

# Memorandum

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Drawing upon our team’s knowledge of the local urban planning context and heat impacts, Arup reviewed and summarized existing local (New Orleans), state (Louisiana), and federal (US) laws and policies related to urban heat. Here we present a comprehensive summary of relevant laws and policies related to heat that are applicable to New Orleans, identified for the following categories:

1. Procurement
2. Air conditioning requirements / maximum indoor temperature thresholds
3. Policies for expanding and operation cooling centers
4. Policies for worker safety
5. Green streets and low impact development / green stormwater infrastructure
6. Smart surfaces
7. Building performance standards
8. Building decarbonization, energy efficiency / electrification policies
9. Energy resources
10. Grid improvement policies
11. Healthcare
12. Climate resilience/action

## **Deliverable**

- Comprehensive summary of relevant laws and policies related to heat that are applicable to New Orleans (original format: Word)

### **1. Procurement**

#### *Local*

- **Procurement of Public Works and Construction (Policy Memorandum No. 113)** - Section 9C directs usage of recycled materials to the greatest extent possible (within reason), but it does not include climate risk or ‘cool’ materials. This policy will require enforcement mechanisms in order to be effective.

*State*

No policies identified

*Federal*

- **Disaster Resiliency Planning Act Implementation Guidance** – Guidance to Federal agencies on the incorporation of assessments of natural hazard and climate risk information as part of each Federal agency’s real property asset management/investment decisions

*Other*

- **Green codes (e.g., ASHRAE 189.1 and IEA’s Annex 80)** – identifies heat-resilient materials and products, recognized supply chain vulnerabilities due to extreme heat (e.g. specialty crops, commodity crops, livestock, pharmaceutical precursors, etc.)

**2. Air conditioning requirements / maximum indoor temperature threshold policies**

*Local*

- **Healthy Homes Program (Article XIII)** - establishes a rental registry and requires all rental units in Orleans Parish to have a cooling system capable of maintaining a maximum indoor temperature of 80°F in all bedrooms, measured three feet above the floor and two feet from exterior walls.

*State*

- “**Safe, habitable housing**” under **Louisiana Civil Code**<sup>1</sup> – landlords are responsible for maintaining a property’s HVAC

*Federal*

- **Heating and Cooling Policies for Federal agencies in Federal facilities (eCFR :: 41 CFR 102-74.185)** - Federal policy emphasizes energy-efficient heating and cooling without setting a national maximum indoor temperature limit.

**3. Policies for expanding and operating cooling centers**

*Local*

No policies identified; but identified in Community Health Improvement Plan (NOHD); Extreme Heat Weather Cooling Tents (NOHSEP)

*State*

No policies identified

*Federal*

No policies identified

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<sup>1</sup> [Louisiana Renter Rights: Complete State Guide for Tenants - tenant-rights.com](https://www.tenant-rights.com/louisiana-renter-rights-complete-state-guide-for-tenants/)

#### 4. Policies for worker safety (e.g., updates to OSHA heat safety requirements)

##### *Local*

- **Beat the Heat ordinance** - New Orleans law mandates rest, shade, and water for outdoor workers during extreme heat. Employers must provide **10-minute breaks every two hours** when the heat index is 80–89°F. Employers must provide **15-minute breaks every two hours** when the heat index is 90°F or above. Breaks must be in shaded or cooled spaces, not in direct sun.

##### *State*

- **Louisiana Occupational Heat-Related Illness Prevention Program | Louisiana Department of Health** – Louisiana program to protect LA workers and communities from the dangers of heat through data, research, collaboration, and education.

##### *Federal*

- **Heat Illness Prevention Act of 2025 (HIPA)** – proposed bill in Congress mandating that employers must implement comprehensive measures to prevent heat-related illness and injury. These include engineering controls such as isolation, shielding, ventilation, insulation, or climate-control technologies to eliminate hazardous heat conditions; administrative controls like adjusting work procedures, schedules, or practices to limit exposure; and personal protective equipment, including cooling garments and heat-reflective clothing provided at the employer's expense. Additionally, employers should establish health-related protocols for medical monitoring, emergency response, medical removal protection, and training to recognize and respond to heat illness. Both employees and supervisors must receive training on symptoms, emergency procedures, and worker rights. Employers are required to plan and maintain written heat illness prevention programs with employee participation, ensuring core practices such as access to cool potable water, paid rest breaks, shade or cool-down spaces, acclimatization policies, and other necessary measures. Protections must include pay during rest breaks, medical removal, and training, as well as language accessibility for all materials and training, without reducing any existing worker protections.
- **Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings Rulemaking | Occupational Safety and Health Administration** – Proposed standard to require employers to create a plan to evaluate and control heat hazards in their workplace. It would set forth employer obligations and the measures necessary to effectively protect employees from hazardous heat.

