

STATE OF NEW YORK

133

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. CRUZ, OTIS, EACHUS, SHIMSKY, PHEFFER AMATO, ROZIC, LEVENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing the office of flooding prevention and mitigation

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

1 Section 1. The executive law is amended by adding a new article 26-A
2 to read as follows:

ARTICLE 26-A

OFFICE OF FLOODING PREVENTION AND MITIGATION

5 Section 730. Declaration of findings and legislative intent.

6 731. Office of flooding prevention and mitigation.

7 732. Functions and duties of the office.

8 733. Support for counties and municipalities.

9 734. Government entity coordination; intragovernmental meetings.

10 735. Public availability of information; reporting.

11 736. Flooding resiliency.

12 § 730. Declaration of findings and legislative intent. 1. The legisla-
13 ture finds that flooding events constitute a significant and ongoing
14 threat to people and property in the state and that the threats of
15 flooding are expected to be exacerbated by the increasing effects of
16 climate change. The legislature further finds that there is a need for
17 better coordination and direction of state and local efforts to prevent
18 and mitigate flooding.

19 2. The legislature determines that there is a need for a new executive
20 office to manage and coordinate the work of various existing task forc-
21 es, commissions, and other bodies and programs tasked with examining
22 issues related to flooding, to review and assess best practices and make
23 recommendations regarding flood prevention and mitigation, and to assist

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

LBD00150-01-5

1 municipalities in developing strategies and policies to combat flooding.
2 Accordingly, it is the legislature's intent that a new office of flood-
3 ing prevention and mitigation be created to accomplish these purposes.

4 § 731. Office of flooding prevention and mitigation. There is hereby
5 created an office of flooding prevention and mitigation in the executive
6 department. For the purposes of this article, "the office" shall mean
7 the office of flooding prevention and mitigation. The office shall be
8 headed by a director, who shall be appointed by the governor by and with
9 the advice and consent of the senate and shall hold office during the
10 pleasure of the governor. The director shall have significant profes-
11 sional experience in flooding planning, prevention, mitigation, and
12 resiliency. The director shall receive a salary to be fixed by the
13 governor within the amount appropriated therefor. The director shall
14 appoint staff and perform such other functions to ensure the efficient
15 operation of the office within the amounts made available therefor by
16 appropriation.

17 § 732. Functions and duties of the office. The office shall have the
18 following functions and duties:

19 1. To establish and maintain a principal office and such other offices
20 within the state as it may deem necessary.

21 2. To appoint a secretary, counsel, clerks and such other employees
22 and agents as it may deem necessary, fix their compensation within the
23 limitations provided by law, and prescribe their duties.

24 3. To require that state agencies and any other state or municipal
25 department, agency, public authority, task force, commission, or other
26 state or municipal government body, provide and the same are hereby
27 authorized to provide, such assistance, documents, and data as will
28 enable the office to carry out its functions and duties.

29 4. To establish and maintain a website which shall facilitate the
30 satisfaction of the functions and duties of the office.

31 5. To advise and assist the governor in developing policies designed
32 to prevent and mitigate flooding.

33 6. To coordinate state agencies, programs and activities responsible
34 for or relating to flooding, including, without limitation, the depart-
35 ment of environmental conservation, the department of financial
36 services, the division of homeland security and emergency services, the
37 department of state, resilient NY, the disaster preparedness commission,
38 the Rockland-Bergen flood mitigation council, the New York state 2100
39 commission, the sea level rise task force, the Delaware river basin
40 commission, the New York rising community construction program and the
41 upstate flood mitigation task force, to the extent such entity exists or
42 is presently convened, as applicable, and to require that such entities
43 or programs provide documents to the office.

44 7. To cooperate with, coordinate, encourage and assist counties and
45 municipalities in the development of local plans and policies for flood-
46 ing preparedness, prevention, and mitigation, to refer municipalities to
47 the appropriate departments and agencies of the state and federal
48 governments for advice, assistance and available services with respect
49 to flooding, and to advise municipalities in the solution of flooding-
50 related problems.

51 8. To study the operation of laws and procedures affecting flooding
52 and recommend to the governor and legislature proposals to improve the
53 administration and effectiveness of such laws.

54 9. To consult with and cooperate with municipalities and officers,
55 organizations, groups and individuals representing them, to the end of
56 more effectively carrying out the functions and duties of the office.

1 10. To undertake, promote and conduct studies, inquiries, surveys and
2 analyses of issues related to flooding and as necessary for performance
3 of the functions and duties of the office through the personnel of the
4 office or consultants, or in cooperation with any public or private
5 agencies, national associations, academic institutions, and not-for-pro-
6 fit organizations.

7 11. To serve as a clearinghouse for the benefit of municipalities
8 regarding information relating to flooding prevention and mitigation,
9 including flooding prevention and mitigation project funding programs,
10 and other information relating to their common problems with respect to
11 flooding and the state and federal services available to assist in solv-
12 ing such problems.

13 12. To render every third year to the governor and to the legislature,
14 on or before December first of each such year, a written report on the
15 office's activities including, but not limited to, specific information
16 on each of the subdivisions of this section. Such report shall also
17 include but not be limited to information regarding significant flooding
18 events during the intervening years and an assessment of the adequacy of
19 current flooding-related programs, policies, and state and local govern-
20 ment bodies.

21 13. To make publicly available information regarding the progress and
22 effectiveness of government-supported flood prevention and mitigation
23 efforts in the state.

24 14. To do all other things necessary or convenient to carry out the
25 functions and duties expressly set forth in this article or as may from
26 time to time be confirmed upon the secretary by the legislature of the
27 state.

