STATE OF NEW YORK

10573

IN ASSEMBLY

June 20, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Pheffer Amato) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to enacting the climate resilient New York act of 2024

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

Section 1. The executive law is amended by adding a new article 43 to read as follows:

ARTICLE 43

CLIMATE RESILIENT NEW YORK ACT OF 2024

Section 930. Short title.
931. Declaration of purpose.
932. Office of resilience.
933. Chief resilience officer.
934. Statewide resilience plan.
935. Resilience task force.
936. State agency resilience coordinators.
937. Interagency resilience coordination team.
938. Public engagement and reporting.

§ 930. Short title. This act shall be known and may be cited as the "climate resilient New York act of 2024".

§ 931. Declaration of purpose. The legislature recognizes that the state is particularly vulnerable to adverse impacts from climate change. In less than 15 years, the state has experienced sixteen climate disaster declarations. These rising risks pose economic, social, environmental, and public health and safety challenges. A coordinated approach is necessary to effectively, efficiently, and equitably address and prepare for the adverse impacts of near-, mid-, and long-term climate threats on the state. This act therefore relates to establishing a statewide office of climate resilience; adding the office of climate resilience to the executive branch of government; creating the office of resilience within the office of the governor; establishing a chief resilience officer; establishing resilience coordinators in each state agen-

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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cy; providing for a statewide resilience plan to be coordinated by the office of climate resilience; establishing an interagency resilience coordination team and providing for its members, meetings, and public engagement; and providing for related matters.

§ 932. Office of resilience. 1. There is hereby created in the executive department an office of resilience, hereinafter in this article referred to as the "office".

2. The office shall have the following functions, powers and duties:

(a) Coordinate the resilience task force and provide strategic direction for governmental resilience initiatives to build long-term climate resilience for a robust, vibrant economy, sustainable natural environment, healthy communities, and an equitable and just transition to future climate;

(b) Establish an interagency resilience coordination team;

(c) Establish, in collaboration with the interagency resilience coordination team, a statewide resilience plan and framework to facilitate coordination across resilience plans at all levels of government;

(d) Provide technical guidance and assistance to agencies and local and regional jurisdictions, to integrate statewide resilience goals into future projects, plans, and programs;

(e) Establish a means of tracking progress toward statewide goals on climate resilience;

(f) Identify and develop policies necessary to implement a statewide resilience plan and risk reduction strategy;

(g) Establish and maintain a website which shall facilitate the satisfaction of the functions and duties of the office;

(h) Establish and maintain a principal office and such other offices within the state as it may deem necessary;

(i) Appoint a secretary, counsel, clerks and such other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties; and

(j) Require that state agencies and any other state or municipal department, agency, public authority, task force, commission, or other state or municipal government body, provide and the same are hereby authorized to provide, such assistance, documents, and data as will enable the office to carry out its functions and duties.

§ 933. Chief resilience officer. 1. The head of the office shall be the chief resilience officer who shall be appointed by the governor and who shall hold office at the pleasure of the governor.

2. The chief resilience officer shall have the following functions, powers and duties:

(a) Employ or allocate the necessary staff and request the assistance of personnel of any state department or agency to carry out the functions, powers and duties provided in this article or as otherwise provided by law;

(b) Manage the office, the budget for such office, and related functions as provided by law;

(c) Review and reconcile state agency comments on federally sponsored resilience and risk mitigation activities to develop and present an official state position;

(d) Represent the policy and consensus viewpoint of the state at the federal, regional, state, and local levels with respect to resilience and risk mitigation;

(e) Monitor and seek available funds to support the state's resilience priorities, including coordinating cross-agency federal funding applications for community resilience projects;

(f) Provide strategic direction for interagency and cross-disciplinary initiatives to build resilience, in collaboration with the other relevant resilience task force and entities as the chief resilience officer deems appropriate, for the purposes of climate resilience planning and goal development, tracking and reporting progress on climate resilience goals, and public engagement on climate resilience issues;

(g) Appraise the adequacy of statutory and administrative mechanisms for coordinating the state's policies and programs at both the intrastate and interstate levels, and between federal, state, and local government, with respect to resilience and risk mitigation;

(h) Develop, where appropriate, intrastate or intergovernmental agreements to formalize coordination roles for regional resilience projects, such as the New York-New Jersey harbor and tributaries project;

(i) Appraise policy barriers to meet the goals of the state with respect to resilience and risk mitigation;

(j) Serve as subject-matter expert for the state on issues related to resilience and mitigation and provide recommendations to the legislature and federal congress with respect to policies, programs, and coordinating mechanisms relative to resilience and risk mitigation;

(k) Assist with the state's planning efforts, including but not limited to a statewide resilience plan, the state hazard mitigation plan, and other relevant state and regional plans for which there is a state interest, to ensure the incorporation and alignment of the state's resilience goals and objectives into a unified, proactive, pre-disaster approach to adaptation and near-, mid-, and long-term resilience;

(l) Take other actions consistent with law as deemed necessary by the chief resilience officer to carry out such officer's duties, functions, and responsibilities.

§ 934. Statewide resilience plan. 1. To coordinate and strengthen efforts to reduce losses from future disasters across the state, the office shall contribute to all statewide planning efforts related to resilience and risk mitigation and shall develop a strategic statewide resilience plan to protect the state from multiple climate threats.

