

5499--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 24, 2015

---

Introduced by M. of A. MALLIOTAKIS -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to restrict the use of real property in the county of Richmond purchased by the governor's office of storm recovery, pursuant to the NY rising buyout program, which is currently or formerly in the custody and control of the housing trust fund corporation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. With respect to all real property in the county of Richmond  
2     purchased by the state or the governor's office of storm recovery,  
3     pursuant to the NY rising buyout program, whether such purchase was  
4     prior to or after the effective date of this act, and is currently or  
5     formerly in the custody and control of the housing trust fund corporation:  
6     ration:
- 7     (a) All such land shall be dedicated and maintained in perpetuity as  
8     open space for the conservation of natural floodplain functions. Permissible  
9     uses include parks for outdoor recreational activities; wetlands  
10    management; nature reserves; cultivation; grazing; camping (except where  
11    adequate warning time is not available to allow evacuation); unimproved,  
12    unpaved parking lots; buffer zones; and other uses consistent with  
13    Federal Emergency Management Agency ("FEMA") guidance for open space  
14    acquisition; and
- 15    (b) No new structures or improvements shall be erected on such land  
16    other than:
- 17    (i) a public facility that is open on all sides and functionally  
18    related to a designated open space or recreational use; or  
19    (ii) a public restroom; or  
20    (iii) a flood control structure; or

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD02111-05-5

1 (iv) a structure that the local floodplain manager approves in writing  
2 before the commencement of the construction of the structure. Any struc-  
3 tures to be built on the land according to this paragraph shall be flood  
4 proofed or elevated to at least the base flood level plus one foot of  
5 freeboard, or greater, if required by any state or local statute, rule  
6 or ordinance.

7 S 2. This act shall take effect immediately.