

# 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

3  
4 Section 730. Declaration of findings and legislative intent.

5 731. Office of flooding prevention and mitigation.

6 732. Functions and duties of the office.

7 733. Support for counties and municipalities.

8 734. Government entity coordination; intragovernmental meetings.

9 735. Public availability of information; reporting.

10 736. Flooding resiliency.

11  
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.

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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 municipi-  
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 flooding prevention and mitigation throughout the state, to review and  
21 assess the respective contributions of such entities and programs to  
22 flooding 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 flooding-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 flooding risks,  
47 including identifying those regions and populations most affected by  
48 flooding;

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 flooding 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.