28 § 733. Support for counties and municipalities. In furtherance of the
29 provisions of subdivision nine of section seven hundred thirty-two of
30 this article, the office shall encourage and assist local governments in
31 the development of plans and policies for flood prevention and miti-
32 gation. Such assistance shall be available upon request by the local
33 government. In furtherance thereof, the director shall:

34 1. Establish such programs and processes as are convenient or neces-
35 sary for:

36 (a) proactively engaging counties and municipalities in developing
37 flood prevention and mitigation strategies,

38 (b) providing flooding-related resources, including information
39 regarding financial assistance for flooding projects,

40 (c) coordinating and facilitating consultation and coordination among
41 local, county, regional, state and federal governmental bodies and
42 community-based groups, and

43 (d) soliciting input from counties and municipalities regarding flood-
44 ing-related concerns.

45 2. Develop and maintain forms of intermunicipal agreements and other
46 documents as may assist in facilitating cooperation between munici-
47 palities in addressing flooding issues that involve more than one muni-
48 cipality.

49 3. Promote flooding prevention and mitigation strategies, including,
50 without limitation, use of living shorelines and other nature-based
51 solutions, permeable surfaces, rain gardens, wetland restoration, waste-
52 water and stormwater infrastructure upgrades, alteration of flood-prone
53 structures, and other flood prevention, mitigation and resiliency
54 projects encompassed by subdivision one of section 54-1523 and subdivi-
55 sion one of section 58-0303 of the environmental conservation law.

1 4. Communicate and coordinate with the department of financial
2 services regarding flood insurance-related matters affecting munici-
3 palities to improve municipal participation and compliance with respect
4 to such relevant flood insurance programs.

5 § 734. Government entity coordination; intragovernmental meetings. 1.
6 The office shall regularly consult and coordinate its efforts with such
7 other state government bodies and other state, regional, or local
8 programs as is necessary or convenient to successfully fulfill its func-
9 tions and duties.

10 2. The office shall, on a biannual basis, convene a meeting of the
11 executive officers or similar officials or their representatives of the
12 department of environmental conservation, the department of financial
13 services, the division of homeland security and emergency services, the
14 department of state, resilient NY, the disaster preparedness commission,
15 the Rockland-Bergen flood mitigation council, the New York state 2100
16 commission, the sea level rise task force, the Delaware river basin
17 commission, the New York rising community construction program and the
18 upstate flood mitigation task force, to the extent such entity exists or
19 is presently convened, as applicable, to evaluate the effectiveness of
20 floodings prevention and mitigation throughout the state, to review and
21 assess the respective contributions of such entities and programs to
22 floodings prevention and mitigation, and to facilitate cooperation
23 amongst such entities and programs.

24 § 735. Public availability of information; reporting. 1. In further-
25 ance of the provisions of subdivision thirteen of section seven hundred
26 thirty-two of this article, the office shall collect and make publicly
27 available on its website reports, resources, descriptions of processes
28 and responsibilities of the office and other state governmental agen-
29 cies, entities and programs tasked with addressing floodings-related
30 issues, analyses regarding the effectiveness of such various govern-
31 mental entities and programs and other related and relevant information
32 from such governmental agencies, entities and programs. Such govern-
33 mental agencies, entities and programs shall include, without limita-
34 tion, the department of environmental conservation, the department of
35 financial services, the division of homeland security and emergency
36 services, the department of state, resilient NY, the disaster prepared-
37 ness commission, the Rockland-Bergen flood mitigation council, the New
38 York state 2100 commission, the sea level rise task force, the Delaware
39 river basin commission, the New York rising community construction
40 program and the upstate flood mitigation task force, to the extent such
41 entity exists or is presently convened, as applicable.

42 2. No later than December first, two thousand twenty-six, and by
43 November thirtieth of every third year thereafter, the office shall
44 transmit to the governor, the temporary president of the senate and the
45 speaker of the assembly a report containing:

46 (a) an assessment of the extent and magnitude of floodings risks,
47 including identifying those regions and populations most affected by
48 floodings;

49 (b) criteria and guidelines for identifying and prioritizing regions
50 and projects most in need of mitigation;

51 (c) identification of existing and emerging technologies, strategies
52 and policies which can mitigate the impact of floodings on populations
53 and infrastructure;

54 (d) identification of potential funding sources to support residen-
55 tial, commercial and public mitigation efforts;

1 (e) research projects or studies to better understand how flooding
2 affects the geography and the population of this state; and
3 (f) recommendations to the governor and the state legislature as to
4 the best use of state resources to assist flood-prone counties and muni-
5 cipalities to prevent or mitigate the effects of flooding.

6 § 736. Flooding resiliency. In fulfilling the provisions of this arti-
7 cle, the office shall incorporate into its policies, processes and deci-
8 sions consideration for the increased likelihood of flooding due to
9 climate change as compared to historic indicators and the need for long-
10 term resiliency against such increase in flooding. The office is author-
11 ized to and shall take actions and make recommendations which exceed
12 current best practices for flooding prevention and mitigation when such
13 current best practices do not sufficiently account for the likelihood of
14 increased flooding due to climate change.

15 § 2. Severability. If any clause, sentence, paragraph, subdivision,
16 section or part of this act shall be adjudged by any court of competent
17 jurisdiction to be invalid, such judgment shall not affect, impair, or
18 invalidate the remainder thereof, but shall be confined in its operation
19 to the clause, sentence, paragraph, subdivision, section or part thereof
20 directly involved in the controversy in which such judgment shall have
21 been rendered. It is hereby declared to be the intent of the legislature
22 that this act would have been enacted even if such invalid provisions
23 had not been included herein.

24 § 3. This act shall take effect immediately.