representative who represents Essex, Warren and parts of Saratoga counties.

<https://www.eventbrite.com/e/a-sneak-peek-into-lawmaking-registration-872444343517?aff=oddtcreator>