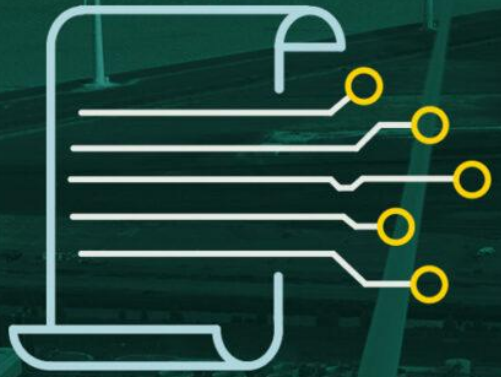
CLIMATE X CHANGE



Introducing New State and Local Model Policies for Regulating Data Centers

NOV. 17TH | 2:00PM ET

Introduction

Kristen Soares



State Climate Policy
Network Manager

CLIMATE X CHANGE
[SCPN]

State Climate Policy Network



Network of **15,000+**

- ➔ State and local elected officials
- ➔ NGO advocates
- ➔ Researchers
- ➔ State agency staffers
- ➔ Organizers and activists
- ➔ Business leaders

... working on state climate policy

The SCPN is a nonpartisan network and encourages participation from all states and parties.
Nothing in this presentation is intended for lobbying or as support for any candidate or political party.

CLIMATE X CHANGE [SCPN]

Pro Bono Policy Assistance

We specialize in nonpartisan state climate policy design and analysis. Reach out to kristen@climate-xchange.org with your requests on:

- **Example states** and **model rules** for a given policy
- **Gap analysis** of your state's climate policy landscape
- **Connections** to other actors working on similar issues

CLIMATE XCHANGE [SCPN]

Policy assistance is offered as nonpartisan research and education resource.

Our Annual Fundraiser

We're back with our **11th Annual EV Raffle** and this year we're giving away three EVs.

Help fund our programs:

- SCPN National Calls and Webinars
- State Climate Policy Dashboard
- Pro Bono Policy Assistance

With two ways to participate, choose the raffle that's right for you!



carbonraffle.org

CLIMATE X CHANGE [SCPN]

