The New York City Council

City Hall
New York, NY 10007

Legislation Details (With Text)

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		In control:	Committee on Environmental Protection
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Title: A Local Law to amend the administrative code of the city of New York, in relation to identifying and addressing environmental justice issues

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Indexes: Agency Rule-making Required, Council Appointment Required, Other Appointment Required, Report Required

Attachments: 1. Legislative History Report, 2. Summary of Int. No. 886-A, 3. Summary of Int. No. 886, 4. Int. No. 886 - 9/17/15, 5. September 17, 2015 - Stated Meeting Agenda with Links to Files, 6. Committee Report 1/28/16, 7. Hearing Testimony 1/28/16, 8. Hearing Transcript 1/28/16, 9. Proposed Int. No. 886-A - 4/4/17, 10. Committee Report 4/5/17, 11. Hearing Transcript 4/5/17, 12. April 5, 2017 - Stated Meeting Agenda with Links to Files, 13. Hearing Transcript - Stated Meeting 4-5-17, 14. Mayoral Letter, 15. Int. No. 886-A (FINAL), 16. Mayor's Letter, 17. Minutes of the Stated Meeting - April 5, 2017, 18. Local Law 64

Date	Ver.	Action By	Action	Result
9/17/2015	*	City Council	Introduced by Council	
9/17/2015	*	City Council	Referred to Comm by Council	
1/28/2016	*	Committee on Environmental Protection	Hearing Held by Committee	
1/28/2016	*	Committee on Environmental Protection	Laid Over by Committee	
4/5/2017	*	Committee on Environmental Protection	Hearing Held by Committee	
4/5/2017	*	Committee on Environmental Protection	Amendment Proposed by Comm	
4/5/2017	*	Committee on Environmental Protection	Amended by Committee	
4/5/2017	A	Committee on Environmental Protection	Approved by Committee	Pass
4/5/2017	A	City Council	Approved by Council	Pass
4/5/2017	A	City Council	Sent to Mayor by Council	
4/25/2017	A	Mayor	Hearing Held by Mayor	
4/25/2017	A	Mayor	Signed Into Law by Mayor	

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4/26/2017 A City Council Recved from Mayor by Council

Int. No. 886-A

By Council Members Barron, Mendez, Miller, Richards, Rose, Constantinides, Cumbo, Chin, Cabrera, Ferreras-Copeland, Cornegy, Williams, Menchaca, King, Rodriguez, Palma, Rosenthal, Levine, Johnson, Vallone, Garodnick, Gibson, Dromm, Reynoso, Espinal, Maisel, Koslowitz, Lander, Van Bramer, Crowley, Levin, Torres, Lancman, Cohen, Deutsch, Treyger, Greenfield, Vacca, Kallos, Eugene, Koo, Salamanca and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to identifying and addressing environmental justice issues

Be it enacted by the Council as follows:

Section 1. Title 3 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

CHAPTER 10

ENVIRONMENTAL JUSTICE

§ 3-1001 Definitions.
§ 3-1002 Interagency working group.
§ 3-1003 Environmental justice plan.
§ 3-1004 Agency responsibilities.
§ 3-1005 Research, data collection and analysis.
§ 3-1006 Advisory board.

§ 3-1001 Definitions. As used in this chapter:

Advisory board. The term "advisory board" means the advisory board created pursuant to section 3-1006.

Environmental benefit. The term "environmental benefit" shall include, but not be limited to, access to grants, subsidies, loans and other financial assistance relating to energy efficiency or environmental projects; access to open space, green infrastructure and, where relevant, access to waterfronts; and the implementation of environmental initiatives, including climate resilience measures.

Environmental justice. The term "environmental justice" means the fair treatment and meaningful involvement of all persons, regardless of race, color, national origin or income, with respect to the development, implementation and enforcement of environmental laws, regulations, policies and activities and

with respect to the distribution of environmental benefits. Fair treatment means that no group of people, including a racial, ethnic or socioeconomic group, should (i) bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal and commercial operations or the execution of federal, state or local programs and policies or (ii) receive an inequitably low share of environmental benefits.

