



Legislation Text

File #: Int 0151-2022, Version: *

Int. No. 151

By Council Member Brannan, the Public Advocate (Mr. Williams) and Council Members Cabán, Stevens, Dinowitz, Hudson, Nurse, Williams, Gutiérrez, Velázquez, Powers, Sanchez and De La Rosa

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing an office of climate resiliency

Be it enacted by the Council as follows:Section 1. The New York city charter is amended by adding a new section 20-n to read as follows:

§ 20-n. Office of climate resiliency. a. The mayor shall establish an office of climate resiliency. Such office may be established in the executive office of the mayor and may be established as a separate office or within any other office of the mayor or within any department the head of which is appointed by the mayor. Such office shall be headed by a director of climate resiliency, who shall be appointed by the mayor or by the head of such department.

b. Powers and duties. The director shall have the power and the duty to:

1. develop and coordinate the implementation of policies, programs and actions to address and meet the climate resiliency and adaptation goals, needs and policies of the city, including but not limited to the climate resiliency of critical infrastructure, neighborhoods, the built environment, natural resources and coastal protection; the climate resiliency of city agencies, businesses, institutions and the public; and advancing climate science to support climate resiliency;

2. support city agencies in preparing for climate change;

3. take actions to increase public awareness and education regarding climate resiliency and resilient practices; and

4. other powers and duties as the mayor may assign.

§ 2. Subdivision b of section 20 of chapter one of the New York city charter, as amended by local law number 80 for the year 2020, is amended to read as follows:

b. Powers and duties. The director shall have the power and the duty to:

1. develop and coordinate the implementation of policies, programs and actions to meet the long-term needs of the city, with respect to its infrastructure, environment and overall sustainability citywide, including but not limited to the categories of housing, open space, brownfields, transportation, water quality and infrastructure, air quality, and energy; [, and climate change; the resiliency of critical infrastructure, the built environment, coastal protection and communities;] and regarding city agencies, businesses, institutions and the public;

2. develop measurable sustainability indicators, which shall be used to assess the city's progress in achieving sustainability citywide; and

3. take actions to increase public awareness and education regarding sustainability and sustainable practices[; and

4. appoint a deputy director who shall be responsible for matters relating to resiliency of critical infrastructure, the built environment, coastal protection and communities and who shall report to the director].

§ 3. Paragraph 2 of subdivision e of section 20 of chapter one of the New York city charter, as amended by local law number 80 for the year 2020, is amended to read as follows:

2. No later than April twenty-second, two thousand eleven, and no later than every four years thereafter, the director shall develop and submit to the mayor and the speaker of the city council an updated long-term sustainability plan, setting forth goals associated with each category established pursuant to paragraph one of subdivision b of this section and any additional categories established by the director, and a list of policies, programs and actions that the city will seek to implement or undertake to achieve each goal by no later than twenty years from the date each such updated long-term sustainability plan is submitted. [No later

than two thousand fifteen, and no later than every four years thereafter, the plan shall also include a list of policies, programs and actions that the city will seek to implement or undertake to achieve each goal relating to the resiliency of critical infrastructure, the built environment, coastal protection and communities.] Such updated plan shall take into account the population projections required pursuant to subdivision d of this section. An updated plan shall include, for each four-year period beginning on the date an updated plan is submitted to the mayor and the speaker of the city council, implementation milestones for each policy, program and action contained in such plan. An updated plan shall report on the status of the milestones contained in the immediately preceding updated plan. Where any categories, goals, policies, programs or actions have been revised in, added to or deleted from an updated plan, or where any milestone has been revised in or deleted from an updated plan, the plan shall include the reason for such addition, revision or deletion. The director shall seek public input regarding an updated plan and its implementation before developing and submitting such plan pursuant to this paragraph. The director shall coordinate the implementation of an updated long-term sustainability plan.

§ 4. Subdivisions c and d of section 3-122 of the administrative code of the city of New York, as added by local law 42 for the year 2012, are amended to read as follows:

c. 1. The panel shall meet at least twice a year for the purpose of (i) reviewing the most recent scientific data related to climate change and its potential impacts on the city's communities, vulnerable populations, public health, natural systems, critical infrastructure, buildings and economy; and (ii) advising the office of [long-term planning and sustainability] climate resiliency and the New York city climate change adaptation task force established pursuant to section 3-123 of this subchapter.