Introducing New State and Local Model Policies for Regulating Data Centers



Kristen Soares
Senior Manager, State Climate Policy Network
Climate XChange



Jordan Gerow
Policy & Research Director
Climate XChange



Daniel Metzger
Director,
Cities Climate Law Initiative
Sabin Center



Jon Binder
Executive Director
Model Climate Laws Initiative

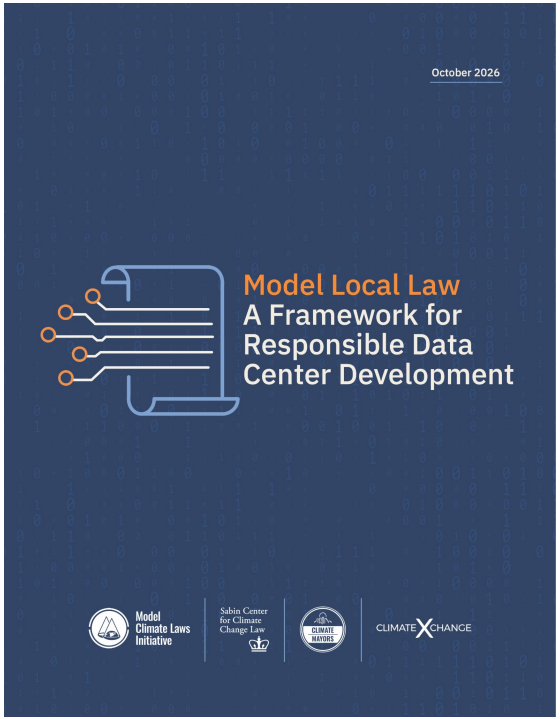


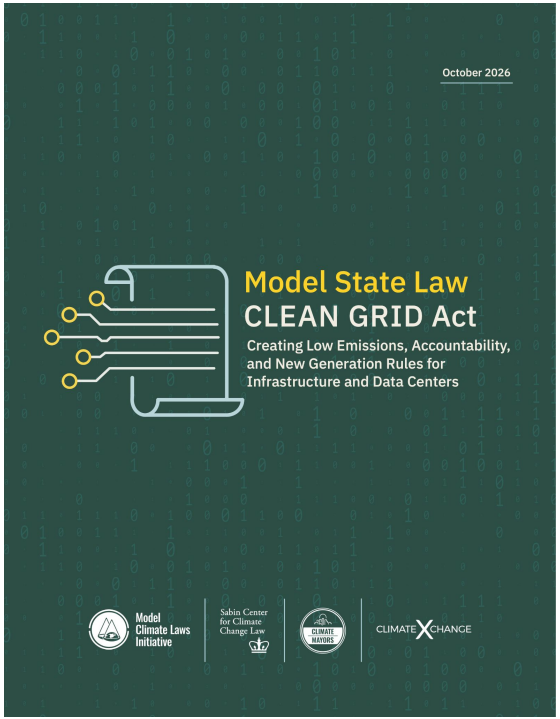
Laura Jay
Deputy Director
Climate Mayors

Agenda

1. 2026 Data Center Policy Trends
2. Local Tools and Model Law
3. State Tools and Model Law
4. Q&A

