

STATE OF NEW YORK

8503

2025-2026 Regular Sessions

IN SENATE

September 10, 2025

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to permits granted in coastal erosion hazard areas

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

1 Section 1. Section 34-0103 of the environmental conservation law is
2 amended by adding two new subdivisions 5-a and 8-a to read as follows:

3 5-a. "Green infrastructure" shall mean the range of measures that use
4 plant or soil systems, permeable pavement or other permeable surfaces or
5 substrates, stormwater harvest and reuse, or landscaping to store,
6 infiltrate, or evapotranspirate stormwater and reduce flows to sewer
7 systems or to surface waters.

8 8-a. "Permeable pavement" shall mean a porous paving material composed
9 of open pore pavers on the surface level accompanied by an underlying
10 drainage layer to facilitate water infiltration into the subgrade or,
11 blocks nonporous materials that are spaced to permit water infiltration.

12 § 2. Section 34-0109 of the environmental conservation law is amended
13 by adding five new subdivisions 4, 5, 6, 7 and 8 to read as follows:

14 4. Green infrastructure. As a condition of any permit issued pursuant
15 to this article, the department shall require green infrastructure to
16 help reduce stormwater runoff and mitigate coastal erosion.

17 5. Measures for coastal erosion reduction. Measures shall be taken to
18 reach the technical standards for coastal erosion reduction as set by
19 the department. The department may adopt technical guidance on accepta-
20 ble practices for each specific measure. This may include, but is not
21 limited to physical monitoring, ecological assessments, data analysis,
22 cost-benefit analysis, risk assessment, and more.

23 6. Coastal erosion preventative measures. Such coastal erosion preven-
24 tative measures may include, but are not limited to:

25 (a) green roofs or vegetated roofing systems;

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

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1 (b) permeable surfaces and pavements;

2 (c) vegetated retention systems; and

3 (d) preservation strategies such as tree planting.

4 7. Waivers or modifications. The department may waive or modify
5 requirements. If one measure is infeasible, the department may require
6 the incorporation of other practical measures. The department may
7 approve a waiver or modification of requirements if it determines that:

8 (a) compliance is technically infeasible due to site-specific condi-
9 tions including but not limited to historic structures and soil limita-
10 tions; or

11 (b) the cost of compliance would result in a financial burden
12 disproportionate to the value of the development.

13 8. Local and county enforcement. Local and county governments are
14 entitled to enforce stricter standards and guidelines in line with the
15 intention of this article, to reduce stormwater runoff and mitigate
16 coastal erosion, as promulgated by sections 34-0105 and 34-0106 of this
17 article.

18 § 3. Section 34-0110 of the environmental conservation law, as added
19 by chapter 841 of the laws of 1981, is amended to read as follows:

20 § 34-0110. Provision of technical assistance.

21 1. The commissioner shall encourage and assist affected local govern-
22 ments in the preparation and implementation of erosion hazard area ordi-
23 nances and local laws. When an erosion hazard area has been identified
24 pursuant to section 34-0104 of this article, the commissioner shall
25 provide to the affected local governments whatever technical assistance
26 may be necessary to enable such local governments to prepare and adopt
27 erosion hazard area ordinances or local laws meeting the requirements of
28 section 34-0105 of this article or section 34-0106 of this article, as
29 the case may be. Such efforts shall include, as may be necessary, maps,
30 model erosion hazard area regulations, and other information.

31 2. (a) As a condition of development in identified coastal hazard
32 areas, the department shall require green infrastructure to help reduce
33 stormwater runoff and mitigate coastal erosion in a phased manner.

34 (b) This requirement shall determine what structures to first prior-
35 itize based on characteristics established by the department, beginning
36 by December first, two thousand twenty-six until December thirty-first,
37 two thousand thirty. Such criteria shall include:

38 (i) proximity to the receding shoreline;

39 (ii) the property's contribution to erosion risk; and

40 (iii) renovation feasibility and costliness.

41 3. The department may offer grants, technical assistance, or low-in-
42 terest funding based on the following:

43 (a) current substantial renovation, defined as renovations exceeding
44 fifty percent of the structure's value;

45 (b) if the property is undergoing a transfer; or

46 (c) public ownership or if the structure already receives state
47 climate resistance funding.

48 § 4. This act shall take effect on the ninetieth day after it shall
49 have become a law.