

STATE OF NEW YORK

8158

IN SENATE

January 10, 2024

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:

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

ARTICLE 43

CLIMATE RESILIENT NEW YORK ACT OF 2024

Section 930. Short title.

6 931. Declaration of purpose.

7 932. Office of resilience.

8 933. Chief resilience officer.

9 934. Statewide resilience plan.

10 935. Resilience task force.

11 936. State agency resilience coordinators.

12 937. Interagency resilience coordination team.

13 938. Public engagement and reporting.

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

16 § 931. Declaration of purpose. The legislature recognizes that the
17 state is particularly vulnerable to adverse impacts from climate change.
18 In less than 15 years, the state has experienced sixteen climate disas-
19 ter declarations. These rising risks pose economic, social, environ-
20 mental, and public health and safety challenges. A coordinated approach
21 is necessary to effectively, efficiently, and equitably address and
22 prepare for the adverse impacts of climate threats on the state. This
23 act therefore relates to establishing a statewide office of climate
24 resilience; adding the office of climate resilience to the executive
25 branch of government; creating the office of resilience within the
26 office of the governor; establishing a chief resilience officer; estab-
27 lishing resilience coordinators in each state agency; providing for a
28 statewide resilience plan to be coordinated by the office of climate

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

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1 resilience; establishing an interagency resilience coordination team and
2 providing for its members, meetings, and public engagement; and provid-
3 ing for related matters.

4 § 932. Office of resilience. 1. There is hereby created in the execu-
5 tive department an office of resilience, hereinafter in this article
6 referred to as the "office".

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

8 (a) Coordinate and provide strategic direction for governmental resi-
9 lience initiatives to build long-term climate resilience for a robust,
10 vibrant economy, sustainable natural environment, healthy communities,
11 and an equitable and just transition to future climate;

12 (b) Establish an interagency resilience coordination team;

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

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

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

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

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

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

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

32 (b) Manage the office, the budget for such office, and related func-
33 tions as provided by law;

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

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

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

43 (f) Provide strategic direction for interagency and cross-disciplinary
44 initiatives to build resilience, in collaboration with the office of
45 resilient homes and communities, the department of environmental conser-
46 vation, the office of planning, development, and community infrastruc-
47 ture, the division of homeland security and emergency services, the
48 department of health; the energy research and development authority; the
49 division of housing and community renewal; the department of transporta-
50 tion, the department of taxation and finance, and other relevant agen-
51 cies as the chief resilience officer deems appropriate, for the purposes
52 of climate resilience planning and goal development, tracking and
53 reporting progress on climate resilience goals, and public engagement on
54 climate resilience issues;

55 (g) Appraise the adequacy of statutory and administrative mechanisms
56 for coordinating the state's policies and programs at both the intra-

1 state and interstate levels, and between federal, state, and local
2 government, with respect to resilience and risk mitigation;

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

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

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

12 (k) Assist with the state's planning efforts, including but not limit-
13 ed to a statewide resilience plan, the state hazard mitigation plan, and
14 other relevant state and regional plans for which there is a state
15 interest, to ensure the incorporation and alignment of the state's resi-
16 lience goals and objectives into a unified, proactive, pre-disaster
17 approach to adaptation and long-term resilience;

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

21 § 934. Statewide resilience plan. 1. To coordinate and strengthen
22 efforts to reduce losses from future disasters across the state, the
23 office shall contribute to all statewide planning efforts related to
24 resilience and risk mitigation and shall develop a strategic statewide
25 resilience plan to protect the state from multiple threats. Such plan
26 shall prioritize risks from inland and coastal flooding.