Introducing New Model State and Local Laws

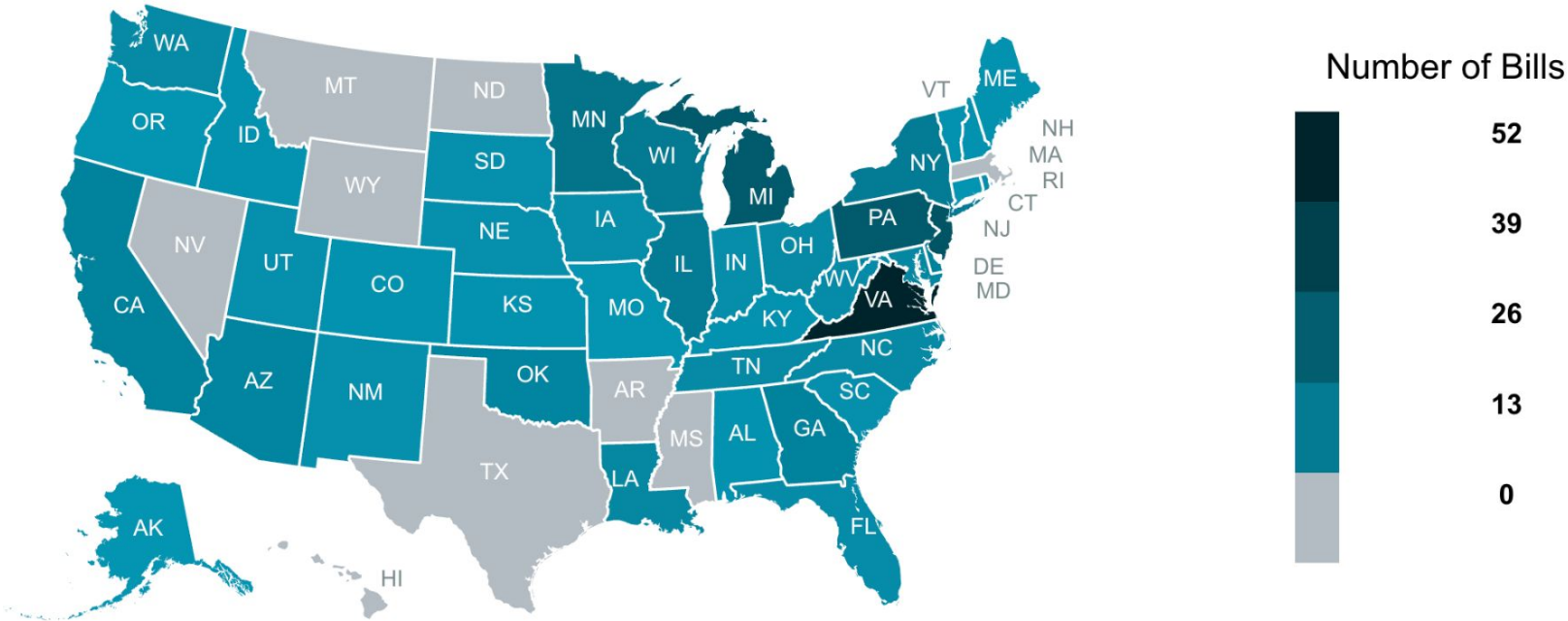




Produced in collaboration with the Sabin Center for Climate Change Law, the Model Climate Laws Initiative, and Climate Mayors

2026 Legislative Recap

State-level Data Center Regulation under Consideration

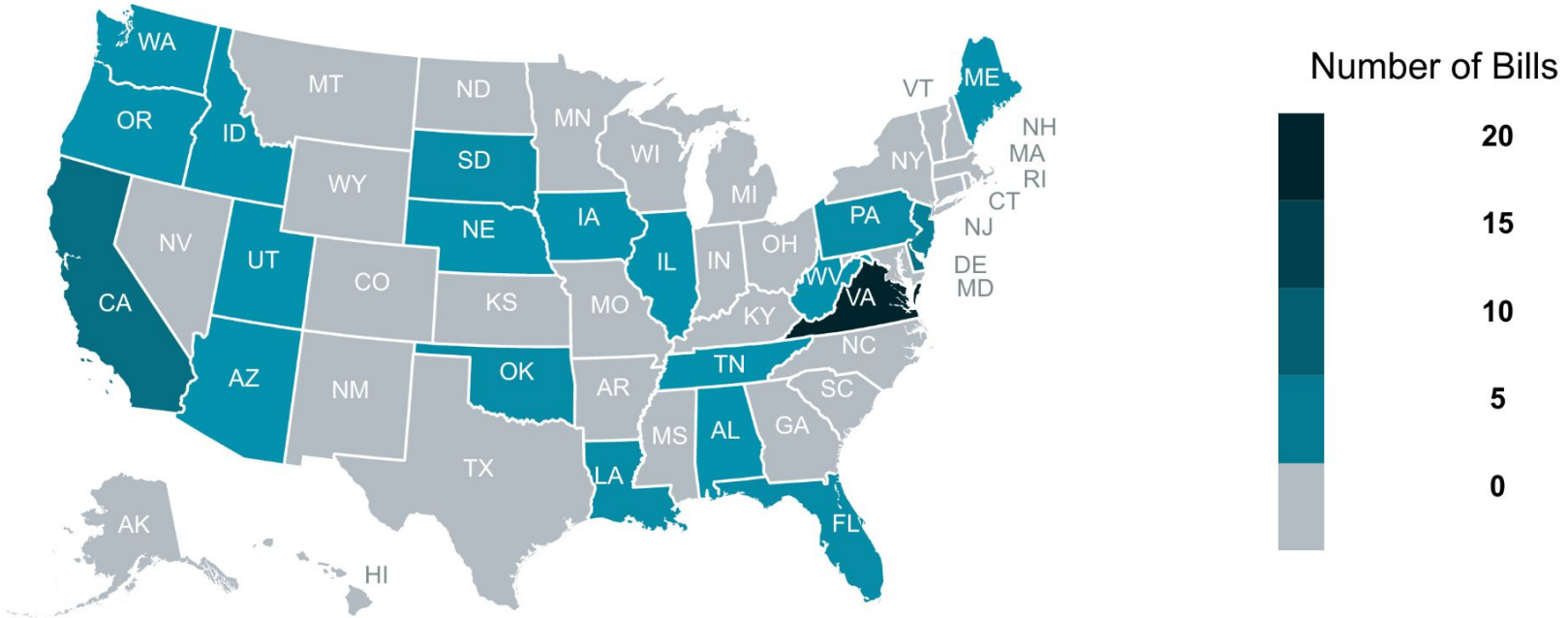


318 under consideration | **59** enacted | **3** vetoed

CLIMATE X CHANGE [SCPN]

2026 Legislative Recap

State-level Data Center Regulation Enacted



318 under consideration | **59** enacted | **3** vetoed

CLIMATE X CHANGE [SCPN]

Executive Action

At least **20 executive orders and directives** across 16 states.

