

New York State Climate Action Council – Draft Scoping Plan

Statewide Approaches for Housing Development

February 2022

Westchester County Association
1133 Westchester Ave. – Ste S-217
White Plains, NY 10604
(914) 948-6444
www.westchester.org



NY State Climate Action Council -- Background and Overview

Climate Leadership and Community Protection Act of 2019 (“Climate Act”)

[New York's Climate Leadership and Community Protection Act \(CLCPA\)](#)

[\(ny.gov\)](#)

- Requires New York to reduce economy-wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels
- Creates a Climate Action Council tasked with developing a scoping plan of recommendations to meet these targets and place New York on a path toward carbon neutrality

Climate Action Council

- Released a Draft Scoping Plan on Dec. 30, 2021 -- [Climate Action Council Draft Scoping Plan \(ny.gov\)](#)
- Public Comment Period: Starts Jan. 1, 2022 and extends 120 days thereafter -- [\[NYSERDA\] Draft Scoping Plan Comments \(seamlessdocs.com\)](#)
- Public Hearings: To be scheduled at a later date
- Final Scoping Plan: Due by end of 2022

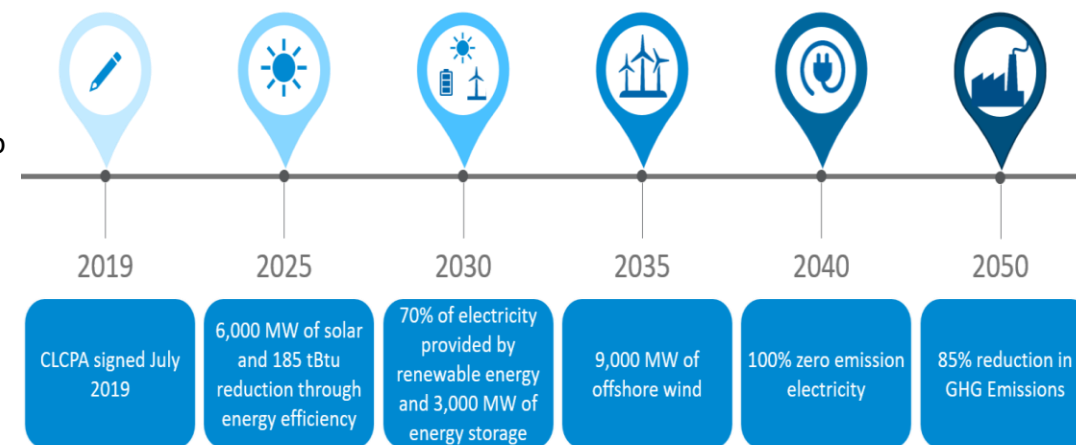
Governor’s 2022 State of the State Agenda

- Precursor to Executive Budget
- Released on Jan. 5, 2022 -- [2022StateoftheStateBook.pdf \(ny.gov\)](#)

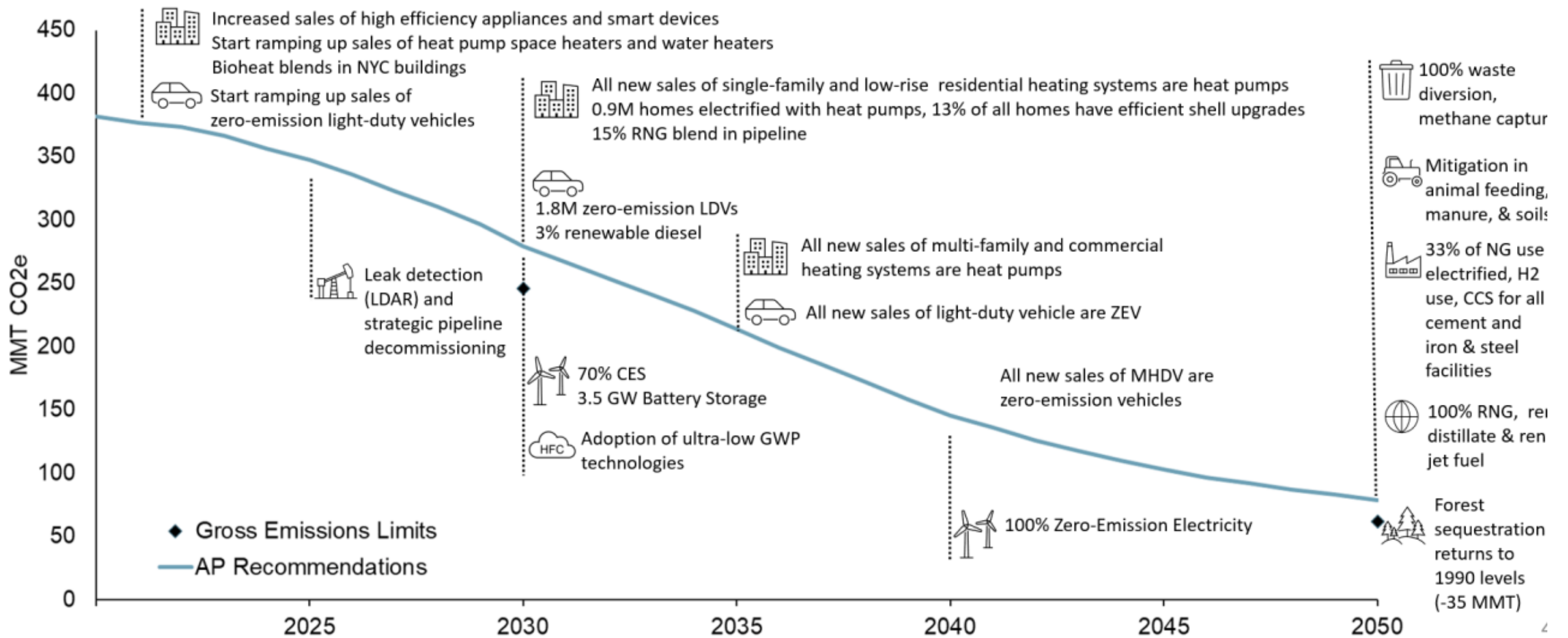
Governor’s 2022-23 Executive Budget

- Released on Jan. 18, 2022 -- [FY 2023 Executive Budget | NYS DOB](#); [Legislation | FY 2023 Executive Budget | NYS DOB](#)

