

STATE OF NEW YORK

3590--A

2025-2026 Regular Sessions

IN SENATE

January 28, 2025

Introduced by Sens. HARCKHAM, CLEARE, FAHY, HINCHEY, JACKSON, MAY, MAYER, PALUMBO, SALAZAR, SERRANO, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- 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 2026

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 2026

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 2026".

§ 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

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

LBD04510-04-6

1 prepare for the adverse impacts of near-, mid-, and long-term climate
2 threats on the state. This act therefore relates to establishing a
3 statewide office of climate resilience; adding the office of climate
4 resilience to the executive branch of government; creating the office of
5 resilience within the office of the governor; establishing a chief resi-
6 lience officer; establishing resilience coordinators in each state agen-
7 cy; providing for a statewide resilience plan to be coordinated by the
8 office of climate resilience; establishing an interagency resilience
9 coordination team and providing for its members, meetings, and public
10 engagement; and providing for related matters.

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

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

15 (a) Coordinate the resilience task force and provide strategic direc-
16 tion for governmental resilience initiatives to build long-term climate
17 resilience for a robust, vibrant economy, sustainable natural environ-
18 ment, healthy communities, and an equitable and just transition to
19 future climate;

20 (b) Establish an interagency resilience coordination team;

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

24 (d) Provide technical guidance and assistance or support to agencies
25 and local and regional jurisdictions, to integrate statewide resilience
26 goals into future projects, plans, and programs, and to foster inter-
27 municipal cooperation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (l) To serve as a clearinghouse for the benefit of municipalities
36 regarding information relating to flooding, extreme heat, and other risk
37 prevention and mitigation, including impact prevention and mitigation
38 project funding programs, and other information relating to their common
39 problems with respect to these hazards and the state and federal
40 services available to assist in solving such problems;

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

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

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

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

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

55 (c) Recommended agency-specific strategic actions, including criteria
56 for prioritization based on a vulnerability assessment of the risks from

1 multiple environmental threats to agency mission areas, assets,
2 services, and populations served;

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

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

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

16 (i) Spatial analysis of projected climate threat exposure and vulner-
17 ability, including but not limited to flood, extreme heat and precipi-
18 tation, storm events, and wildfire, and other risks. Such analysis and
19 resulting maps should delineate the geography and the social and ecolog-
20 ical vulnerability of the risk, using the state's environmental justice
21 and disadvantaged community layers and including climate-vulnerable
22 ecosystems, leveraging existing information from the New York state
23 climate impacts assessment, the New York city panel on climate change,
24 and other regional, peer-reviewed, best available scientific source,
25 wherever feasible;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (l) The chair of the thruway authority, or their designee;

17 (m) The chair of the bridge authority, or their designee;

18 (n) The executive director of the port authority, or their designee;
19 and

20 (o) A member of the general public with expertise in resiliency plan-
21 ning.

22 § 936. State agency resilience coordinators. Each state agency
23 included in the resilience task force and any other agencies to be
24 included in resilience planning as designated by the chief resilience
25 officer or resilience task force shall appoint a resilience coordinator
26 to work with the chief resilience officer to ensure resilience is inte-
27 grated into agency missions and priorities, and otherwise coordinate
28 with the chief resilience officer. Such coordinators shall serve on the
29 interagency resilience coordination team established pursuant to section
30 nine hundred thirty-seven of this article. Each such coordinator shall
31 be appointed by a state agency with the exclusive role of focusing on
32 climate resilience with such agency's mission and activities.

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

38 2. Such team shall:

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

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

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

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

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

53 § 938. Public engagement and reporting. 1. Public engagement. A state-
54 wide resilience plan shall be developed and the resilience task force
55 shall hold at least six regional public comment hearings on the draft
56 plan, including three meetings in the upstate region and three meetings

1 in the downstate region, and shall allow at least one hundred twenty
2 days for the submission of public comment. The task force shall provide
3 meaningful opportunities for public comment from all segments of the
4 population that will be impacted by the plan, including persons living
5 in disadvantaged communities as identified pursuant to section 75-0111
6 of the environmental conservation law.

7 2. Reporting. No later than one year after the effective date of this
8 section, and every five years thereafter, the office shall complete and
9 submit an updated statewide resilience plan to the legislature and make
10 such plan publicly available.

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