STATE OF NEW YORK

5568

2023-2024 Regular Sessions

IN SENATE

March 8, 2023

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to including comprehensive climate change risk analysis as part of every environmental assessment statement and requiring updates to rules and regulations regarding the state environmental quality review

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

Section 1. Paragraphs (k) and (l) of subdivision 2 of section 8-0109 of the environmental conservation law, as amended by chapter 49 of the laws of 2023, are amended and three new paragraphs (m), (n) and (o) are added to read as follows:

(k) effects of any proposed action on disadvantaged communities, including whether the action may cause or increase a disproportionate pollution burden on a disadvantaged community; [~~and~~]

(l) such other information consistent with the purposes of this article as may be prescribed in guidelines issued by the commissioner pursuant to section 8-0113 of this [~~chapter.~~] **article;**

(m) measurement and analysis of all impacts of climate change including, but not limited to, surface air temperature changes, atmospheric chemistry changes, extreme precipitation changes, drought risk changes, sea level changes, such measurement and analysis shall be done for every aspect of an action;

(n) the carbon footprint per person per building block prior to the proposed action and at the conclusion of a reasonable worst case development scenario for such proposed action, as applicable; and

(o) a reasonable worst case development scenario period of one hundred years for assessing potential flooding risks and environmental impacts for the life of any new building which is part of a proposed action.

§ 2. Section 8-0113 of the environmental conservation law is amended by adding a new subdivision 5 to read as follows:

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

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5. The commissioner shall update any rules and regulations related to the state environmental quality review no less than once every five years to account for changes or updates in any reports issued by the intergovernmental panel on climate change and the New York city panel on climate change.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that if chapter 49 of the laws of 2023 shall not have taken effect on or before such date then this act shall take effect on the same date and in the same manner as such chapter, takes effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.