
COMMENT

HOT TIMES IN CITY HALL: A COMMENT
ON “LOCAL GREENS”

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INTRODUCTION

Local Greens,¹ by Katrina Wyman and Danielle Spiegel-Feld, is a deeply researched, clear-eyed examination of urban responses to climate change, with a focus on New York City. Many of the country’s largest cities have adopted ambitious climate targets, but implementation has lagged.² Wyman and Spiegel-Feld persuasively argue for a significant but limited role for city governments in reducing greenhouse gas emissions,³ along with a potentially greater yet so far unrealized role in adaptation to climate change.⁴ Their analysis of the political and economic forces shaping city policy is particularly illuminating, as they stake out a middle position

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¹ See KATRINA M. WYMAN & DANIELLE SPIEGEL-FELD, *LOCAL GREENS: CITIES AND TWENTY-FIRST CENTURY ENVIRONMENTAL PROBLEMS* (2025). The book is documented in law review fashion, with almost two-third of its length consisting of endnotes. I have generally cited the book rather than other literature in the interests of saving space. The interested reader can find ample additional citations there.

² See *id.* at 56.

³ See *id.* at 12–13.

⁴ See *id.* at 10.

between those who see cities as climate saviors and those who would relegate them to insignificance.⁵

The book seeks to make four main contributions. First, it traces the historic environmental role of cities and their future potential.⁶ While cities boasted genuine achievements in fighting pollution, their progress was limited by the imperative of attracting and retaining businesses.⁷ In contrast, improving amenities such as parks has been congruent with municipal economic imperatives because it has helped cities attract highly skilled workers.⁸

Second, the book sets out a framework for understanding urban environmental policies. The framework views the primary motivation of city leaders as economic development, which sometimes involves promoting environmental quality, while organized grassroots groups pressure officials to take more aggressive environmental steps.⁹ Those groups have leverage because they can deliver political support in the low-turnout primary races that control political careers in heavily Democratic cities.¹⁰ Localized benefits, the authors argue, can motivate cities to address climate impacts but not to reduce emissions.¹¹ For pressure groups to overcome the hurdles to emission reduction policies, they must exert powerful, sustained pressure—a requirement that may be hard to meet.¹² In contrast, the authors see climate adaptation as a natural fit with cities' self-interest, but they caution that extensive technical and financial support from higher levels of government will be needed.¹³

⁵ *See id.* at 8.

⁶ *See id.* The book is understandably focused on U.S. cities, but climate action by cities and other local governments is a global phenomenon. *See* Daniel A. Farber, Yuichiro Tsuji, & Shiyuan Jing, *Thinking Globally, Acting Locally*, 82 OHIO ST. L.J. 953, 961–64 (China), 983–87 (Japan) (2021). That article analyzes another important aspect of local action that is mentioned but not probed in *Local Greens*—U.S. and international networks established by cities and states to support climate action. Farber, Tsuji and Jing, *supra*, at 1020–24.

⁷ WYMAN & SPIEGEL-FELD, *supra* note 1, at 21.

⁸ *Id.* at 26–27, 38–42.

⁹ *Id.* at 8–9.

¹⁰ *Id.* at 67.

¹¹ *Id.* at 10–11.

¹² *Id.* at 11.

¹³ *See id.* at 12.

Third, the book documents the city's limited progress in implementing its climate goals from 2000 to 2020. The most important New York City efforts to reduce emissions were a congestion pricing measure and capping emissions connected with large buildings.¹⁴ The congestion pricing measure was stymied by State government, which ultimately implemented its own measure,¹⁵ and the launch of the building mandate proved slow.¹⁶ In principle, adaptation seems to be an easier lift since it directly benefits the city. But there, too, progress has been limited. In the authors' view, "New York City's limited ability to make progress in reducing GHG emissions and adapting to climate change in the first two decades of this century reinforces our view that caution is warranted about its capacity—and, more importantly, that of the many other smaller cities without New York's resources—to address the most pressing environmental problems of our time unassisted by higher levels of government."¹⁷