Environmental justice area. The term "environmental justice area" means a low-income community located in the city or a minority community located in the city.

Environmental justice plan. The term "environmental justice plan" means a plan required by section 3-1003.

Interagency working group. The term "interagency working group" means the interagency working group established pursuant to section 3-1002 of this chapter.

Low-income community. The term "low-income community" means a census block group, or contiguous area with multiple census block groups, having a low-income population equal to or greater than 23.59 percent of the total population of such block group or groups, or such other percentage as may be determined by the New York state department of environmental conservation in the course of setting parameters for the location of potential environmental justice areas within the state of New York and made publicly available on the website of such department.

Low-income population. The term "low-income population" means a population having an annual income that is less than the poverty threshold established by the United States census bureau.

Minority community. The term "minority community" means a census block group, or contiguous area with multiple census block groups, having a minority population equal to or greater than 51.1 percent of the total population of such block group or groups, or such other percentage as may be determined by the New York state department of environmental conservation in the course of setting parameters for the location of potential environmental justice areas within the state of New York and made publicly available on the website

of such department.

Minority population. The term "minority population" means a population that is identified or recognized by the United States census bureau as Hispanic, African-American or Black, Asian and Pacific Islander or American Indian.

§ 3-1002 Interagency working group. a. By no later than three months after the effective date of this section, the mayor shall establish an interagency working group consisting of the heads of the following city agencies, or their designees:

1. The department of environmental protection;

2. The department of parks and recreation;

3. The department of transportation;

4. The department of health and mental hygiene;

5. The department of city planning;

6. The department of buildings;

7. The department of housing preservation and development;

8. The department of sanitation;

9. The office of long-term planning and sustainability;

10. The New York city commission on human rights; and

11. Such other offices within the office of the mayor and such other city agencies as shall be designated by the mayor, including, when appropriate, such offices or agencies with subject matter expertise in environmental policy and/or data analysis.

b. The mayor shall appoint or designate a special coordinator for environmental justice, who may, in the discretion of the mayor, be within the office of the mayor or within any agency, the head of which is appointed by the mayor, and who shall be the chair of the interagency working group.

c. Staff assistance for the interagency working group shall be provided by the member agencies and

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offices within the office of the mayor.

d. The interagency working group shall:

1. Provide guidance to agencies on criteria for identifying and interpreting:

(a) Human health data and analyses relevant to city agency programs, activities and policies;

(b) Available data relating to environmental factors within the city, including but not limited to (i) air and water quality and concentrations of violations of city environmental regulations that may reflect environmental justice concerns and (ii) existing studies on environmental justice;

(c) Existing city facilities and infrastructure, and to the extent known existing non-city facilities and infrastructure, located in environmental justice areas that may raise environmental justice concerns;

(d) Opportunities for promoting environmental justice;

2. Coordinate with, provide guidance to, and serve as a clearinghouse for, city agencies as they implement the environmental justice plan, in order to promote consistent and transparent administration, interpretation and enforcement of programs, activities and policies;

3. Assist in coordinating research by, and stimulating cooperation among, agencies conducting data collection, research or other activities in accordance with section 3-1005;

4. Develop interagency model projects that address environmental justice concerns and that evidence cooperation among agencies;

5. Receive and respond to inquiries, including data requests, and recommendations from the advisory board; and

6. Develop an environmental justice plan pursuant to section 3-1003.

§ 3-1003 Environmental justice plan. a. The interagency working group shall develop an environmental justice plan that provides guidance for incorporating environmental justice concerns into city decision-making, identifies possible citywide initiatives for promoting environmental justice and provides specific recommendations for city agencies represented on the interagency working group. Matters treated by such plan

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shall include, at a minimum:

1. City-wide initiatives:

(a) Methods for promoting environmental justice;

(b) Methods of encouraging greater public engagement with and participation in decision-making that raises environmental justice concerns;

(c) Methods of promoting transparency and consistency in the city's approach to environmental justice;