#### 5. Green streets and low impact development / green stormwater infrastructure policies

##### *Local*

- **City of New Orleans' Stormwater Code** - mandates sustainable site design and construction practices by requiring the use of green infrastructure, such as permeable pavements, bioretention areas, and other stormwater control measures, to manage stormwater on-site, reduce runoff, promote infiltration, and protect water quality. These regulations are designed to encourage resilience, minimize environmental impact, and ensure long-term maintenance of green stormwater solutions for all significant new developments and substantial improvements in the city. In 2024, the City amended the code with design requirements for stormwater control

measures, and requirements that development projects larger than one acre submit a stormwater prevention plan.

- **Second and Third Modified Consent Decrees (Sewage and Water Board)** - require the SWBNO Green Infrastructure Plan to incorporate green infrastructure as part of the Remedial Measures Actions Plans (RMAPs) for all Basins. There are nine Basins (Carrollton, Central Business District, Gentilly, Lakeview, Mid-City, New Orleans East, Ninth Ward, South Shore, and Uptown) on the East Bank of Orleans Parish
- **City of New Orleans Comprehensive Zoning Ordinance (23.4.C.1)** – “Plant selection shall first emphasize a variety of wet-tolerant native species incorporated in stormwater management BMPs. A minimum of fifty percent (50%) of all required landscaped areas shall be designed, constructed and maintained as green stormwater infrastructure features.”
- **Fee-in-lieu Payments (NOLA Code of Ordinances Ch 70 Section 70-415.276)** – Properties must pay if properties do not comply with the city’s stormwater management plan regulations

*State*

No policies identified

*Federal*

- **Water Infrastructure Improvement Act (PUBL436.PS)** – Amends the Clean Water Act to allow municipalities to create integrated wastewater and stormwater management plans, consolidating requirements, such as those for sewer overflows, sewer systems, and pollutant limits, into a single permit. These permits can include green infrastructure and water reclamation projects, and may feature phased compliance schedules aligned with state standards. Municipalities under enforcement orders can seek modifications based on their integrated plans. The EPA is required to report on all integrated plans since June 5, 2012. Additionally, the bill establishes a Municipal Ombudsman within the EPA to assist municipalities and oversee consistent policy implementation, and mandates that the EPA promote green infrastructure.

**6. Smart Surfaces**

*Local*

- **Permeable Pavement (NOLA Code of Ordinances Ch 146, Article II, Division 2, Sec 146-73)** – All public works projects involving the installation of paving on public property shall utilize porous or permeable paving materials unless it is deemed unsafe or unable. However, the policy does not include monitoring and enforcement mechanisms.

*State*

No policies identified

*Federal*

No policies identified

## 7. Building performance standards, decarbonization, and energy efficiency

### Local

- **Sustainable Public Buildings (New Orleans, Louisiana Ord. No. 29082)** – All government office, administration or headquarters buildings built or substantially rehabilitated by the City, or its affiliated agencies, boards, or commissions, shall be designed to meet USGBC LEED Gold certification or higher
- **Energy Benchmarking (Ordinance No. 35154)** – Requires non-residential and multifamily buildings over 20,000 sq. ft. to annually report energy use via EPA’s ENERGY STAR Portfolio Manager starting in 2026; penalties apply for noncompliance
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### State

- **House Bill No. 803**- mandates adoption of the latest International Energy Conservation Code and related standards, creating an Energy Code Commission to recommend amendments that improve energy efficiency and reduce long-term energy costs. It also establishes training responsibilities, enforcement procedures, and compliance requirements for state-owned and commercial buildings to ensure minimum energy conservation standards statewide.
- **State Building Energy Conservation Code ( Title 40, Sections 1730.41 through 1730.48)** - Institutes minimum energy conservation standards for all new commercial construction and all applicable alterations and repairs in commercial buildings. Also applies to state owned/funded buildings where each major facility project must be designed, constructed, and certified to exceed the requirements of the state energy code by at least 30 percent. Such improvements must also prove to be cost effective based on a life cycle cost analysis with a payback of no more than 30 years.
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### Federal

- **The Federal Building Performance Standard (E.O. 14057)** - Requires federal buildings to achieve net-zero emissions by 2045 and a 50% GHG reduction by 2032, prioritizing energy efficiency and electrification.
- **10 CFR Part 433** - sets energy efficiency standards for new federal commercial and high-rise residential buildings, requiring compliance with ASHRAE guidelines and life-cycle cost analysis. It aims to reduce energy use and fossil fuel consumption while promoting sustainable design and green building certification.

## 8. Energy resources

### Local

- **Renewable & Clean Portfolio Standard (RCPS)** – requires that by 2040, all of the electricity Entergy supplies to New Orleans comes from energy sources that do not contribute to the climate crisis, with up to 10% offsets allowed. By 2050 Entergy must entirely eliminate the use of fossil fuels.
- **New Orleans Net Energy Metering** – Net excess generation shall be rolled-over and credited against a customer’s future consumption. For solar, the payment will be based on the on-peak, seasonal avoided cost rate as provided for the Electric Utility’s tariff.