¹⁴ The City describes this program as follows: "In New York City, over two thirds of greenhouse gas (GHG) emissions come from buildings. Local Law 97 of 2019 as amended (LL97) is one of the most ambitious plans for reducing emissions in the nation. Under this groundbreaking law, most buildings over 25,000 square feet are required to meet new GHG emissions limits beginning in 2024, with stricter limits coming into effect in 2030. The goal is to reduce the emissions produced by the City's largest buildings 40 percent by 2030 and to net zero by 2050." *LL97 Greenhouse Gas Emissions Reductions*, N.Y.C. DEP'T OF BLDGS., <https://www.nyc.gov/site/buildings/codes/ll97-greenhouse-gas-emissions-reductions.page> [<https://perma.cc/K8HE-3FMZ>] (last visited Mar. 22, 2026). Note that this program is distinct from (and predates) New York State's "Cap and Investment" program, which is described in *Greenhouse Gas Reporting Regulation Finalized and Released*, N.Y. STATE, <https://capandinvest.ny.gov> [<https://perma.cc/B7US-ZY8C>] (last visited Mar. 22, 2026). See also *DEC Finalizes Program to Track Climate Pollution Sources*, N.Y. STATE (Dec. 1, 2025), <https://dec.ny.gov/news/press-releases/2025/12/dec-finalizes-program-to-track-climate-pollution-sources> [<https://perma.cc/8XDQ-HE39>] (press release announcing New York's Greenhouse Gas reporting program).

¹⁵ A brief account of the legal framework and the development of congestion pricing in New York can be found in *Mulgrew v. U.S. Department of Transportation*, 750 F.Supp.3d 171,188–191 (S.D.N.Y. 2024).

¹⁶ WYMAN & SPIEGEL-FELD, *supra* note 1, at 70–71.

¹⁷ See *id.* at 11.

Finally, and most importantly, the book maps out a climate policy agenda for cities.¹⁸ It argues that cities “should pursue a regulatory agenda to decarbonize privately owned sources of GHG emissions in their communities often under local authority, such as buildings,” while also “increasing allowable residential density and facilitating the development of renewable energy infrastructure.”¹⁹

Local Greens has a great deal to teach us about the potential contributions of city governments to climate action. In particular, the book’s description of the pressures that city leaders face will resonate with observers in many other parts of the country. So will its discussion of cities’ vulnerability to fiscal pressures and overrides by state and federal law.²⁰ The focus of this brief comment, however, will be on the authors’ agenda for municipal climate policy. Their agenda highlights some important areas for municipal action, though it may shortchange the potential for other forms of municipal climate action.

I. CITIES AND EMISSION REDUCTION

Chapter 4 of *Local Greens* takes a deep dive into New York City’s efforts to reduce greenhouse gas emissions under Mayors Bloomberg and de Blasio. A signature achievement was the 2019 passage of Local Law 97 (“LL97”), imposing emission caps on large buildings.²¹ The law overwhelmingly passed the city council, aided by the Democratic backlash against the Trump Administration.²² The law’s passage was a major achievement, but the authors seem doubtful about its prospects for implementation. “Already,” they say, “there are growing concerns about the costs of the building

¹⁸ One definitional point should be noted at the outset. For purposes of the book, a “city” is not a metro area but a unit of government. *See id.* at 15. Thus, the book does not cover the entire topic of local climate action, which could involve multiple city governments cooperating, a metropolitan council, a community aggregation electricity organization, or a non-municipal entity like the Port of New York (which operates not only the city’s port but also its two airports).

¹⁹ *See id.* at 12.

²⁰ *See id.* at 53–54.

²¹ *Id.* at 57. A building’s cap is determined by what category it falls into and its square footage. *Id.* at 68. The law does not itself include a trading mechanism to reduce costs, but buildings covered by the law can obtain offsets by contributing to a fund for decarbonizing affordable housing. *Id.* at 191 n.118.

²² *See id.* at 57, 64.

retrofits that Local Law 97 may require of some buildings, especially from the owners of residential properties.”²³ Looking at the “strong economic headwinds” facing New York since COVID, the authors “cannot help but wonder whether the city will implement its climate commitments, especially LL97,” and they contend that shifting costs away from building tenants and owners may be important to the viability of such laws.²⁴

One reason for the authors’ skepticism about the prospects for local emission reduction efforts is that they see these efforts as offering slim local benefits. This may be an oversimplification, given the possible co-benefits from reducing greenhouse gas emissions. For instance, increased energy efficiency in New York’s buildings could result in major savings on power bills, while energy efficiency projects provide a source of earnings for labor.²⁵ In addition, the city has never attained national air quality standards,²⁶ so the potential health benefits from reduced pollution could be appreciable.