- Temporary data center **moratoria**: OR, TX, and NY
- Data center **frameworks**: VA, MA, PA, KY, WY, UT, MO, MD, ME and OR
  - Spanning energy affordability, transparency, community benefits, statewide assessments, and clean energy procurement
- Halted data center **incentives**: NE, MA, IL, and OH
- Directed the development of **large load tariffs**: NJ and VA

Affordability Trend: Large Load Tariffs

States are moving at a breakneck pace to establish rules to prevent cost-shifting from data centers onto other customers

- **Fast emerging**: 85% of tariffs are from 2025-26.
- **Can be legislatively mandated**: CXC tracked 14 pieces of enacted legislation on LLTs in 2026.
    - Simple or complex: Covering dedicated infrastructure (TN HB 1847), or operational requirements like curtailment (NB HB 1010)
- **Can emerge at PUC level** (E.g., RI, VA, OR, PA, WI)
- **Addressed in Model CLEAN GRID Act**

Looking ahead: Removing obligation to serve

CLIMATE X CHANGE [SCPN]

Tax Trends: Reform, Pause, Remove Subsidies

States are scaling back, pausing, or reforming tax subsidies for data centers

- **Reforming**: Changing qualifying terms to incentivize the types of development states want. DE's HB 310, e.g., requires eligible projects produce or procure new energy meeting 100% of their demand.
- **Pausing**: Several states paused administration to study impacts (e.g., IL, MA, OH, AZ)
- **Ending**: Several states simply eliminated certain data center tax incentives (e.g., NJ, OR, WA, ME).

Looking ahead: Taxing data centers for their electricity consumption or emissions impact

Emissions Trends: Bring Your Own Power

States are beginning to require projects bring new power to the grid, with varying approaches to renewables

- States have put in place **incentives** that new power be renewable (NJ, VA, DE), **increasing renewable targets** (PA), **accelerated compliance** with existing renewable targets (DE), and **100% clean** requirements (MA).

- **Addressed in Model CLEAN GRID Act**

Looking ahead: More 100% clean requirements, potentially defining "leadership" projects

Water Trends

- 10 states required **disclosure** of on-site water usage, impacts to watersheds, efficiency measures, and/or pollution mitigation (CA, NJ, PA, VA, NE, TX, FL, SD, and UT)

- 9 states enacted **guardrails** on water use:
  - Mitigating impacts to watersheds (KY, UT, FL, WV, and MA)
  - Utilize water efficiency measures (MA and OK; encouraged or incentivized in VA, WY, and CA)

Looking ahead: cost protections, efficiency standards, indirect water usage

CLIMATE X CHANGE [SCPN]

Local Decisionmaking Trends

- Mandating **engagement** (e.g., PA), **CBAs** (e.g., MA, CA), and transparency on **addressing community concerns** (e.g., KY)
- **Banning NDAs** (e.g., MA, PA, MD, VA)
- Providing local **technical support**/funding (e.g., MD) and guidance for local stakeholders (e.g., PA)
- Requiring **local approval** (e.g., VA, PA) and/or preserving local **authority** (e.g., SD)

Looking ahead: truly community-centered benefits and power over decisionmaking

Speaker

Laura Jay



Deputy Director

Climate Mayors

CLIMATE X CHANGE [SCPN]