2. Such plan shall include, but not be limited to, the following:

(a) Articulation of the state's resilience goals and objectives;

(b) Utilization of the best available science, including a range of future projections, to identify, implement, or reform policies, projects, and programs to achieve the state's resilience goals and objectives;

(c) Recommended agency-specific strategic actions, including criteria for prioritization based on a vulnerability assessment of the risks from multiple environmental threats to agency mission areas, assets, services, and populations served;

(d) Prioritization of natural, nature-based, and non-structural approaches to mitigating climate threats, wherever possible including, without limitation, use of living shorelines, riparian restoration, permeable surfaces, rain gardens, green roofs, tree canopy expansion, wetland restoration, removing, altering, or right-sizing dams, natural area conservation, waste-water and stormwater infrastructure upgrades, alteration of structures, buyouts, and other flood and extreme heat prevention, mitigation and resiliency strategies or projects;

(e) Set goals and resilience indicators that shall be tracked and reported to the public over time in an annual progress report; and

(f) A framework for resilience project development, funding, and implementation. Such framework shall include, but not be limited to, the following:

(i) Spatial analysis of projected climate threat exposure and vulnerability, including but not limited to flood, extreme heat and precipitation, storm events, and wildfire, and other risks. Such analysis and resulting maps should delineate the geography and the social and ecological vulnerability of the risk, using the state's environmental justice and disadvantaged community layers and including climate-vulnerable ecosystems, leveraging existing information from the New York state climate impacts assessment, the New York city panel on climate change, and other regional, peer-reviewed, best available scientific source, wherever feasible;

(ii) An accessible, updated database or inventory of critical infrastructure vulnerable to current and future flooding, developed in collaboration with municipalities. This includes those that are essential for critical government and business functions, national security, transportation, utilities, public health and safety, the economy, flood and storm protection, water quality management, and wildlife habitat management;

(iii) Maps or accessible, visual representation of federal, state, and local municipal and county projects planned to reduce such risks, along with the federal, state, or local agencies leading those projects and the funding source; and

(iv) A strategic plan for developing, funding, and financing projects that address such risks through federal, state, local, and private sources. Such strategic plan shall:

(1) Include a strategy for how to make every effort practicable that disadvantaged communities, as identified pursuant to section 75-0111 of the environmental conservation law, receive at least forty percent of the benefits of proposed plans and projects; provided, however, disadvantaged communities shall receive no less than thirty-five percent of such benefits; and

(2) Seeks to build alignment and efficiencies across agency vulnerability assessments and resilience strategies.

§ 935. Resilience task force. 1. There is hereby established within the office a resilience task force to provide strategic direction to resilience efforts across the state and make recommendations to the office.

2. Such task force shall be comprised of the following members:

(a) The chief resilience officer, who shall serve as chair and shall represent the views of the interagency resilience coordination team;

(b) The commissioner of the department of environmental conservation, or their designee;

(c) The commissioner of the division of homeland security and emergency services, or their designee;

(d) The commissioner of the division of housing and community renewal, or their designee;

(e) The secretary of state, or their designee;

(f) The commissioner of the department of financial services, or their designee;

(g) The commissioner of the department of health, or their designee;

(h) The president of the energy research and development authority, or their designee;

(i) The commissioner of the department of transportation, or their designee;

(j) The commissioner of the department of agriculture and markets;

(k) The chair of the metropolitan transportation authority, or their designee;

(l) The chair of the thruway authority, or their designee;
(m) The chair of the bridge authority, or their designee;
(n) The executive director of the port authority, or their designee; and
(o) A member of the general public with expertise in resiliency planning.
§ 936. State agency resilience coordinators. Each state agency included in the resilience task force and any other agencies to be included in resilience planning as designated by the chief resilience officer or resilience task force shall appoint a resilience coordinator to work with the chief resilience officer to ensure resilience is integrated into agency missions and priorities, and otherwise coordinate with the chief resilience officer. Such coordinators shall serve on the interagency resilience coordination team established pursuant to section nine hundred thirty-seven of this article. Each such coordinator shall be appointed by a state agency with the exclusive role of focusing on climate resilience with such agency's mission and activities.
§ 937. Interagency resilience coordination team. 1. There is hereby established within the office an interagency resilience coordination team to maintain awareness, communication, and alignment with regard to the state's resilience and risk mitigation needs, progress, and priorities and to oversee development of the statewide resilience plan.
2. Such team shall:
(a) Be comprised of resilience coordinators from each state agency included in this article or otherwise designated by the chief resilience officer or resilience task force and the chief resilience officer, who shall serve as chair;
(b) Meet upon the call of the chair, with a minimum of four meetings annually;
(c) Develop strategic plans for agencies and collaborate in the development of a statewide resilience plan; and
(d) Develop and implement a plan for public engagement, review of key products of the statewide resilience plan, and track and report on progress of such plan over time.
3. The chief resilience officer shall convene the first meeting of the interagency resilience coordination team on or before the ninetieth day after the effective date of this section.
§ 938. Public engagement and reporting. (a) Public engagement. A statewide resilience plan shall be developed and the resilience task force shall hold at least six regional public comment hearings on the draft 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. The task force 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 the environmental conservation law.
(b) Reporting. No later than one year after the effective date of this section, and every five years thereafter, the office shall complete and submit an updated statewide resilience plan to the legislature and make such plan publicly available.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.