The second reason for the authors’ skepticism about local emissions reduction assumes that municipalities cannot control emissions from transportation or the power system. This, too, may be an oversimplification. Cities and other units of local government own large vehicle fleets (over thirty thousand in the case of New York City) including police cars, fire trucks, ambulances, buses, and other government vehicles.²⁷ Emissions requirements applying to purchases of state and local vehicles are not preempted by federal law.²⁸

²³ *Id.* at 57.

²⁴ *Id.* at 71. For a more optimistic view, see Steven Cohen, *Progress and Obstacles in Implementing NYC’s Local Law 97 and a Sustainable NYC*, COLUM. SCH. PRO. STUD. (Dec. 14, 2025), <https://sps.columbia.edu/news/progress-and-obstacles-implementing-nycs-local-law-97-and-sustainable-nyc> [<https://perma.cc/2XPY-P866>]. Regarding the design choices available to cities in regulating building efficiency, see Danielle Spiegel-Feld, *Frontiers in Regulating Building Emissions: An Agenda for Cities*, 47 WM. & MARY ENV’T L. & POL’Y REV. 103 (2022).

²⁵ See WYMAN & SPIEGEL-FELD, *supra* note 1, at 59, 64–65.

²⁶ *Id.* at 44.

²⁷ <https://www.nyc.gov/site/operations/performance/fleet-report.page> See *New York City Fleet Daily Service Report*, NYC MAYOR’S OFF. OF OPERATIONS, <https://www.nyc.gov/site/operations/performance/fleet-report.page> [<https://perma.cc/6N9B-PQUL>] (last visited Mar. 7, 2026).

²⁸ See *Engine Mfrs. Ass’n v. S. Coast Air Quality Mgmt. Dist.*, 498 F.3d 1031, 1045–49 (9th Cir. 2007) (rejecting such a preemption claim).

Other possibilities should not be ignored, such as congestion pricing, incentives to use public transportation, and improvements to encourage walking and biking rather than driving. The New York City congestion pricing scheme has now gone into effect (at least temporarily) despite opposition from the Trump Administration,²⁹ and is reportedly a clear success.³⁰

Furthermore, although this was a less significant factor during the time period covered by *Local Greens*, cities can influence adoption of clean technologies such as rooftop solar, battery storage, and electric vehicles within their boundaries. They can do this through policies like “density bonuses for [the] use of renewable energy ... [or] priority parking for [electric] vehicles.”³¹ Cities can also exert pressure on investor-owned utilities during negotiations over franchise renewal.³² In short, cities may have more leverage over non-building emissions than one might think.

Moreover, cities vary in their legal powers. New York relies on a private electric utility and does not control its ports and airports, which are run by the New York Port Authority.³³ In contrast, the

²⁹ See Stefanos Chen, Winnie Hu & Wesley Parnell, *Judge Blocks White House from Ending Congestion Pricing*, N.Y. TIMES (May 27, 2025), <https://www.nytimes.com/2025/05/27/nyregion/nyc-congestion-pricing-trump.html> [<https://perma.cc/89RU-PG5C>].

³⁰ See Emily Badger et al., *27 Million Fewer Car Trips: Life After a Year of Congestion Pricing*, N.Y. TIMES (Jan. 5, 2026), <https://www.nytimes.com/interactive/2026/01/05/upshot/congestion-pricing-one-year.html> [<https://perma.cc/VZB5-6L4K>] (citing fewer car trips, improved safety, and increased use of mass transit, but also an unclear impact on air pollution).

³¹ See Sarah J. Fox, *Why Localizing Climate Federalism Matters (Even) During a Biden Administration*, 99 TEX. L. REV. ONLINE 122, 132 (2021).

³² See Alexandra B. Klass & Rebecca Wilson, *Local Power*, 75 VAND. L. REV. 137–40, 152–54 (2022). Cities have also experimented with owning renewable generation facilities. *Id.* at 157.

