

Draft Disadvantaged Communities Criteria Overview

New York's Climate Leadership and Community Protection Act (Climate Act), signed into law in 2019, is among one of the nation's most ambitious climate laws, committing the state to reaching net zero greenhouse gas emissions across all sectors of the economy.

The Climate Act recognizes that climate change does not affect all New Yorkers equally. Climate change is a threat multiplier exacerbated by burdens, vulnerabilities, and stressors that differ among communities statewide. The Climate Act charged the Climate Justice Working Group (CJWG) with the development of criteria to identify disadvantaged communities to ensure that frontline and otherwise underserved communities benefit from the state's historic transition to cleaner, greener sources of energy, reduced pollution and cleaner air, and economic opportunities.

To identify Disadvantaged Communities (DACs) across New York State, the CJWG first identified 35 percent of census tracts in New York as DACs, meaning 1,721 of the state's 4,918 census tracts would be considered Geographic DACs. Most of these tracts are identified on the basis of 45 indicators or data such as climate-related burdens and risks, as well as health vulnerabilities as noted Tables 1 and 2 below. The draft DAC list includes 19 census tracts federally designated reservation territory or State-recognized Nation-owned land.

The scoring approach is detailed in Section 5 of the Technical Documentation considers each census tract's relative burden, risk, vulnerability, or sensitivity based on these indicators. The percentile ranks of these indicators for each census tract are combined to produce a value that measures a census tract's relative level of "Environmental Burdens and Climate Change Risks," as well as "Population Characteristics and Health Vulnerabilities" relative to other tracts. Tracts with higher scores relative to (a) other tracts in the State; or (b) their region (New York City or Rest of State) were identified as DACs.

To be identified as a DAC, Census tracts must rank relatively high in terms of both "Environmental and Climate Change Burdens and Risks" and "Population Characteristics and Health Vulnerabilities" (or very high on one of these). Since the types and concentration of exposures, burdens, risks, historical discrimination, and vulnerabilities experienced by New Yorkers can vary considerably between New York City and communities in the rest of the state, the draft criteria consider each census tract's relative score compared with other tracts in two broad regions: New York City (five counties; 43 percent of population) and Rest of State (57 counties; 57 percent of population).

The draft geographic DAC criteria can be used for all purposes of ECL § 75-0111 including co-pollutant reductions, greenhouse gas (GHG) emissions reductions, regulatory impact statements, and the allocation of clean energy and energy efficiency investments. Approximately 35 percent of New York's population and 35 percent of the state's households are included in the draft geographic DAC list.

Additionally, for the purpose of directing the State's clean energy and energy efficiency programs, projects, or investments to DACs, pursuant to ECL § 75-0117, the draft criteria includes **low-income households located anywhere in the State**, defined as households reporting annual total income at or below 60 percent of State Median Income, or are otherwise categorically eligible for low-income programs (i.e., Home Energy Assistance Program), as discussed in Section B below.

Table 1. Environmental Burdens and Climate Change Risks: Draft Indicators

Environmental Burdens and Climate Change Risk		
Potential Pollution Exposures	Land use and facilities associated with historical discrimination or disinvestment	Potential Climate Change Risks
Vehicle traffic density diesel truck and bus traffic	Proximity to remediation sites	Extreme heat projections
Particulate matter (PM _{2.5})	Proximity to regulated management plan sites	Flooding in coastal and tidally influenced areas (projected)
Benzene concentration	Proximity to major oil storage facilities	Flooding in inland areas (projected)
Wastewater discharge	Proximity to power generation facilities	Low vegetative cover
-	Proximity to active landfills	Agricultural land
-	Proximity to municipal waste combustors	Driving time to hospitals or urgent/critical care
-	Proximity to scrap metal processors	-
-	Industrial/manufacturing/mining land use	-
-	Housing vacancy rate	-

Table 2. Population Characteristics and Health Vulnerabilities: Draft Indicators

Population Characteristics and Health Vulnerabilities			
Income	Race and Ethnicity	Health Outcomes & Sensitivities	Housing Mobility & Communications
Percent <80% Area Median Income	Percent Latino/a or Hispanic	Asthma emergency department visits	Percent renter-occupied homes
Percent <100% of Federal Poverty Line	Percent Black or African American	COPD emergency department visits	Housing cost burden (rental costs)
Percent without bachelor's degree	Percent Asian	Heart attack (MI) hospitalization	Energy poverty / cost Burden
Unemployment rate	Percent Native American or Indigenous	Premature deaths	Manufactured homes
Percent single-parent households	Limited English proficiency	Low birthweight	Homes built before 1960
-	Historical redlining score	Percent without health insurance	Percent without internet
-	-	Percent with disabilities	-
-	-	Percent adults age 65+	-

A. Characteristics of Draft Disadvantaged Communities

The draft criteria identify about 35 percent of census tracts in the state as geographic DACs. As designed, the communities covered by the draft geographic DAC criteria have far more low-income, Black and African American, and Hispanic/Latino households (Table 3).

