STATE OF NEW YORK

6129--B

2025-2026 Regular Sessions

IN SENATE

March 5, 2025

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to permit structures to remain within a certain erosion hazard area or tidal wetland adjacent area

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

Section 1. For purposes of this act, the term "eligible properties" shall mean residential properties in a costal erosion hazard area or tidal wetland area, as determined by the department of environmental conservation and located southeast of Hylan Blvd between Wiman Ave and Arbutus Ave in the County of Richmond, where: (a) the local permitting authority has issued a permit prior to December 31, 2022 for construction of structures within the coastal erosion hazard area or tidal wetland adjacent area; and

(b) the property owner has submitted documentation and a written certification, affirmed under penalty of perjury that:

(i) the applicable permits were issued by the local permitting authority prior to the earlier of December 31, 2022, or the date on which the property owner became aware of a violation of article 25 or 34 of the environmental conservation law on the property;

(ii) the property owner exercised reasonable due diligence when purchasing the property and had no knowledge of any violation of article 25 or 34 of the environmental conservation law, including any requirement to obtain a coastal erosion hazard area permit or tidal wetlands permit in addition to the locally issued permit for construction; and

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

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(iii) such structures were built on or before the earlier of December 31, 2022, or the date on which the property owner became aware of a violation of article 25 or 34 of the environmental conservation law on the property.

§ 2. For any eligible property, local permits shall be deemed to be sufficient to satisfy any requirements for an erosion hazard area permit, tidal wetlands permit, or variance under article 25 or 34 of the environmental conservation law.

§ 3. This act shall take effect immediately.