2. The panel shall make recommendations regarding (i) the near-, intermediate and long-term quantitative and qualitative climate change projections for the city of New York within one year of the release of an assessment report by the intergovernmental panel on climate change, but not less than once every three years; and (ii) a framework for stakeholders to incorporate climate change projections into their planning

processes.

d. The panel shall advise the office of [long-term planning and sustainability] climate resiliency on the development of a community- or borough-level communications strategy intended to ensure that the public is informed about the findings of the panel, including the creation of a summary of the climate change projections for dissemination to city residents.

§ 5. Section 3-123 of the administrative code of the city of New York, as amended by local law 72 for the year 2015, is amended to read as follows:

§ 3-123 New York city climate change adaptation task force. a. There shall be a New York city climate change adaptation task force consisting of city, state and federal agencies and private organizations and entities responsible for developing, maintaining, operating or overseeing the city's public health, natural systems, critical infrastructure, including telecommunications, buildings and economy. The task force shall be chaired by the office of [long-term planning and sustainability] climate resiliency, and shall include, but need not be limited to, representatives from the department of buildings, the department of design and construction, department of city planning, the department of environmental protection, the department of information technology and telecommunications, the department of parks and recreation, the department of sanitation, the department of transportation, the economic development corporation, the office of emergency management, the office of management and budget, the department for the aging and the department of health and mental hygiene. Public members shall include, but need not be limited to, representatives from organizations in the health care, telecommunications, energy and transportation fields, who shall be appointed by, and serve at the pleasure of, the mayor without compensation from the city. The mayor shall invite the appropriate federal, state and local agencies and authorities to participate.

b. 1. The task force shall meet at least twice a year for the purposes of reviewing the climate change projections as recommended by the New York city panel on climate change pursuant to section 3-122 of this subchapter; evaluating the potential impacts to public health and the delivery of public health services to the

city's communities and vulnerable populations and how such delivery may be affected by climate change; evaluating the potential impacts to the city's natural systems, critical infrastructure, including telecommunications, and buildings and how services provided by such systems, infrastructure, including telecommunications, and buildings may be affected by climate change; identifying the rules, policies and regulations governing public health, natural systems, critical infrastructure, including telecommunications, buildings and economy that may be affected by climate change; and formulating and updating coordinated strategies to address the potential impact of climate change on the city's communities, vulnerable populations, public health, natural systems, critical infrastructure, including telecommunications, buildings and economy.

2. Within one year of the development of recommended climate change projections pursuant to section 3-122 of this subchapter, the task force shall create an inventory of potential risks due to climate change to the city's communities, vulnerable populations, public health, natural systems, critical infrastructure, including telecommunications, buildings and economy; develop adaptation strategies to address such risks that may include design guidelines for new infrastructure, and short and long-term resiliency recommendations for existing public and private telecommunications infrastructure, including an evaluation of wireless infrastructure; and identify issues for further study. A report with recommendations shall be issued based on this information and submitted to the mayor and the city council and shall be made available to the public.

3. The task force shall conduct outreach to telecommunication service providers, including all telecommunication service providers with a franchise agreement with the city, and request their cooperation in obtaining information relevant to the task force's requirements under subdivision two of this section. The report will include a description of the efforts undertaken to obtain the cooperation of infrastructure providers and the results of such efforts, including specifically whether any such providers refused to cooperate.

c. The office of [long-term planning and sustainability] climate resiliency shall develop a community- or borough-level communications strategy intended to ensure that the public is informed about the findings of the task force, including the creation of a summary of the report for dissemination to city residents. In

developing such communications strategy, the director shall consult with non-governmental and community-based organizations.

§ 6. Subdivision a of section 3-131 of the administrative code of the city of New York, as added by local law 41 for the year 2021, is amended by amending the term “office” to read as follows:

Office. The term “office” means the office of [long-term planning and sustainability] climate resiliency.

§ 7. Subdivisions a and b of section 3-132 of the administrative code of the city of New York, as added by local law 41 for the year 2021, are amended to read as follows:

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Agency. The term “agency” shall have the same definition as such term is defined in section 1150 of the charter.

