
ENVIRONMENTAL LAW - NEW YORK

Glen Oaks Village Owners, Inc. v. City of New York

Court of Appeals of New York - May 22, 2025 - N.E.3d - 2025 WL 1458090 - 2025 N.Y. Slip Op. 03101

Group of building owners brought action against city, claiming local emissions law, intended to combat climate change and improve air quality and public health by imposing penalties for violating building emission limits, was preempted by state Climate Leadership and Community Protection Act (CLCPA), and otherwise violated the Due Process Clause.

The Supreme Court, New York County, granted city's motion to dismiss. Owners appealed. The Supreme Court, Appellate Division, affirmed as modified. City moved for leave to appeal, which the Appellate Division granted and certified question.

The Court of Appeals held that:

- CLCPA did not preempt city's local emissions law through field preemption, and
- CLCPA's savings clause did not only apply to local laws other than greenhouse gas emissions reduction measures.

State legislature neither expressed nor implied any intent to preempt field of regulating greenhouse gas emission in passing state Climate Leadership and Community Protection Act (CLCPA), and thus CLCPA did not preempt city's local emissions law through field preemption; although CLCPA represented wide-ranging, statewide effort to address climate change that was, to some degree, forward-looking and aspirational in nature, establishing ultimate goals of reduction of greenhouse gas emissions and leaving mechanism for implementation of those goals to further study and eventual regulation, it was not so broad and detailed in scope as to require determination that it had precluded all local regulation in the area, particularly where local law would have only furthered State's policy interests.

Savings clause of state Climate Leadership and Community Protection Act (CLCPA), which addressed public's continuing obligation to comply with other applicable laws and regulations, whether federal, state, or local, in conjunction with section preserving existing authority of state entities to adopt and implement greenhouse gas emissions reduction measures, did not only apply to local laws other than greenhouse gas emissions reduction measures, as would support building owners' claim that the CLCPA preempted field of regulating greenhouse gas emissions with respect to city's local emissions law; given text of savings clause and CLCPA's structure and purpose, it was not reasonable to read savings clause as requiring compliance with federal emissions guidelines but not with local emissions requirements.

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