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

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

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

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

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

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

42 (i) Spatial analysis of projected climate threat exposure and vulner-
43 ability, including but not limited to flood, extreme heat and precipi-
44 tation, storm events, and wildfire, and other risks. Such analysis and
45 resulting maps should delineate the geography and the social and ecolog-
46 ical vulnerability of the risk, using the state's environmental justice
47 and disadvantaged community layers and including climate-vulnerable
48 ecosystems, leveraging existing information from the New York state
49 climate impacts assessment, the New York city panel on climate change,
50 and other regional, peer-reviewed, best available scientific source,
51 wherever feasible;

52 (ii) An accessible, updated database or inventory of critical infras-
53 tructure vulnerable to current and future flooding, developed in collab-
54 oration with municipalities. This includes those that are essential for
55 critical government and business functions, national security, transpor-
56 tation, utilities, public health and safety, the economy, flood and

1 storm protection, water quality management, and wildlife habitat manage-
2 ment;

3 (iii) Maps or accessible, visual representation of federal, state, and
4 local projects planned to reduce such risks; and

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

8 (1) Make every effort practicable, consistent with article fifty-eight
9 of the environmental conservation law, to achieve a goal that forty
10 percent of the funds benefit disadvantaged communities; however, disad-
11 vantaged communities shall receive no less than thirty-five percent of
12 the benefit of the funds pursuant to that article; and

13 (2) Seeks to build alignment and efficiencies across agency vulner-
14 ability assessments and resilience strategies.

15 § 935. Resilience task force. 1. There is hereby established with-
16 in the office a resilience task force to provide strategic direction
17 to resilience efforts across the state and make recommendations to
18 the office.

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

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

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

24 (c) The commissioner of the division of homeland security and emergen-
25 cy services, or their designee;

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

28 (e) The director of the office of planning, development, and community
29 infrastructure, or their designee;

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

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

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

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

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

38 (k) a member of the general public with expertise in resiliency plan-
39 ning.

40 § 936. State agency resilience coordinators. Each state agency shall
41 appoint a resilience coordinator to work with the chief resilience offi-
42 cer to ensure resilience is integrated into agency missions and priori-
43 ties, and otherwise coordinate with the chief resilience officer. Such
44 coordinators shall serve on the interagency resilience coordination team
45 established pursuant to section nine hundred thirty-seven of this arti-
46 cle. Each such coordinator shall be appointed by a state agency with the
47 exclusive role of focusing on climate resilience with such agency's
48 mission and activities.

49 § 937. Interagency resilience coordination team. 1. There is hereby
50 established within the office an interagency resilience coordination
51 team to maintain awareness, communication, and alignment with regard to
52 the state's resilience and risk mitigation needs, progress, and priori-
53 ties and to oversee development of the statewide resilience plan.

54 2. Such team shall:

55 (a) Be comprised of resilience coordinators from each state agency and
56 the chief resilience officer, who shall serve as chair;

1 (b) Meet upon the call of the chair, with a minimum of four meetings
2 annually;

3 (c) Develop strategic plans for agencies and collaborate in the devel-
4 opment of a statewide resilience plan; and

5 (d) Develop and implement a plan for public engagement, review of key
6 products of the statewide resilience plan, and track and report on
7 progress of such plan over time.

8 3. The chief resilience officer shall convene the first meeting of the
9 interagency resilience coordination team on or before the ninetieth day
10 after the effective date of this section.

11 § 938. Public engagement and reporting. (a) Public engagement. A
12 statewide resilience plan shall be developed and the resilience task
13 force shall hold at least six regional public comment hearings on the
14 draft plan, including three meetings in the upstate region and three
15 meetings in the downstate region, and shall allow at least one hundred
16 twenty days for the submission of public comment. The task force shall
17 provide meaningful opportunities for public comment from all segments of
18 the population that will be impacted by the plan, including persons
19 living in disadvantaged communities as identified pursuant to section
20 75-0111 of the environmental conservation law.

21 (b) Reporting. No later than one year after the effective date of this
22 section, and every five years thereafter, the office shall complete and
23 submit an updated statewide resilience plan to the legislature and make
24 such plan publicly available.

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