Table 3. Comparison of Draft Geographic DACs (35% of tracts) with non-DACs (65% of tracts)

Indicator or Metric		Not draft DACs (65% of state)	Draft geographic DACs (35% of state)
Household Income	Household income <80% Area Median Income (relative to household size)	35%	61%
	Household income <100% of Federal Poverty Line (relative to household size)	9%	23%
Race and Ethnicity	Black or African American Population	11%	29%
	Hispanic and Latino Population	11%	34%
	Asian Population	10%	8%
	Native American, Pacific Islander or Indigenous Population	1%	2%
Component Scores	Environmental Burden and Climate Change Risk Score Percentile (Average)	40	68
	Population Characteristics and Health Vulnerabilities Score Percentile (Average)	36	76

Source for race, ethnicity and income relative to Federal Poverty Line: US Census American Community Survey data, 2015-2019. Source for 80% AMI data: US Department of Housing and Urban Development, 2015. Source of relative indicator scores: Technical Team analysis.

Because of regional differences in sociodemographic characteristics, health, environmental burdens, and climate change risks, some regions have more or fewer DACs than others. Table 4 below shows that while on average 35 percent of the state is identified as geographic DACs, in the five New York City counties about 45 percent of census tracts are identified as DACs, while some regions have fewer than 35 percent of census tracts identified as draft DACs.

Table 4. Percentage of census tracts within each region designated a draft DAC

Region	Percent of tracts identified as draft DACs
New York City	45%
Long Island	12%
Mid-Hudson	45%
Western NY	32%
Finger Lakes	35%
Capital Region	22%
Central NY	36%
Southern Tier	18%
Mohawk Valley	19%
North Country	15%
Total	35%

Regions correspond with Regional Economic Development Council (REDC) regions. For a list of counties within each region, see <https://regionalcouncils.ny.gov/>. Chart is sorted from most to least populous regions.

Another way to understand the regional distribution is by looking at the share of New York’s population in each region, and its share of DAC-designated census tracts. Table 5 shows that the five New York City counties are home to about 43 percent of New York’s population, as well as 51 percent of New York’s low-income population, and comprise about 59 percent of all census tracts designated as draft DACs. This means New York City has proportionally more DACs relative to population size. When considering all 45 indicators in the draft criteria, New York City census tracts scored relatively higher on the combined indicators. Similarly, Mid-Hudson communities hold a relatively greater proportional share of DAC tracts. Three regions – Western New York, Finger Lakes, and Central New York – have roughly proportional shares of New York’s population and DAC census tracts. Long Island, Southern Tier, Mohawk Valley, and North Country have relatively fewer DAC census tracts compared to population share because these census tracts scored relatively lower on the combined indicators compared to other census tracts.

The map of draft DACs illustrates the draft list of census tracts identified as DACs and allows viewers to see the indicator percentiles and each tract’s percentile rank for “Environmental and Climate Change Burdens and Risks” and “Population Characteristics and Health Vulnerabilities” and the combined percentile rank, to understand why some tracts were identified as DACs and some were not.

Table 5. Share of each region’s population, low-income population, and draft DAC census tracts

Region	Share of NY Total Population	Share of NY Low Income Population	Share of Draft DAC Census Tracts
New York City	43%	51%	59%
Long Island	13%	7%	5%
Mid-Hudson	11%	9%	14%
Western New York	8%	8%	6%
Finger Lakes	7%	7%	5%
Capital Region	6%	5%	3%
Central New York	4%	4%	4%
Southern Tier	4%	4%	2%
Mohawk Valley	3%	3%	1%
North Country	2%	3%	1%
Total	100%	100%	100%

Chart is sorted from most to least populous regions.

The scoring approach for draft criteria includes methods to balance rural and urban burdens and vulnerabilities, including indicators for rural vulnerabilities (e.g., manufactured/mobile homes, distance to healthcare facilities) and a regional approach to scoring (i.e., separating “Rest of State” from “New York City” tracts and designating the top-scoring tracts in each). These methods help to include more tracts outside of New York City. However, even with these methods, relatively fewer rural tracts were identified as DACs (15 percent) compared with suburban tracts (26 percent) and urban tracts (47 percent) due to lower scores in rural areas on the risk and vulnerability indicators described.

B. Low-Income Households for The Purpose of Directing Clean Energy and Energy Efficiency Investments

In addition to the geographic component of identifying DACs, the CJWG voted to include households that report total household income at or below 60 percent of State-Median Income (SMI) into the criteria solely for the purpose of State agencies and authorities investing or directing a percentage of clean energy and energy efficiency programs, projects, or investments to DACs, pursuant to ECL § 75-0117. This additional criterion allows investments for individual households outside of census tracts identified as DACs making at or below 60 percent SMI to be included.