³³ See *About the Port Authority: Moving the Region and Building 21st Century Infrastructure*, N.Y. PORT AUTH., <https://www.panynj.gov/port-authority/en/about.html> [<https://perma.cc/2P4U-43TZ>] (last visited Mar. 22, 2026). The scope of the Port Authorities activities is broad indeed. Besides the City’s ports and airports, it also controls tunnels, bridges, bus stations, and the PATH rail system. See *id.* Meanwhile, the city’s mass transit system is controlled by the Mass Transit Authority, whose commission is composed of nominees of the governor, New York City’s mayor, and the county executives of the counties serving the MTA’s service area. *About the MTA*, METRO. TRANSP. AUTH. <https://www.mta.info/about> [<https://perma.cc/2XPD-E7BF>] (last visited Apr. 6,

nation's second largest city, Los Angeles, operates its own port and airports.³⁴ Los Angeles also owns the local electric system via the LA Department of Water and Power (LADWP).³⁵ Thus, Los Angeles may have some different emission reduction options and adaptation needs than New York City. Los Angeles's situation may be unusual in some respects, but the point remains that local variations are important in informing expectations about local emissions reductions potential.

II. URBAN CLIMATE ADAPTATION

Local control of land use and the benefits of adaptation to cities should make adaptation a natural domain for city governments.³⁶ Despite these advantages, *Local Greens* reports that progress in adaptation has been very slow. In the authors' words:

Given the major benefits New York City would reap if it becomes more resilient to flooding, heat, and other impacts of global warming, the limited progress that city policymakers have made in adapting the city as of the early 2020s is striking.

2026). Thus, most of New York City's transportation is beyond the control of the city government.

³⁴ See *About LAWA*, L.A. WORLD AIRPORTS, <https://www.lawa.org/lawa-governance/about-lawa> [<https://perma.cc/3X2A-ETT7>] (last visited Apr. 6, 2026); *About, THE PORT OF L.A.*, <https://portoflosangeles.org/about> [<https://perma.cc/XC4J-TBFE>] (last visited Mar. 5, 2026).

³⁵ See Shelley Welton, *Public Energy*, 92 N.Y.U. L. REV. 267, 290 (2016). Los Angeles is unusual but not unique in owning its local utility. See *id.* However, an increasingly common pattern is to encourage the use of community aggregators that purchase clean energy on behalf of their customers. See *id.* at 308.

³⁶ WYMAN & SPIEGEL-FELD, *supra* note 1, at 72, 88. The politics surrounding adaptation can be complex, however. For instance:

[P]rogressive critics suggest that by protecting neighborhoods against the effects of climate change—for example, by building new parks to absorb rainfall or barriers to resist storm surge flooding—cities may increase property values and rents in these areas leading to displacement and gentrification as newer whiter, higher-income residents move into the climate-proofed area.

Id. at 82 n.121. This creates something of a dilemma: failing to protect disadvantaged populations is unacceptable but protecting them could lead to higher rents or displacement. In another context, the book refers to one progressive's embracement of investments that are "just green enough." *Id.* at 159 n.186. In the adaptation context, this would mean adaptation measures to make neighborhoods safer but not conspicuously so, to avoid drawing the attention of affluent potential residents.

New York City had much more scope to adapt after [Superstorm] Sandy... Yet still, the city's progress was slow in the decade after the storm. By the end of 2021, the city had not completed any of its neighborhood coastal protection projects. ... Still today, in 2025, many people continue to live in the city's floodplain in buildings that have not been retrofitted to be more resilient, and the city continues to allow new development along much of its waterfront, albeit subject to higher construction standards.³⁷

There appear to have been several reasons for this disappointing performance. Major flood barriers and other adaptation measures can involve costs that are far beyond the capacity of local governments.³⁸ Moreover, “[i]nternal obstacles seem to have hamstrung New York City’s efforts, including a lack of expertise at the local level in building novel coastal protection infrastructure, and the extensive public consultation and analytic requirements that have applied since the 1970s in New York and other places in the United States to the construction of infrastructure.”³⁹ Most worrying, the city remains committed to waterfront development, including new residential buildings in the floodplain, as a means to pursue economic development and expand the housing supply.⁴⁰

The authors focus largely on changes to federal policy solutions. Their proposals include more funding for pre-disaster risk

³⁷ *Id.* at 85. A footnote indicates that other aspects of the city’s adaptation program have been more successful:

While none of the . . . neighborhood coastal flood protection projects was completed by the end of 2021, many projects were undertaken post-Sandy to rebuild and increase resiliency along the city’s shorelines. *See, e.g.,* 2021 WATERFRONT PLAN, *supra* note 62, at 52 (Since Sandy “Hundreds of projects across the city have been completed, including the re-constructed Rockaway Boardwalk and newly restored wetlands in Queens and Staten Island. Others are currently under construction . . .”); *id.* at 91 (referring to coastal protection projects completed since Sandy).

