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NEW YORK STATE
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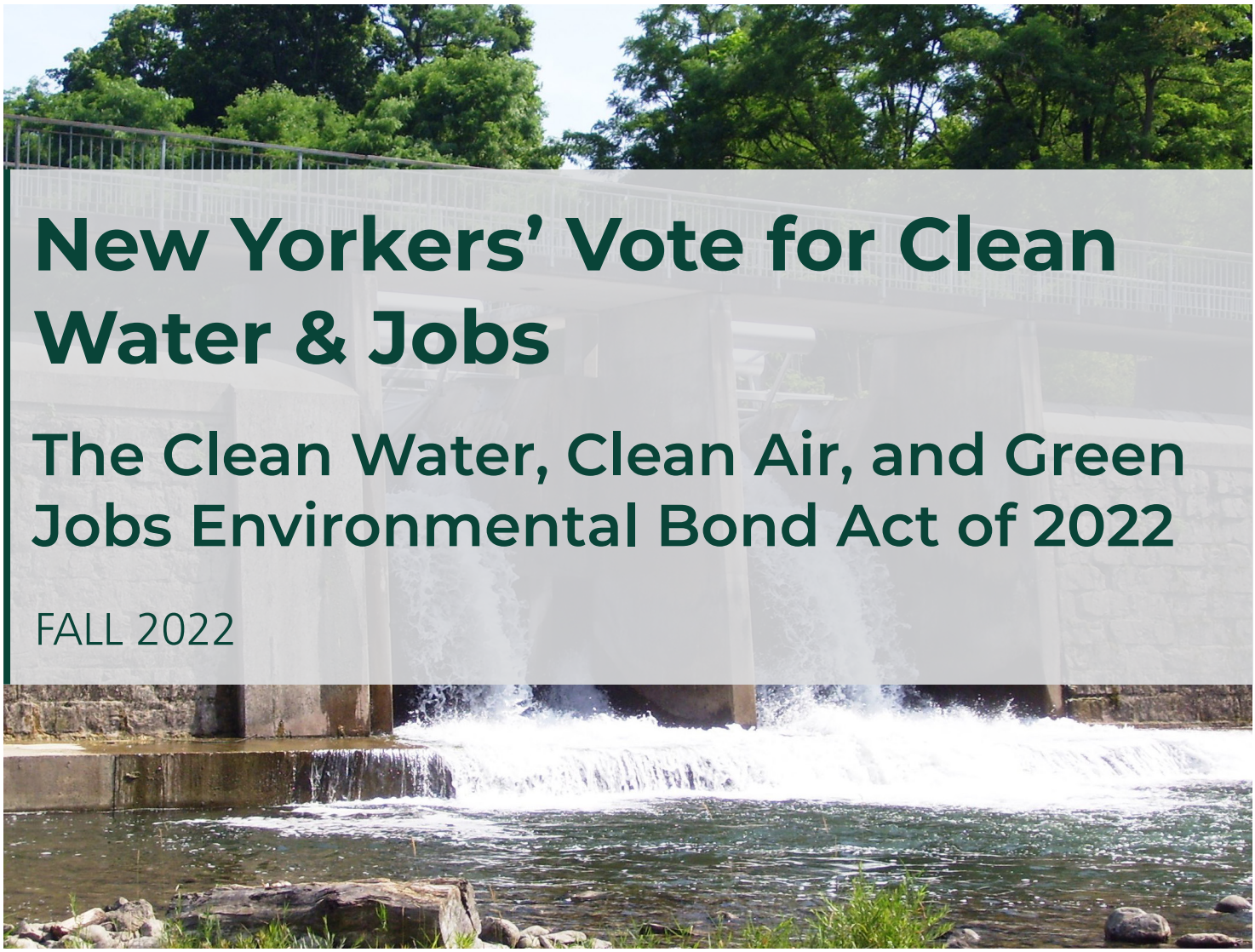

New Yorkers' Vote for Clean Water & Jobs

The Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022

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Introduction

Since the early 20th century, New York State has used bond acts to invest billions of dollars in environmental projects and programs, such as establishing state parks, protecting waterbodies, and improving the quality of our air.