(d) City-wide and/or inter-agency projects that address environmental justice concerns;

(e) Methods for promoting equitable distribution of and access to environmental benefits; and

(f) Methods for improving research and data collection relating to human health and the environment;

2. Agency-specific recommendations:

(a) Changes to an agency's programs, policies, activities or processes that will promote environmental justice, including but not limited to:

(1) Consideration of capital projects that address environmental justice concerns in or provide environmental improvements to environmental justice areas;

(2) Agency enforcement actions that can be strengthened or expanded to address environmental justice concerns;

(3) Agency-specific methods of promoting greater public participation and transparency in agency decision-making that raises environmental justice concerns, including the siting of agency facilities; and

(b) A description of any amendments to laws or rules that would facilitate implementation of any of the recommendations made pursuant to subparagraph (a) of this paragraph.

b. 1. By December 31, 2019, the interagency working group shall (i) provide the advisory board with a draft environmental justice plan, (ii) provide a copy of such plan to the mayor and the speaker of the council and (iii) provide a copy of such plan to each city agency covered by such plan. Upon receiving a copy of such plan, each agency covered by such plan shall publish a copy thereof on its website.

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2. By June 30, 2020, the advisory board shall:

(a) Review such plan;

(b) Hold public hearings on such plan in accordance with section 3-1006; and

(c) Provide the interagency working group with recommendations and comments relating to such plan and convey public comments received at public hearings conducted by such board on such plan.

3. By December 31, 2021, the interagency working group shall (i) finalize the environmental justice plan, which shall include responses to all recommendations submitted to the interagency working group by the advisory board, (ii) provide a copy of such plan to the advisory board, (iii) provide a copy of such plan to the mayor and the speaker of the council and (iv) provide a copy of such plan to each agency covered by such plan. Upon receiving a copy of such plan, each agency covered by such plan shall publish a copy thereof on its website.

4. By June 30 in 2022, and by June 30 in every year thereafter, the interagency working group shall report to the advisory board, the mayor and the speaker of the council on progress in implementing the environmental justice plan.

c. 1. By December 31, 2024, and by December 31 in every fifth year thereafter, the interagency working group shall (i) provide the advisory board with draft revisions to the most recent environmental justice plan, (ii) provide a copy of such revisions to the mayor and the speaker of the council and (iii) provide a copy of such revisions to each agency covered by such plan. Upon receiving a copy of such revisions, each agency covered by such plan shall publish a copy thereof on its website.

2. By June 30, 2025, and by June 30 in every fifth year thereafter, the advisory board shall:

(a) Review such revisions;

(b) Hold public hearings on such revisions in accordance with section 3-1006; and

(c) Provide the interagency working group with recommendations and comments relating to such revisions and convey public comments received at public hearings conducted by such board on such revisions.

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3. By December 31, 2025, and by December 31 in every fifth year thereafter, the interagency working group shall (i) finalize the revisions to the environmental justice plan, which shall include responses to all recommendations submitted to the interagency working group by the advisory board, (ii) provide a copy of such revised plan to the advisory board, (iii) provide a copy of such revised plan to the mayor and the speaker of the council and (iv) provide a copy of such revised plan to each agency covered by such plan. Upon receiving a copy of such revised plan, each agency covered by such revised plan shall publish a copy thereof on its website.

4. The interagency working group may revise the environmental justice plan more frequently than set forth in this subdivision, provided that (i) at least 60 days before finalizing such revision, such working group provides a copy of the proposed revision to the advisory board, (ii) the finalized revision includes responses to all recommendations submitted to the interagency working group by the advisory board, (iii) such working group provides a copy of the finalized revision to the advisory board, the mayor, the speaker of the council and each agency covered by the environmental justice plan as revised. Upon receiving a copy of such plan, each agency covered by such plan shall publish a copy thereof on its website.

§ 3-1004 Agency responsibilities. To the extent practicable, each agency covered by the environmental justice plan shall conduct its programs, policies and activities in accordance with the environmental justice plan, provided that the application of such plan to any such agency shall be consistent with the powers and duties of such agency as set forth in the charter and all applicable laws.