The Technical Team, a team of staff and subject matter experts from several State agencies and consultants ILLUME Advising and Abt Associates who supported the CJWG, estimates that slightly more than half (52 percent) of low-income households live in DACs, while slightly less than half (48 percent) live outside. For investment purposes solely, expanding the criteria to include low-income households outside of census tracts identified as DACs adds at least one million households to the designation of DACs and increases the percentage of the population residing in DACs from 35 percent to about 50 percent. The exact counts are difficult to determine at any point in time given the lag between the U.S. Census American Community Survey (ACS) and the present, and yearly changes in low-income criteria (e.g., SMI).

Like the regional share of geographic DACs, there are regional differences in the coverage of this expanded DAC criteria for each region. In general, the expanded designation allows relatively more households in rural areas to be included in the accounting for State agency clean energy and energy efficiency investment purposes. Table 6 below shows how many households may be included in the draft DAC criteria for the purposes of allocating investments, when low-income households are considered in addition to geographic DACs. The number of DAC households in rural regions (Southern Tier, Mohawk Valley, and North Country) increase more than two-fold such that over 40% of households in those regions (either geographic DACs or low-income households outside of geographic DACs) are identified as eligible for state clean energy and energy efficiency investments.

Table 6. Increase in number of households included in DAC criteria for purposes of allocating energy efficiency and clean energy investments, by Region

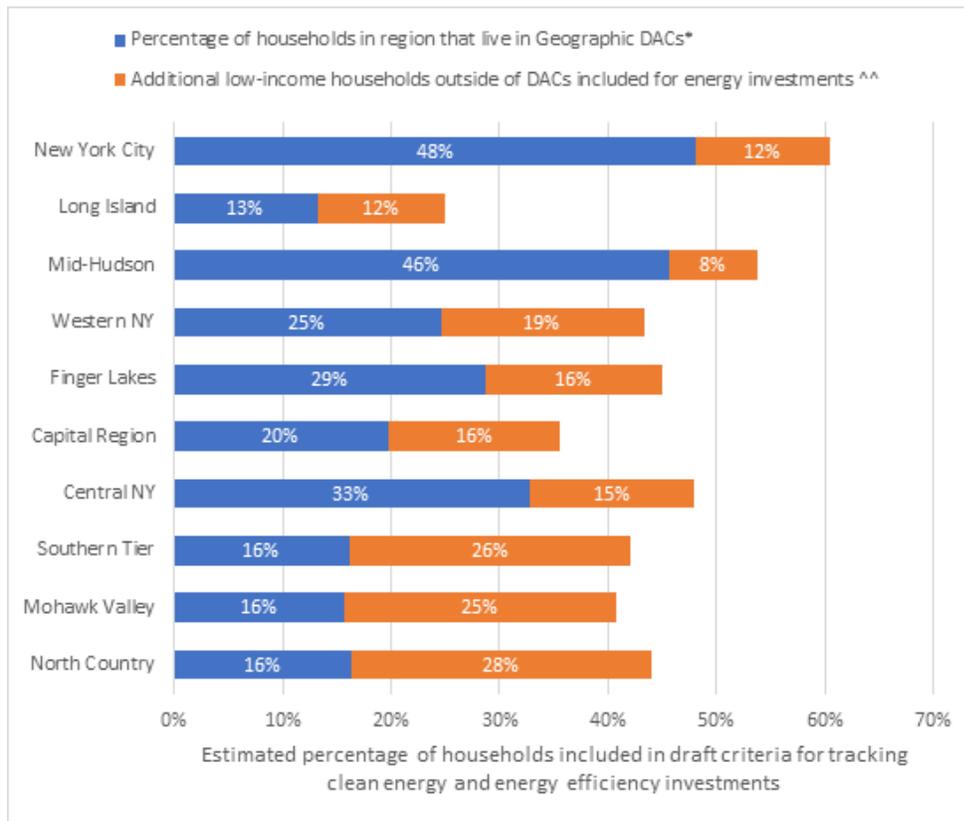


Chart is sorted from most to least populous REDC regions.

* The percentage of households that live in DACs within each region may vary slightly from the percentage of tracts identified as DACs within each region (Table 6) because of slight variation in the population of tracts by region.

^^Source: American Community Survey (2015-2019) and Technical Team analysis. Estimated using 200% of Federal Poverty Line as a proxy for 60% State Median Income. Actual counts may be slightly higher since 60% of state median income is higher than 200% of the federal poverty line.

The number of eligible and included households may vary depending on household incomes in and after 2020. However, at least 50 percent of households will be included (35 percent within geographic DACs and at least 15 percent outside of geographic DACs) for the purpose of investing or directing clean energy and energy efficiency programs, projects, or investments.

March 9, 2022 marks the start of a 120-day public comment period for the draft disadvantaged communities criteria and draft list of disadvantaged communities. Details on how to submit comments are available at climate.ny.gov/Our-Climate-Act/Disadvantaged-Communities-Criteria. In addition, the State is holding 6 public comment hearings to provide opportunities for New Yorkers to comment on the draft disadvantaged communities criteria and draft list of disadvantaged communities. Details on the public comment hearings will be announced soon.