Id. at 81 n.97.

³⁸ As the book explains, “[g]iven the upfront costs of adapting to climate change and the expertise required, local governments, even of very large cities, will require ongoing assistance from the federal government, including in the form of predictable, annual federal funding for local climate resilience.” *Id.* at 12. For example, the Army Corps of Engineers is recommending a \$52 billion system of flood barriers for New York City. *See id.* at 84.

³⁹ *Id.* at 74.

⁴⁰ *See id.* at 79, 86.

mitigation, market-rate flood insurance that fully incorporates climate risks, and conditioning aid on more stringent land use controls.⁴¹ In addition, it might be worth considering limiting city authority over coastal development by transferring permitting to a state-level agency like the California Coastal Commission, which would presumably present less of a conflict of interest due to the attenuated allure of tax base expansion. A city government's fiscal needs make it important to attract tax-paying residents and development, and coastal areas are appealing targets for real estate investment because they are often underdeveloped, while people may be attracted by proximity to the water. State government has less of a direct stake in development in any one city.

Evaluating the significance of delays in New York initiatives is hampered by the absence of baselines. We do not know how delays in adaptation projects (or other local projects) in New York compare with other cities. Flood control infrastructure and controls on floodplain development may simply be slow and difficult regardless of which government is involved. Finally, there may be a certain amount of learning-by-doing: the process may accelerate as participants gain more experience.

It may well be true that excessive procedural barriers are hampering important public safety measures. However, reforms should proceed with caution. First, groups that are denied input into program implementation may instead devote their efforts to opposing or limiting the program itself. Second, in dense urban areas, almost any project is likely to cause significant externalities that should not be ignored in project siting and design. Thus, while the current level of process may well be too high, the optimal level is above zero.⁴²

CONCLUSION

Cities clearly lack the resources of higher levels of government, and they are subject to restrictions by those higher levels. But cities

⁴¹ See *id.* at 86, 94, 96, 98. These ideas are well-taken.

⁴² I would generally favor shifting process from the implementation stage both backward and forward. The backward shift would involve more effort to map areas for projects where externalities are likeliest to be low. The forward shift would involve mitigating effects after a project is in operation and the effects can be assessed more accurately. This is a topic, however, that goes well beyond the scope of this commentary.

also possess two important advantages over other units of government. First, cities are home to the U.S. populations that are the most motivated to respond to climate change. It seems crass, but just as a bank robber famously said that he robbed banks because that's where the money is, these days it also makes sense to pursue climate action where the Democrats are. Second, cities are diverse. Their commonalities make learning possible, but their differences invite varied responses given the peculiarities of local legal structures, demographics, geography, and economies.⁴³ New York is not Los Angeles, meaning that officials in both places can be creative in designing climate policies to suit their circumstances.⁴⁴

Cities can also function as laboratories and testbeds for new policies. Local action, especially in periods when the federal government is not acting on climate issues, keeps the policy process alive and gestates ideas for later use by higher levels of government. In other words, even if cities are not measurably reducing emissions, local action may help to sustain momentum for the energy transition.

Thus, cities are situated to make a significant contribution to climate policy, particularly in an imperfect world where federal and state policy fall short. Climate change is a problem seemingly designed to challenge human institutions, requiring high degrees of collective action, long-term planning, and complex tradeoffs. There is considerable wisdom, then, in the closing sentence of *Local Greens*: "Given the enormity of the challenges facing the global environment, and strong headwinds blowing against the forces of progress, we cannot forsake any government's contribution, no matter how big or small."⁴⁵ That being said, it is also important to note the limitations on municipal capacity, as *Local Greens* does, lest we slight the critical need for climate action at the state and federal levels.

⁴³ The diversity of the situations facing local governments and their ability to act as innovators is stressed in Sarah Fox, *Localizing Environmental Federalism*, 54 U.C. DAVIS L. REV. 133, 179–80, 185–86, 188–89 (2020).

⁴⁴ For a catalogue of tools available to cities, see Shelley Ross Saxer, *Building Climate Resilience with Local Tools*, 58 GA. L. REV. 1663 (2024).

⁴⁵ WYMAN & SPIEGEL-FIELD, *supra* note 1, at 106.