### *State*

- **Fossil Gas Preemption Law (Act 46)** - This Louisiana law prohibits local governments from restricting or denying access to natural gas utility services for property owners or projects, ensuring that any authorized utility provider can serve customers without discrimination. It also prevents parishes and municipalities from imposing permit requirements or fees that would disadvantage natural gas providers, while preserving their authority to manage public highways and publicly-owned utilities.
- **Natural Gas Venting/Flaring (LAC 43:XIX.103, 3503, 3507, 3509, and 3511 (2024))** - Routine venting or flaring of natural gas is prohibited, except in instances where the Office of Conservation finds that such prohibition would result in an economic hardship on the operator of the well, lease or production facility from which the gas is proposed to be flared.

### *Federal*

- **Protecting American Energy from State Overreach – The White House** – Trump executive order to eliminate state-level regulations that impede domestic energy production, asserting that such policies—often tied to climate change or carbon restrictions—are unconstitutional and harm national energy security. It directs the Attorney General to challenge these laws, prioritizing actions against retroactive penalties, carbon caps, and other measures that restrict energy development

## **9. Grid improvement policies**

### *Local*

- **Council Docket UD-21-03: Resolution and Order Establishing A Docket and Procedural Schedule With Respect To System Resiliency And Storm Hardening** – Planning to increase resiliency and storm hardening on ENO’s system, with a particular focus on reducing weather-related power outages as well as direct stakeholders to propose an infrastructure resiliency and storm hardening plan.

### *State*

- **Energy Louisiana Resilience Plan** – 5-year plan for Entergy, approved by LA Public Service Commission to improve storm recovery, reduce restoration costs and enhance reliability. Not applicable to New Orleans but applies to the rest of Louisiana.
- **HB 692** - Louisiana’s new law (HB 692, 2025) establishes that state energy policy must prioritize affordable, reliable, and domestically produced energy sources—specifically including dispatchable resources like natural gas and nuclear—while defining “green energy” to encompass these sources if they meet federal air quality standards. The law directs state agencies to minimize reliance on foreign energy and ensures that all state-funded clean energy programs follow these definitions.

### *Federal*

- **Unleashing American Energy (Executive Order 14154)** - national policy to expand domestic energy production by removing regulatory barriers, promoting exploration on federal lands, and strengthening supply chains for critical minerals to ensure affordable, reliable energy and national security. It also eliminates electric vehicle mandates and other markets.
- **Federal State Modern Grid Deployment Initiative Principles** - May 2024 Biden-Harris initiative seeking to address growing energy demands, reliability risks, and climate challenges

by encouraging innovative solutions, workforce development, and shared commitments to build a resilient, affordable, and clean power system for the future.

- **Circuit Act** - bipartisan legislation to boost the American production of distribution transformers to lower energy costs, support energy resiliency, and strengthen national security
- **Strengthening the Reliability and Security of the United States Electric Grid (Executive Order 14262)** - Executive Order 14262 seeks to strengthen the reliability and security of the U.S. electric grid amid surging electricity demand from AI data centers and manufacturing. It directs the Department of Energy to streamline emergency authority processes, develop a uniform methodology for assessing reserve margins, and ensure critical generation resources remain operational to prevent grid failures.
- **Declaring a National Energy Emergency (Executive Order 14156)** - The order addresses the urgent need for a reliable electric grid amid rising energy demand from AI and manufacturing, emphasizing the use of all available generation resources to ensure national security. It directs the Department of Energy to streamline emergency processes, develop reserve margin methodologies, and retain critical power resources in at-risk regions.
- **Zero-Based Regulatory Budgeting to Unleash American Energy (Executive Order 14270)** – EO requiring federal agencies overseeing energy production to add sunset provisions to existing and future regulations, causing them to automatically expire unless actively reviewed and extended.

## 10. Healthcare

### *Local*

No policies identified

### *State*

No policies identified

### *Federal*

**Federal Register :: Revitalizing Our Nation's Commitment to Environmental Justice for All** – Biden-era EO on commitment to environmental justice

**Additional Recissions of Harmful Executive Orders and Actions – The White House** – Trump EO rolling back many previous executive orders that were in support of environmental justice, energy supply, workers' rights

## 11. Climate resilience

### *Local*

- **Resilience Design Review Committee (Policy Memorandum No. 133)** - policy memorandum establishing the Resilience Design Review Committee to review and advise on the design of publicly funded resilience projects in New Orleans, ensuring alignment with the city's resilience strategy and progress toward long-term outcomes such as risk reduction, equity, public health, and community development.