§ 3-1005 Research, data collection and analysis. a. The interagency working group, in consultation with the advisory board, shall identify and consider existing data, research and analysis that relates to environmental justice concerns raised by city agency programs, policies, facilities, and activities and that may inform city agency decisions regarding programs, policies, facilities, and activities.

b. The interagency working group, in consultation with the advisory board, shall identify data collection, research, or analysis that may be undertaken by a city agency that relates to environmental justice

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concerns and may inform city agency decisions regarding programs, policies, facilities, and activities, and shall work with city agencies to facilitate such data collection, research, or analysis.

c. Information collected pursuant to this subdivision shall be made available to the public as practicable, unless prohibited by law.

d. City agencies shall, whenever practicable and appropriate, use existing data systems and coordinate with other agencies and with federal, state or other local governments to share information and eliminate unnecessary duplication of efforts.

§ 3-1006 Advisory board. a. There is hereby established an advisory board on environmental justice that shall consist of the following members:

1. Seven members appointed by the mayor;

2. Seven members appointed by the speaker of the council; and

3. One member who shall serve as the chair of such board and who shall be appointed by the mayor in consultation with such speaker.

b. Each member of the advisory board shall be:

1. An individual who is, at the time of appointment, a director, member or employee of an organization engaged primarily in work promoting environmental justice;

2. A resident of an environmental justice area;

3. A member of a community board representing a community district that is located in whole or in part in an environmental justice area; or

4. A faculty member of an academic institution located within the city and who specializes in one of the environmental sciences, environmental health, environmental justice, human rights or urban planning.

c. The mayor and the speaker of the council shall consult and, to the extent practicable, ensure that the advisory board includes at least one member, appointed pursuant to paragraph one or two of subdivision a of this section, who is a resident of or a member of a community board representing a community district located

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in whole or in part in each borough of the city.

d. 1. Advisory board members shall serve without compensation.

2. The initial appointment of advisory board members shall be completed by no later than six months after the effective date of the local law that added this section.

3. Advisory board members shall serve terms of three years.

4. Any vacancy on the advisory board shall be filled in the manner of original appointment.

e. The advisory board shall:

1. Consult with the interagency working group in the preparation of the environmental justice plan and any revisions thereto;

2. Review and comment on the draft environmental justice plan and any revisions thereto before its finalization by the interagency working group;

3. Hold public hearings pursuant to subdivision f of this section;

4. Convey public comments received at such hearings as well as its own comments regarding the draft environmental justice plan and any revisions thereto to the interagency working group;

5. Make recommendations to the interagency working group concerning any matter considered by, or action to be taken by, the interagency working group or for otherwise promoting environmental justice;

6. Review proposed and final environmental justice plans, and proposed revisions thereto, and make recommendations to the interagency working group relating to such plans and proposed revisions; and

7. Recommend agencies or offices for inclusion in the interagency working group.

f. 1. The advisory board shall hold public meetings, as it deems appropriate, for the purpose of (i) fact-finding, (ii) receiving public comments, (iii) discussing recommendations submitted to, or to be submitted to, the interagency working group and (iv) promoting environmental justice.

2. The advisory board shall hold at least two such meetings in each year; provided that if the local law adding this paragraph is enacted on or after June 30 in any year, the advisory board need only hold at least one

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meeting in such year.

3. During the review of a draft environmental justice plan pursuant to paragraph 2 of subdivision b of section 3-1003 or the review of revisions to a final environmental justice plan pursuant to paragraph 2 of subdivision c of such section, the advisory board shall hold at least one such meeting on such plan or revisions in each borough in which all or part of at least one environmental justice area is located.

4. The advisory board shall provide notice to the public at least three weeks before such meetings, where practicable.

§ 2. This local law takes effect immediately. Nothing in this local law shall be deemed to create a private right of action to enforce its provisions. Nothing in this local law shall be construed to create any right or benefit enforceable against the city of New York or any right to judicial review of any action taken by the city of New York.

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