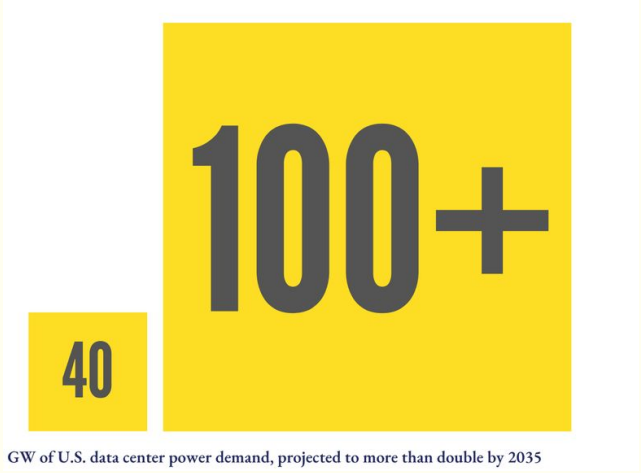
CLIMATE MAYORS: DATA CENTER PERSPECTIVES

LAURA JAY
DEPUTY DIRECTOR, CLIMATE MAYORS

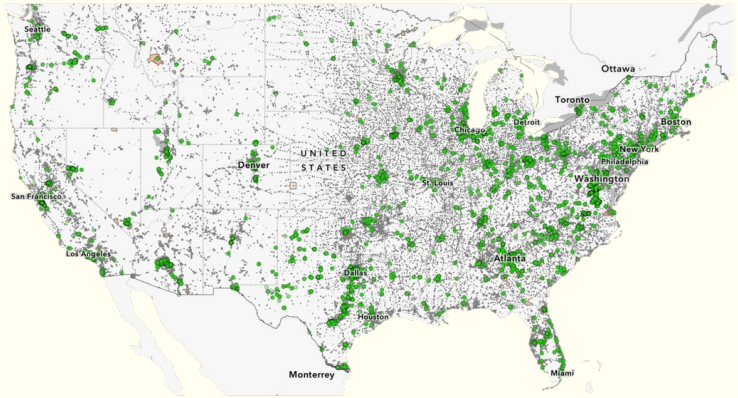
The Moment We Are In Now

- Data centers are one of the largest waves of private capital cities have seen in a generation — individual projects now run from hundreds of millions to billions of dollars

- City approaches fall on a spectrum — a moratorium at one end, a proactive agreement negotiated before a shovel hits the ground at the other

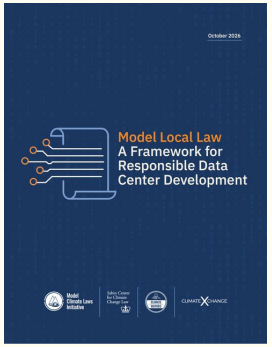


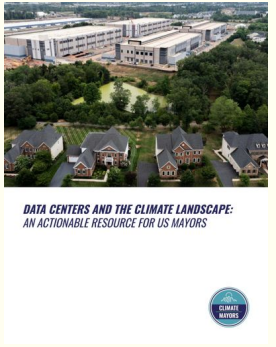
U.S. Cities with data centers within 25 miles

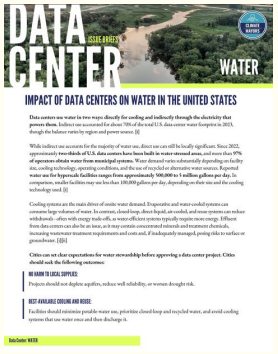


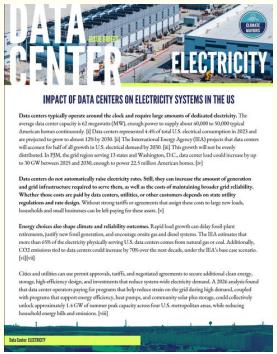
Climate Mayors' Data Center Engagement

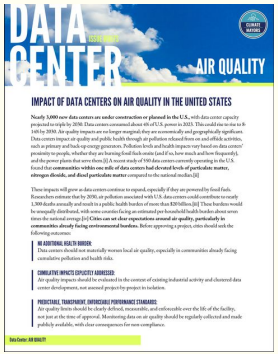
- Our mayors initially raised concerns about data centers in late 2025
- The space is evolving rapidly, and our mayors and city leaders need up to date information
- We seek to elevate ways in which mayors can take action that makes data center work for their communities, not against them













