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# Legal Considerations for Municipal Decarbonization

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**National League of Cities Congressional Cities Conference**  
*Energy, Environment and Natural Resources Committee*

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# Cities Climate Law Initiative

A new project of the Sabin Center aimed at helping U.S. cities achieve their climate mitigation commitments (e.g., 80x50, net zero GHGs or 100% renewable energy) by addressing legal questions or obstacles to carbon mitigation laws and policies.

Cities are at the forefront of climate policy and action. The Cities Climate Law Initiative is available to help U.S. cities advance legal and policy tools that will drive down local greenhouse gas emissions.



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# Municipal Climate Commitments

- Many city, town & county commitments to 80x50, net zero, etc.
- 160+ cities and at least 13 counties committed to 100% renewable energy (Sierra Club)
- Groups like Climate Mayors, C40 Cities and work by the National League of Cities



# Municipal GHG Mitigation Legal & Policy Tools

<p><b>BUILDINGS:</b> benchmarking, energy efficiency, mandatory retrofits, building codes, green roofs, green/energy-aligned leasing...</p>	<p><b>TRANSPORTATION:</b> public transit, bike &amp; pedestrian infrastructure, micromobility, low emissions zones, congestion pricing, freight emissions, electric vehicles...</p>	<p><b>ENERGY:</b> utility-scale renewables, distributed generation, community solar, carbon trading, RECs and VPPAs..</p>
<p><b>WASTE:</b> recycling and organics, construction waste management, bans on single-use plastic...</p>	<p><b>EQUITY &amp; ENVIRONMENTAL JUSTICE:</b> Green New Deal policies, encouraging broad participation in climate policy-setting...</p>	<p>...and much more.</p>



# Legal Obstacles to City GHG Emission Policies



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*See blog post in your packet and on Sabin Center website*



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# Policy Case Studies

These legal considerations are not meant to kill policy proposals, but municipalities may need to think analytically and creatively to achieve policy goals.



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# Natural Gas Bans/All-Electric Construction



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- **Navigating the boundaries of state and local law**
  - *Unclear yet whether Massachusetts state law preempts Brookline's by-law*
  - *California local energy codes need California Energy Commission approval*
  - *Arizona's preemption of local natural gas bans*



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  - *E.g., Neal v. Fairfax Cty Police Dep't (2018) –“pictures & data associated with each license plate # constitute ‘personal information’” under VA state law*
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[climate.law.columbia.edu](http://climate.law.columbia.edu), for our work and for a link to the Climate Law Blog

**In particular:** We partner directly with U.S. cities, towns, counties and other municipal governments on legal questions, issues and projects to help advance municipal greenhouse gas mitigation policies.

Please be in touch!



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