Climate Act Targets



Climate Action Council Draft Plan -- Baseline Recommendations



Buildings Sector Key Strategies

Adopt Zero Emissions Codes and Standards and Require Energy Benchmarking for Buildings

Efficiency Standards: Advanced Codes for Highly Efficient, All-Electric New Construction and Replacement Equipment

Emissions Standards: Zero Emissions Equipment and the Energy Performance of Existing Buildings **(Building Performance Standards)**

Energy Benchmarking and Disclosure

Scale Up Public Financial Incentives and Expand Access to Public and Private Low-Cost Financing for Building Decarbonization

Scale Up Public Financial Incentives

Expand Access to Public and Private Low-Cost Financing

Align Energy Price Signals with Policy Goals **(Carbon Tax)**

Expand New York's Commitment to Market Development, Innovation, and Leading-by-Example in State Projects

Invest in Workforce Development

Scale Up Public Awareness and Consumer Education

Support Innovation

Reduce Embodied Carbon from Building Construction

Transition from HFCs

Advance a Managed and Just Transition from Reliance on HFC Use

Land Use and Local Government Sector Key Strategies

Protection, Restoration, and Monitoring of Natural and Working Lands

Mitigate Carbon Emissions by Protection of Forest Lands

Afforestation and Reforestation

Avoid Agricultural and Forested Land Conversion

Protect and Restore Wetlands

Mapping, Research, Planning, and Assistance

Forests and Farmland in Municipal Land Use Policies

Provide Guidance and Support for Afforestation and Reforestation to Local Communities

Increase Forest and Farmland Protection in Municipal Comprehensive Plans

Provide Guidance and Support on Clean Energy Siting to Localities

Smart Growth

Regional and County Planning and Technical Assistance

Direct Planning, Zoning, and Pre-Development Assistance to Municipalities

Align State Funding Priorities

Accelerate Transit Orientated Development

Draft Scoping Plan Real Estate Sector Key Takeaways

- **Near-Term Phase Out of Gas/Oil Heating Equipment in All New Construction**
 - 2023: Prohibition on No.6 fuel oil
 - 2024: Proposed timeline for code prohibiting gas/oil equipment (space heating, hot water, cooking) in new construction of single-family homes and low-rise residential buildings <4 stories
 - 2027: Proposed timeline for code restriction on gas/oil equipment in new construction of multi-family buildings >4 stories and commercial buildings
 - Useful life replacement schedule fossil-fuel burning equipment in existing buildings
- **New Energy Efficiency Standards for All Buildings**
 - 2027: Lighting Standards
 - 2030: Building-wide efficiency standards and benchmarking like NYC Local Law 97
- Prohibition on new gas service to existing buildings perhaps as early as 2024
- Strongly encourages smart growth development and regional planning initiatives

Building and Land Use Sector Strategies in 2022-23 Executive Budget

Building Sector Strategies

- Prohibition on No.6 Fuel Oil beginning 2023
- Require Zero Onsite GHG Emissions in All New Construction Beginning 2027
- Building Energy Benchmarking Beginning 2024
- Building Codes and Efficiency Standards for Commercial and Residential Construction
- Tax Incentives for Converting to Biodiesel and Geothermal

Smart Growth and Land Use Strategies

- Accessory Dwelling Unit Legislation (ELFA Part AA)
- Transit Oriented Development Legislation (ELFA Part EE)

Encouraging Housing Development -- Statewide Solutions

Brookings Institute:

“Local governments have traditionally exerted the most direct control over land use and housing production, yet political and fiscal incentives align to pressure local officials into restricting new development, especially of moderately priced homes. However, state governments are increasingly feeling the pinch . . . State-level action has the potential to improve these outcomes.”

States Can Improve Housing Well-Being
Through Thoughtfully Designed Policies, Schuetz (Brookings, 2021)
[States can improve housing well-being through thoughtfully designed policies \(brookings.edu\)](https://www.brookings.edu/research/states-can-improve-housing-well-being-through-thoughtfully-designed-policies/)

Encouraging Housing Development -- Statewide Solutions

State Preemption of Local Zoning Laws

- NYS Executive Budget Legislation for Transit Oriented Development (ELFA Part EE) / Accessory Dwelling Units (ELFA Part AA)
- ADU and “missing middle” legislation in CA, ME, OR, UT, e.g.
- Role of SEQRA in Inhibiting Local Development

Modifying the Standard of Review

- Neutralizes Presumption of Validity for Local Decisions
- Massachusetts “Fair Share” 40B legislation
- Connecticut Affordable Housing Land Use Appeals Procedure CGS 830g

Mandatory Comprehensive Plan Oversight and/or Assistance

- Oregon HB 2001, HB 2003 requires regional housing needs assessment and penalizes municipalities for not meeting state affordable housing goals
- Massachusetts Chapter 40R provides financial rewards to municipalities that adopt qualifying mixed-use development zones and for each newly created home