What Mayors Are Saying



- Transparency and early disclosure is paramount
- Noise and air quality are biggest concerns
- One-size-fits-all doesn't work
- Utilities need to be brought into the conversations
- Economic benefits are uncertain
- Communities want developers to invest in the community

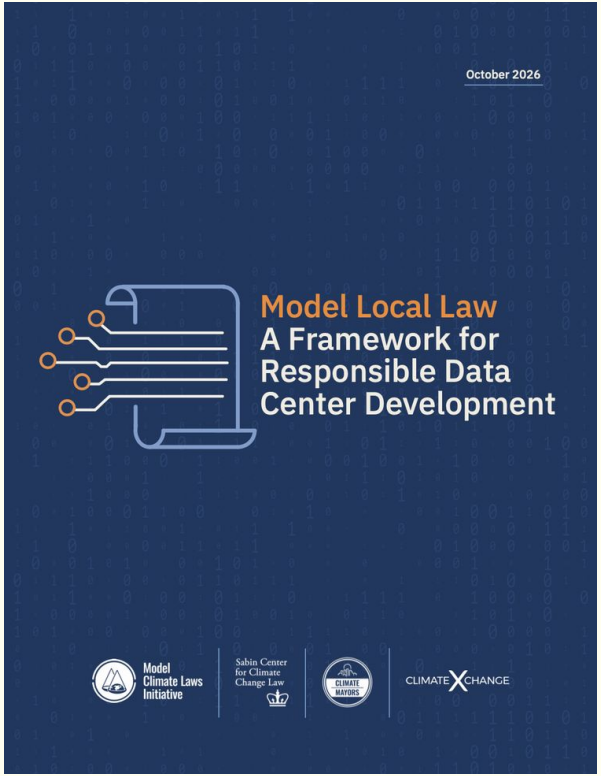
Model Local Law

Siting and permitting: Establishes requirements for location and approval processes

Operational standards: Provides standards for a range of environmental factors

Transparency: Establishes disclosure and public-access provisions

Community benefits: Provides a framework for community benefits agreements







What This Model Law Does

Increases capacity for local government in a rapidly evolving landscape

Offers a modular approach that cities can customize to their needs

Responds directly to asks from cities



THANK YOU!

Laura Jay

laura@climate-mayors.org

Speaker

Daniel Metzger



Director of the Cities Climate Law Initiative

Sabin Center

CLIMATE X CHANGE [SCPN]

Columbia Law School | Columbia Climate School
Sabin Center for Climate Change Law



Data Centers and Local Climate Regulation: Best Practices and Key Considerations

Daniel J. Metzger
Director, Cities Climate Law Initiative
Sabin Center for Climate Change Law
dmetzger@law.columbia.edu
November 17, 2026

Best Practices

- **Eliminating as-of-right zoning approvals** (e.g. Phoenix)
  - Moderating the pace, creating space for local officials to weigh in

- **Setting operational limits**
  - Energy: regular operations and backup power
  - Water: context-specific guidelines
  - Noise: frequency-specific guidelines alongside overall volume



©Steve Jones, Flight by Southwings for SELC

Best Practices

- **Decommissioning**
  - Clear, upfront requirements
  - Managing potential market corrections
- **Transparency**
  - Prohibiting NDAs
  - Disclosing resource consumption
- **Community Benefit Agreements** (e.g. Detroit, Philadelphia)



How Meta Got Everything It Wanted in a Secret Louisiana Data Center Deal

A Times examination details how the Silicon Valley giant used private talks with local officials to start a project big enough to cover nearly six square miles.



