

NEW YORK CITY ADOPTS CLIMATE RESILIENCY LAW

Hodgson Russ Environmental and Renewable Energy Alert
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It's often been said of governments, that they practice "do as we say, not as we do." But last week the New York City Council again demonstrated its serious intent in addressing climate change threats by its adoption of Intro. 2092, a local law which directs the Office of Long-Term Planning and Sustainability ("OLTPS") to develop climate resiliency design guidelines and a resiliency scoring system for City-funded capital projects. If signed into law, Intro. 2092 will require the City to develop climate-resilient buildings and infrastructure throughout the five boroughs.

First, Intro. 2092 will codify and expand the City's Climate Resiliency Design Guidelines, which were first issued in 2017 by the Mayor's Office of Resiliency. These guidelines incorporate forward-looking climate change data into the design of capital projects and provide instructions for determining an appropriate resilient design strategy. Some of the factors considered in the guidelines include the ability of the proposed infrastructure to absorb climate stressors and disruption, as well as the useful life and criticality of facilities. The guidelines are available [here](#).

Second, the law directs OLTPS, in consultation with other City agencies, environmental justice organizations, and members of the public, to develop a climate resilience scoring metric and set a minimum resiliency standard for city-funded capital projects. Informed by the climate resiliency guidelines, this metric will address various sources of climate risk including hazards caused by storm surge, chronic tidal flooding, increased precipitation, and extreme heat. Once the scoring system is established, OLTPS will calculate a resilience score for all city-funded capital projects over \$10,000,000.

Finally, Intro. 2092 creates a five-year pilot program to test the implementation of the guidelines and scoring process. Under this program, OLTPS will select thirty-five projects from different city agencies, at least 35% of which must be located in environmental justice communities. This program will allow OLTPS to collect the necessary data on the real-world benefits and costs of implementing Intro. 2092 and inform an updated version of both the guidelines and scoring metric.

The City Council approved Intro. 2092 on March 18, 2021, and Mayor Bill de Blasio is expected to sign it into law. Credit is due to the members of the Mayor's and City Council staffs who pushed this program forward.

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The City continues to be a global leader in adopting climate change responses, and here has set a precedent that can be adopted by other municipalities. Hodgson Russ will continue to follow updates on this and other related climate change and resiliency issues. For further information on incorporating resiliency measures into projects and municipal programs, or on the broad scope of the City's climate change related mandates, contact [Daniel Spitzer](#) (716-848-1420), [Mila Buckner](#) (646-218-7658) or a member of our [Municipal](#), [Environmental](#) or [Renewable Energy](#) Practices.