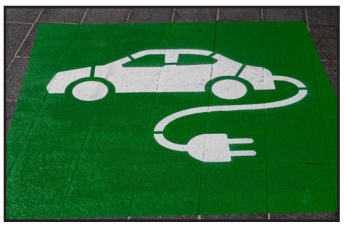
This November, New Yorkers will have the opportunity to decide whether to approve the state's first environmental bond act in nearly three decades. If approved by voters, the $4.2 billion Clean Air, Clean Water, and Green Jobs Bond Act would allow for multi-year investments in climate and environmental projects like climate change mitigation, flood risk reduction, open space land conservation, water quality improvement, and building resilient infrastructure.

This report explains how the Bond Act would support healthy communities, a strong economy, and local recreation so counties can encourage their residents to vote "yes" on this ballot measure in November.

Background

Originally proposed by Governor Andrew Cuomo in 2020 as the $3 billion "Restore Mother Nature Bond Act," the Bond Act was first passed as part of the Fiscal Year (FY) 2021 State Budget and slated to be on the ballot in November 2020. However, it was pulled from the ballot by the Division of Budget due to concerns about the state's finances during the COVID-19 pandemic.

In the FY 2023 State Budget, Governor Kathy Hochul and the Legislature agreed to increase funding for the Bond Act to $4.2 billion and change the name to the "Clean Water, Clean Air, and Green Jobs Environmental Bond Act." If approved by voters in November 2022, the Bond Act will provide at least $1.1 billion to restore habitats and reduce flood risk, at least $650 million to improve water quality and the resiliency of infrastructure, up to $650 million to protect open space and invest in recreational infrastructure, and up to $1.5 billion to mitigate climate change. Funding can also be used to complete other projects that preserve, enhance, and restore the quality of the state's environment.



Funding Allocations

Monies from the Bond Act are divided into four accounts: (1) climate change mitigation; (2) restoration and flood risk reduction; (3) water quality improvement and resilient infrastructure; and (4) open space land conservation and recreation. Local governments, including counties, will be able to apply for and receive funding to complete projects in each of these categories.

The following tables provide a breakdown of how funding within each account is allocated. Full spending details are available in Part NN of the Transportation, Economic Development and Environmental Conservation budget bill (S.8008-C/A.9008-C).

Clean Water, Clean Air, Green Jobs Bond Act Funding Allocations[i]

Total Funding ($4.2 billion)*	
Climate change mitigation	$1.5 billion
Restoration and flood risk reduction	$1.1 billion
Open space land conservation and recreation	$650 million
Water quality improvement and resilient infrastructure	$650 million
Unallocated	$300 million

*At least 35% of the total funding must be spent in disadvantaged communities, with a goal of reaching 40%.

Climate Change Mitigation ($1.5 billion)	
Green building projects, projects to increase energy efficiency or renewable energy on state-owned properties, SUNY/CUNY facilities, community colleges and public schools	Not less than $400 million
Climate adaptation and mitigation projects	Not less than $100 million
Zero emission school buses and supporting infrastructure	Not less than $500 million
Air and water pollution elimination in environmental justice (EJ) communities	Not less than $200 million
Other eligible projects: ▪ Urban heat reduction through green roofs, open space, community gardens, cool pavement, community cooling centers, and reflective roofs. ▪ Urban forestry projects, such as forest and habitat restoration, purchase and planting of street trees. ▪ Using natural and working lands to store or reduce carbon or methane pollution from agricultural lands. ▪ Reducing or eliminating air or water pollution in EJ communities.	Up to $300 million

Restoration and Flood Risk Reduction ($1.1 billion)	
Coastal rehabilitation and shoreline restoration projects	Not less than $100 million
Projects to reduce inland flooding and revitalize waterfronts	Not less than $100 million
Voluntary buyout and restoration projects	Not more than $250 million
Other eligible projects: ▪ Wetland, stream, forest, and wildlife habitat restoration ▪ Protecting people, roads and buildings from flooding by acquiring, moving, lifting, or raising flood prone properties, structures and infrastructure. ▪ Relocating, repairing, or raising flood-prone roadways; updating dams, bridges, and culverts.	Up to $650 million