NDAs are hiding data center deals, drawing ire from locals — and attention from lawmakers

AUGUST 27, 2026 · 5:00 AM ET

FROM GULF STATES NEWSROOM

By Drew Hawkins



News Article

Map Reveals States Where Data Center Projects Were Hidden Behind NDAs

PUBLISHED
SEP 07, 2026 AT 10:54 AM EDT

UPDATED
SEP 07, 2026 AT 10:55 AM EDT

Tensions

Cities and counties without zoning

State law and practical challenges with adopting and enforcing CBAs

Degrees of support and opposition

https://citiesclimatelaw.org/model-laws/

Columbia Law School | Columbia Climate School
Sabin Center for Climate Change Law



dmetzger@law.columba.edu

Sabin Center for Climate Change Law useful links:

https://climate.law.columbia.edu/

https://twitter.com/SabinCenter

https://www.instagram.com/sabincenter/

https://www.linkedin.com/company/sabin-center-for-climate-change-law

Sabin Center for Climate Change Law

Speaker

Jon Binder



Executive Director

Model Climate Laws Initiative

CLIMATE X CHANGE [SCPN]

Data Center Model Laws

State and Local Low Emission Frameworks

SABIN CENTER FOR CLIMATE CHANGE LAW

Model Climate Laws Initiative

Environmental Advocates NY

November 17, 2026

Jon Binder, Executive Director
Model Climate Laws Initiative
jb5362@columbia.edu

About the Model Climate Laws Initiative

- Our goal is to advance **state**- and **local**-level climate policy across the U.S.
- We make it easier to pass and **implement** durable and effective laws
- The Initiative provides draft model or **template legislation** and other legal tools to policymakers, legislative and agency staff, advocates, and other stakeholders
  - We can also tailor models to the legal or political needs of individual states
- There are **approximately 90 model laws** and **over 2,500 other legal resources** freely available on the modelclimatelaws.org website (and growing)

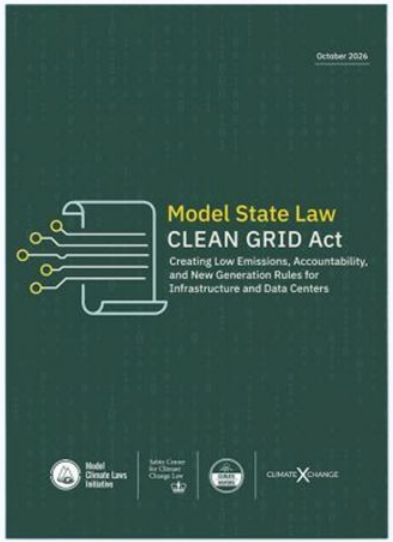
Model
Climate Laws
Initiative

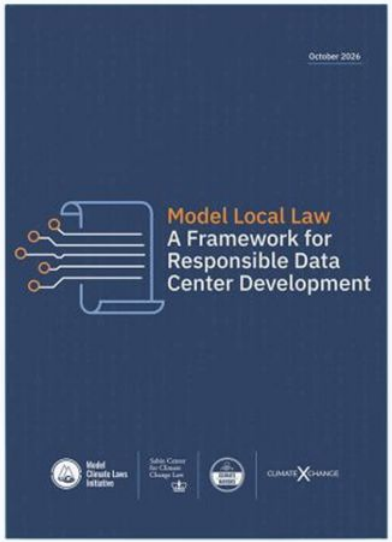
Data Center Model Law Approach

- Utilize **best practices** from various jurisdictions
- Focus on **greenhouse gas** and other air emissions, **energy use** and **affordability**, **transparency**, **and community benefits**
- Draw upon legal and policy research by collaborative partners, including the **Climate XChange state policy toolkits**
- Provide **complementary resources** for both state and local governments, recognizing differing authorities and jurisdiction
- Ensure models are **modular and customizable** for individual jurisdictions

