

# STATE OF NEW YORK

7034--A

2025-2026 Regular Sessions

## IN ASSEMBLY

March 18, 2025

Introduced by M. of A. FALL -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to structures built within an erosion hazard area or a tidal wetland adjacent area

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

1 Section 1. Subdivision 4 of section 34-0107 of the environmental  
2 conservation law, as added by chapter 841 of the laws of 1981, is  
3 amended to read as follows:

4 4. Nothing in this section shall be construed to prohibit any local  
5 government from adopting and enforcing any ordinances or local laws, or  
6 exercising any other lawful powers within any area governed by erosion  
7 hazard area regulations adopted pursuant to this section; provided,  
8 however, that to the extent of any inconsistency between a county, city,  
9 town or village ordinance or local law and erosion hazard area regu-  
10 lations adopted pursuant to this section, the latter shall apply.

11 Provided, however, that with respect to residential properties located  
12 seaward of Nicolosi Drive in Richmond County that front on the shoreline  
13 of the Raritan Bay, including, without limitation, Block 6475, Lots 169,  
14 175, 190 200, 205, 210, 215,220, 225, 230,and 235, as shown on the tax  
15 map of the city of New York, where the local permitting authority has  
16 issued a permit for construction of structures within the erosion hazard  
17 area or tidal wetland adjacent area and such structures have been built  
18 on or before the effective date of the chapter of the laws of two thou-  
19 sand twenty-six that amended this subdivision, such local permits shall  
20 be deemed to be sufficient to satisfy any requirements for an erosion  
21 hazard area permit, tidal wetlands permit, or variance under this arti-

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

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1 cle or article twenty-five of this chapter with respect to tidal wetland  
2 permits and implementing regulations, and all such structures may  
3 remain.

4 § 2. This act shall take effect immediately.