

# STATE OF NEW YORK

8158--A

## IN SENATE

January 10, 2024

Introduced by Sens. HARCKHAM, CLEARE, JACKSON, MAYER, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 near-, mid-, and long-term climate  
23 threats on the state. This act therefore relates to establishing a  
24 statewide office of climate resilience; adding the office of climate  
25 resilience to the executive branch of government; creating the office of  
26 resilience within the office of the governor; establishing a chief resi-

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

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1 lience officer; establishing resilience coordinators in each state agen-  
2 cy; providing for a statewide resilience plan to be coordinated by the  
3 office of climate resilience; establishing an interagency resilience  
4 coordination team and providing for its members, meetings, and public  
5 engagement; and providing for related matters.

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

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

10 (a) Coordinate the resilience task force and provide strategic direc-  
11 tion for governmental resilience initiatives to build long-term climate  
12 resilience for a robust, vibrant economy, sustainable natural environ-  
13 ment, healthy communities, and an equitable and just transition to  
14 future climate;

15 (b) Establish an interagency resilience coordination team;

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

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

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

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

26 (g) Establish and maintain a website which shall facilitate the satis-  
27 faction of the functions and duties of the office;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (i) Spatial analysis of projected climate threat exposure and vulner-  
5 ability, including but not limited to flood, extreme heat and precipi-  
6 tation, storm events, and wildfire, and other risks. Such analysis and  
7 resulting maps should delineate the geography and the social and ecolog-  
8 ical vulnerability of the risk, using the state's environmental justice  
9 and disadvantaged community layers and including climate-vulnerable  
10 ecosystems, leveraging existing information from the New York state  
11 climate impacts assessment, the New York city panel on climate change,  
12 and other regional, peer-reviewed, best available scientific source,  
13 wherever feasible;

14 (ii) An accessible, updated database or inventory of critical infras-  
15 tructure vulnerable to current and future flooding, developed in collab-  
16 oration with municipalities. This includes those that are essential for  
17 critical government and business functions, national security, transpor-  
18 tation, utilities, public health and safety, the economy, flood and  
19 storm protection, water quality management, and wildlife habitat manage-  
20 ment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (j) The commissioner of the department of agriculture and markets;  
2 (k) The chair of the metropolitan transportation authority, or their  
3 designee;  
4 (l) The chair of the thruway authority, or their designee;  
5 (m) The chair of the bridge authority, or their designee;  
6 (n) The executive director of the port authority, or their designee;  
7 and  
8 (o) A member of the general public with expertise in resiliency plan-  
9 ning.

10 § 936. State agency resilience coordinators. Each state agency  
11 included in the resilience task force and any other agencies to be  
12 included in resilience planning as designated by the chief resilience  
13 officer or resilience task force shall appoint a resilience coordinator  
14 to work with the chief resilience officer to ensure resilience is inte-  
15 grated into agency missions and priorities, and otherwise coordinate  
16 with the chief resilience officer. Such coordinators shall serve on the  
17 interagency resilience coordination team established pursuant to section  
18 nine hundred thirty-seven of this article. Each such coordinator shall  
19 be appointed by a state agency with the exclusive role of focusing on  
20 climate resilience with such agency's mission and activities.

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

26 2. Such team shall:

27 (a) Be comprised of resilience coordinators from each state agency  
28 included in this article or otherwise designated by the chief resilience  
29 officer or resilience task force and the chief resilience officer, who  
30 shall serve as chair;

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

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

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

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

41 § 938. Public engagement and reporting. (a) Public engagement. A  
42 statewide resilience plan shall be developed and the resilience task  
43 force shall hold at least six regional public comment hearings on the  
44 draft plan, including three meetings in the upstate region and three  
45 meetings in the downstate region, and shall allow at least one hundred  
46 twenty days for the submission of public comment. The task force shall  
47 provide meaningful opportunities for public comment from all segments of  
48 the population that will be impacted by the plan, including persons  
49 living in disadvantaged communities as identified pursuant to section  
50 75-0111 of the environmental conservation law.

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

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