Water Quality Improvement and Resilient Infrastructure ($650 million)	
Wastewater infrastructure repairs and upgrades	Not less than $200 million
Municipal stormwater projects	Not less than $250 million
Other eligible projects: ▪ Reducing runoff from farms, improving soil health, and restoring buffers between farms and streams. ▪ Reducing harmful algal blooms and nutrient pollution in water. ▪ Extending or establishing sewer lines to replace failing septic systems. ▪ Reducing water pollution by eliminating point or nonpoint source discharges. ▪ Reducing lead exposure by replacing lead service lines.	Up to $200 million

Open Space Land Conservation and Recreation ($650 million)	
Open space land conservation	Not less than $300 million
Farmland preservation	Not less than $150 million
Fish hatchery creation and upgrades	Not more than $75 million
Other eligible projects: ▪ Land and farmland conservation with willing landowners/sellers (including in programs listed above). ▪ Fee or easement purchases by the state, a municipality, or a not-for-profit organization. ▪ Planning, design, and construction of projects to develop and improve parks, campgrounds, nature centers, fish	Up to $125 million

[i] The Nature Conservancy, April 2022

Other Provisions

Disadvantaged Communities

Low-income families and communities of color suffer disproportionately from air pollution, exposure to toxins, and a lack of green space. To address these inequalities, the Bond Act requires at least 35 percent of the total funding to be spent in disadvantaged communities, with a goal of reaching 40 percent.

Pursuant to Environmental Conservation Law § 75-0111, a nine-member Climate Justice Working Group (CJWG), in consultation with state agencies, is charged with establishing criteria to identify disadvantaged communities (DACs) based on geographic, public health, environmental hazard, and socioeconomic criteria. These criteria will also be used for the Climate Leadership and Community Protection Act of 2019 ("Climate Act"), as the Climate Act requires that DACs receive 40 percent of the overall benefits of state spending on clean energy and energy efficiency programs and at least 35 percent of the benefits of these investments.

In December 2021, the CJWG voted to release its draft disadvantaged communities criteria for public comment. The CJWG used 45 indicators to identify 35 percent of census tracts as DACs. The indicators include climate-related risks, such as flooding or extreme heat; health vulnerabilities like asthma and COPD and emergency department visits; and socio-economic factors, including race, ethnicity, and income. As of the writing of this report, the public comment period has ended, but the criteria have not been finalized. A list of the proposed DACs, interactive map, and fact sheets are available at https://climate.ny.gov/Our-Climate-Act/Disadvantaged-Communities-Criteria.

Labor Standards

Labor groups support the Bond Act because of its strong labor standards, which will help to create and maintain middle-class jobs. A 2022 report from the infrastructure consulting firm AECOM and Rebuild by Design estimates that the Bond Act will support over 84,000 jobs and $8.7 billion in project spending.

Projects that receive funding from the Bond Act must comply with prevailing wage requirements. State entities and municipalities that receive at least $25 million for a project are also subject to other provisions of Labor Law § 220 regarding hours, wages, and supplements.

Any state entity or municipality that receives at least $25 million for a project costing more than $50 million must require the use of apprenticeship agreements. Municipalities and state entities can also require contractors to execute labor peace agreements.

Finally, the Bond Act requires municipalities, state entities, or third parties acting on their behalf to “Buy American” for structural iron and steel. However, this requirement can be waived if the head of the department, agency, or municipal entity constructing the public work, in their sole discretion, determines it would not be in the public interest, result in unreasonable costs, or that the streel or iron would be unavailable in sufficient quantities or satisfactory quality.

What’s Next

When New Yorkers go to the polls for the 2022 General Election, Proposition 1 will ask them to answer the following question:

> To address and combat the impact of climate change and damage to the environment, the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 authorizes the sale of state bonds up to four billion two hundred million dollars to fund environmental protection, natural restoration, resiliency, and clean energy projects. Shall the Environmental Bond Act of 2022 be approved?

NYSAC supports the Bond Act to increase funding for existing environmental programs and fund new projects that will strengthen our economy, protect clean air and water, advance environmental justice, expand green space, restore habitats, and reduce climate risks. We encourage our members to spread the word that voting “yes” on this ballot measure will support healthy communities, a strong economy, and recreation in all corners of the state. County leaders that are interested in supporting the Bond Act can find a model resolution in Appendix A of this report. Additional information and toolkits can also be found at www.cleanwaterandjobs.org.