STATE OF NEW YORK

745--A

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. MONTGOMERY, COMRIE, GOUNARDES, LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to allowing community boards to apply and receive grants for waterfront revitalization programs for coastal areas and inland waterways

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

Section 1. Subdivisions 1, 2, 3, the opening paragraph of subdivision 4, the opening paragraph and paragraph h of subdivision 5, and subdivisions 7, 9 and 10 of section 915 of the executive law, subdivision 1 as amended by chapter 454 of the laws of 2001, subdivision 2 and the opening paragraph of subdivision 5 as amended by chapter 842 of the laws of 1981, and subdivision 3, the opening paragraph of subdivision 4, paragraph h of subdivision 5, and subdivisions 7, 9 and 10 as added by chapter 840 of the laws of 1981, are amended and a new subdivision 11 is added to read as follows:

1. It is the intention of this article to offer the fullest possible support by the state and its agencies to those local governments that desire to revitalize their waterfronts. Accordingly, any local government [~~or~~], two or more local governments acting jointly**, or a community board** which has any portion of its jurisdiction contiguous to the state's coastal waters or inland waterways and which desires to participate may submit a waterfront revitalization program to the secretary as herein provided.

2. The secretary may provide technical and financial assistance as provided in sections nine hundred seventeen and nine hundred eighteen **of this article** to any local government **or community board** for the prepara-

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

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tion of a waterfront revitalization program for the purposes of this article.

3. A local government [~~or~~], two or more local governments acting jointly **or a community board** which intends to submit a waterfront revitalization program for the purposes of this article is strongly encouraged to consult, during its preparation, with other entities that may be affected by its program, including local governments, county and regional agencies, appropriate port authorities, community based groups and state and federal agencies. On request by the local government **or community board**, the secretary shall take appropriate action to facilitate such consultation.

The secretary shall prepare and distribute guidelines and regulations for local governments **or community boards** desiring to prepare, or cause to be prepared, a waterfront revitalization program (hereinafter referred to as the "program"). Such guidelines shall provide that the program will be consistent with the policies and purposes of this article generally and shall include, but not be limited to:

The secretary shall approve any local government **or community board** waterfront revitalization program as eligible for the benefits set forth in section nine hundred sixteen of this article if he finds that such program will be consistent with coastal policies and will achieve the waterfront revitalization purposes of this article. In making such determination, the secretary shall find that the program incorporates each of the following to an extent commensurate with the particular circumstances of that local government **or community board**:

h. A statement identifying those elements of the program which can be implemented by the local government **or community board**, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification or approval programs, grant, loan, subsidy or other funding assistance programs, facilities construction and planning programs which may affect the achievement of the waterfront revitalization program.

7. Where there is a conflict between a submitted waterfront revitalization program and any state or federal policy, at the request of the local government**, community board** or the state or federal agency affected, the secretary shall attempt to reconcile and resolve the differences between the submitted program and such policies and shall meet with the local government **or community board** and involved state and federal agencies to this end.

9. Before undertaking any action pursuant to any programs identified pursuant to paragraph [~~(h)~~] **h** of subdivision five of **this** section [~~nine hundred fifteen of this article~~] the affected state agency shall submit, through appropriate existing clearing house procedures including but not limited to the state environmental quality review law, information on the proposed action to local government **or community board**. The local government **or community board** shall identify potential conflicts and so notify the secretary. Upon notification of the conflict, the secretary will confer with the affected state agency and the local government **or community board** to modify the proposed action to be consistent with the local plan.

10. Any local government **or community board** which has had a waterfront revitalization program approved pursuant to this section may withdraw its program at any time by filing with the secretary a copy of a resolution of its legislative body providing for such withdrawal. Upon

receipt of such resolution, the secretary shall immediately notify all affected state agencies.

11. For purposes of this section, no application by a community board for participation shall be considered eligible for the awarding of any grants available herein unless the application also includes certification by the borough president of the requisite borough approving the submission of such an application.

§ 2. Paragraph a of subdivision 1 of section 918 of the executive law, as amended by section 2 of part T of chapter 58 of the laws of 2017, is amended to read as follows:

a. To any local governments, [~~or to~~] two or more local governments, **or to community boards,** for projects approved by the secretary which lead to preparation of a waterfront revitalization program; provided, however, that such grants or payments shall not exceed seventy-five percent of the approved cost of such projects provided, however, in environmental justice communities, such assistance payments and/or technical assistance shall not exceed eighty-five percent of the cost of the program;

§ 3. Section 911 of the executive law is amended by adding two new subdivisions 8 and 9 to read as follows:

8. "Community board" shall have the same meaning as set forth in section twenty-eight hundred of the New York city charter.

9. "Borough president" shall have the same meaning as set forth in chapter four of the New York city charter.

§ 4. This act shall take effect immediately.