Covered project. The term “covered project” means a capital project of an agency with an estimated construction cost of no less than \$10,000,000, provided that the office may by rule set such construction cost at a lower amount, that consists of:

1. New construction as defined in section G201.2 of chapter G2 of appendix G of the New York city building code of a building or structure;
2. Substantial improvement as defined in section G201.2 of chapter G2 of appendix G of the New York city building code of an existing building or structure; or
3. Construction of new or improvement of existing infrastructure including but not limited to sewers and other utilities, streets, landscape and transportation facilities with a minimum threshold construction value to be determined by rule or by meeting other specifications or qualifications to be set forth in such rules by the director of [long-term planning and sustainability] climate resiliency, provided that such term shall not include a public betterment consisting solely of a street that does not involve subsurface utility work, drainage or roadway grading, fencing, or combination thereof.

Such term shall include capital projects of the New York city housing authority and the New York city

school construction authority provided that each such entity, in consultation and coordination with the office, may establish a distinct scoring metric for its respective capital projects to address climate hazards in accordance with subdivision c.

Office. The term “office” means the office of [long-term planning and sustainability] climate resiliency.

b. The director of [long-term planning and sustainability] climate resiliency, in consultation with the New York city panel on climate change, the commissioner of design and construction, the commissioner of environmental protection, the commissioner of citywide administrative services, the commissioner of transportation, the commissioner of emergency management, the commissioner of buildings, the commissioner of parks and recreation, the commissioner of housing preservation and development, the commissioner of health and mental hygiene, the fire commissioner, the director of management and budget, the director of city planning, the head of any other office or agency as appropriate, the president of the New York city economic development corporation, environmental justice organizations with expertise in climate resiliency, and members of the public with expertise in climate resiliency, climate design, the built environment, engineering, and environmental justice issues shall develop a resiliency score metric. For the purposes of calculating such resiliency score, the office shall by rule establish a system of points or metrics, considering potential performance of resiliency features, and develop a methodology for applying such scoring to covered projects, provided such methodology shall include one or more minimum thresholds of resiliency that covered projects shall meet, to be informed by and include features detailed in the climate resiliency design guidelines pursuant to section 3-131, and which may also include but need not be limited to features such as:

1. Elevation to reduce the risk of flooding over the anticipated useful life;
2. Flood-proofing of structures or equipment;
3. Site elevation or responsible site considerations;
4. Heat mitigation;
5. Efficient energy resilience, including energy storage with or without use of on-site renewable energy

generation;

6. On-site storm water capture and management;
7. Integration with naturally resilient shoreline features;
8. Salt or flood tolerant landscaping;
9. Green infrastructure;
10. Pervious pavement;
11. Resilient building materials;
12. Living walls or structures; and
13. Integration with and preservation of naturally occurring vegetation and habitat.

§ 8. Subdivision a of section 24-808 of the administrative code of the city of New York, as added by local law number 122 for the year 2021, is amended to read as follows:

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Climate hazard. The term “climate hazard” means a physical process or event related to the climate that can harm human health, livelihoods, property or natural resources, including but not limited to:

1. an extreme storm, such as a hurricane, nor’easter, or blizzard;
2. sea level rise;
3. tidal flooding;
4. extreme heat;
5. extreme precipitation;
6. extreme wind;
7. a wild fire; or
8. a flooding surge event that may be associated with a storm.

Director. The term “director” means the director of [long-term planning and sustainability] climate resiliency.

Environmental justice area. The term “environmental justice area” has the same meaning as such term is defined in section 3-1001.

Non-structural risk reduction approach. The term “non-structural risk reduction approach” means a program, policy, process or incentive to safeguard communities from climate hazards or to remove a structure from a location at risk of a climate hazard, including wetlands preservation, creation and restoration, densification in areas that are not prone to flooding, or other similar concepts.

Office. The term “office” means the office of [long term planning and sustainability] climate resiliency.

Resiliency and adaptation measure. The term “resiliency and adaptation measure” means a measure to enable a community or structure to withstand or avoid a climate hazard, including but not limited to a rip rap, groin, breakwater, levee, floodwall, marsh, wetland, erosion control method, natural resource beach nourishment and restoration, floodproofing, weatherization, cooling measures, rain garden, drainage improvement, water detention structure, permeable pavement, tree planting, reflective roof, shade structure, building retrofits, or green roof.

§ 9. This local law takes effect 180 days after it becomes law.

Session 12
JSA
LS #6322, 6339
3/23/2022

Session 11
JSA
LS 18171
12/6/2021