Model
Climate Laws
Initiative

State and Local Models – Common Provisions





- Substantive requirements are consolidated into a **single new permitting regime**
- Bring Your Own New Clean Energy (**BYONCE**) requirements for 100% of data center load
- Transparency provisions including disclosure requirements, public processes, and nondisclosure agreement (**NDA**) **prohibitions**

State Model Law – Summary of Provisions

- *Certificate of Operation* (COP) – Hyperscale data centers (**>20 MW**) must obtain a COP from the PUC (or other agency) before commencing construction or operation – primary legal mechanism for implementation of requirements
- *BYONCE* – covered load must be met by **new additional clean energy**, which may be provided through utility tariff, PPAs, bundled RECs, or similar
- *PUC authority* – the law provides the PUC (or other agency) direction and authority to conduct various **rulemaking and ratemaking proceedings**
- *Limited exception for utility obligation to serve*

State Model Law continued

- *Backup Power* – **Prohibits on-site combustion of fossil fuels**, with limited exceptions and requirements for low emitting technologies
- *Transparency* – Prior to obtaining any COP, the developer must provide **detailed information on energy use and sources**
  - **NDAs are prohibited** between developers and state or local officials
- *Planning Commission* made up of agencies and legislative appointees to make additional recommendations and identify priority development zones
- *Moratorium* of up to 12 months to allow for PUC rulemaking process
- Explicit **preservation of local** authority to go further than the state law

Local Model Law – Summary of Provisions

- *Zoning and Special Permit* – data centers may only be built in **designated zoning district with a special permit**
  - Application process includes public notice and consultation requirements
- *Operational Standards* – to receive a special permit, data centers must:
  - Use 100% renewable energy, storage, or clean distributed energy resources
  - Comply with **limits on water use and noise levels**
  - Incorporate smart surfaces
  - Meet limits on fossil-fuel backup generation
  - Provide for **decommissioning and financial security**

Local Model Law continued

- *Transparency* – application for special permit must include detailed information about **water consumption** and conservation, stormwater management, **noise pollution**, and energy; **NDAs prohibited**

- *Community Benefits* – As a condition of receiving a special permit, developers must **enter into a qualifying community benefit agreement (CBA)**, which must meet minimum components like:
  - Workforce development
  - Community investments
  - Additional environmental and public health mitigation measures
  - Disadvantaged community measures

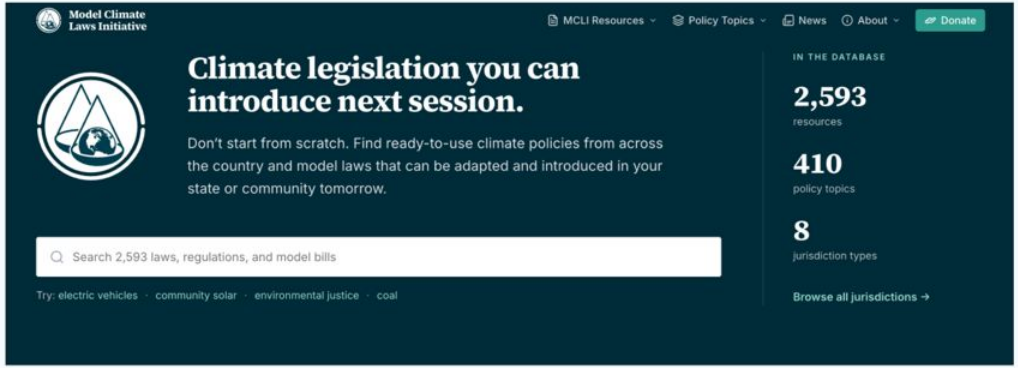
Thank You!

Jon Binder, Executive Director
Model Climate Laws Initiative

jb5362@Columbia.edu

Modelclimatelaws.org

Model
Climate Laws
Initiative





Q&A

CLIMATE XCHANGE [SCPN]

Thank you for joining!

Reach out to kristen@climate-xchange.org with any additional questions!

CLIMATE X CHANGE [SCPN]