

# STATE OF NEW YORK

6595

2017-2018 Regular Sessions

## IN SENATE

June 6, 2017

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to enhancing the state's flood mitigation and coastal resiliency activities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 54-1523 of the environmental conservation law, as  
2 added by section 5 of part U of chapter 58 of the laws of 2016, is  
3 amended to read as follows:  
4 § 54-1523. Climate adaptation and mitigation projects.  
5 1. The commissioner is authorized to provide on a competitive basis,  
6 within amounts appropriated, state assistance payments to a municipality  
7 toward the cost of any climate adaptation or mitigation projects. Such  
8 projects shall include:  
9 a. the construction of natural resiliency measures, conservation or  
10 restoration of riparian areas and tidal marsh migration areas;  
11 b. nature-based solutions such as wetland protections to address phys-  
12 ical climate risk due to sea level rise, and/or storm surges and/or  
13 flooding, based on available data predicting the likelihood of future  
14 extreme weather events, including hazard risk analysis data if applica-  
15 ble;  
16 c. relocation or retrofit of facilities to address physical climate  
17 risk due to sea level rise, and/or storm surges and/or flooding based on  
18 available data predicting the likelihood of future extreme weather  
19 events, including hazard risk analysis data if applicable;  
20 d. flood risk reduction;  
21 e. greenhouse gas emission reductions outside the power sector;  
22 f. enabling communities to become certified under the climate smart  
23 communities program, including by developing natural resources invento-

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

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1 ries, right sizing of municipal fleets and developing climate adaptation  
2 strategies; ~~and~~

3 g. climate change adaptation planning and supporting studies, includ-  
4 ing but not limited to vulnerability assessment and risk analysis of  
5 municipal drinking water, wastewater, and transportation infrastructure;  
6 and

7 h. land acquisition, including but not limited to flood mitigation and  
8 coastal riparian resiliency; provided, however, no monies shall be  
9 expended for acquisition by eminent domain.

10 2. To the fullest extent practicable, it is the policy of the state to  
11 promote an equitable regional distribution of climate adaptation and  
12 mitigation projects, consistent with the purpose of this title, taking  
13 into account regional differences in climate change risks, socioeconomic  
14 conditions and ecological resources.

15 ~~[3. No monies shall be expended for land acquisition.]~~

16 § 2. The environmental conservation law is amended by adding a new  
17 section 54-1525 to read as follows:

18 § 54-1525. Restriction on alienation.

19 Real property acquired, developed, improved, restored or rehabilitated  
20 by a municipality pursuant to this title with funds made available  
21 pursuant to this title shall not be sold or disposed of or used for  
22 other than public purposes without the express authority of an act of  
23 the legislature, which shall provide for the substitution of other lands  
24 of equal environmental and fair market value and reasonably equivalent  
25 usefulness and location to those to be discontinued, sold or disposed  
26 of, and such other requirements as shall be approved by the commission-  
27 er.

28 § 3. This act shall take effect immediately.