



The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Cc: Kathryn Garcia, Director of New York State Operations
Basil Seggos, Commissioner, New York State Department of Environmental Conservation
Carl Heastie, Speaker, New York State Assembly
Andrea Stewart-Cousins, President, New York State Senate

Re: Climate Resiliency Priorities for New York State in 2022

Dear Governor Hochul,

The Rise to Resilience Coalition, spearheaded by Waterfront Alliance, is committed to ensuring that New York State takes necessary and long-term resiliency actions to prepare for climate change. We applaud the progress your administration has made in the first four months of your tenure as Governor and encourage you to expand on these steps. The coalition stands ready as a partner to help deliver on your vision for a more climate resilient State.

In just the first few months of your governorship, New York already experienced unprecedented climate-related weather events. Unfortunately, we know these weather events (i.e., cloudburst precipitation, tropical storms, heat waves, etc.) are trending toward more frequent and extreme occurrences.

New York State sustained more than \$25.56 billion worth of damage to buildings from hurricanes, flooding, winter storms, and severe storms from 1960 to 2014.¹ Exposure to these climate hazards is projected to increase in the future as our climate changes and the state's physical infrastructure expands to support a growing population.

¹ <https://archplan.buffalo.edu/content/dam/ap/PDFs/NYSERDA/Regional-Costs-of-Climate-Related-Hazards.pdf>



While it's clear that decarbonization - a *rapid, just* transition to renewable energy - is the ultimate strategy to combat climate change, we must be clear that resilience and adaptation are the most important strategies to meet the needs of our immediate risks. Natural climate systems take decades to adjust to changes in greenhouse gas emissions. Even with a rapid decarbonization effort, we are still "locked-in" to severe climate change threats, especially here in the northeastern U.S. The projected rate of sea level rise in the northeast is four times the global average,² and the coastal northeast region is warming faster than most regions in North America.³

New York State is well positioned to act and deliver on resiliency strategies to ensure that our state, especially residents and infrastructure, are protected from the threats of climate change. We need to send a strong, consistent message to New Yorkers, especially those that have suffered through extreme storms and face frequent flooding and extreme heat, that their concerns are being heard and this administration is up to the task of tackling complex infrastructure challenges, willing to innovate, and ready to take action starting today. Our coalition stands ready to partner on the passage of the Bond Act to jumpstart this process.

The Rise to Resilience coalition urges you to take bold and swift action on these key topics this legislative session: (1) passing a statewide flood disclosure legislation, (2) developing a Statewide Resiliency Strategy and appointing a Chief Resiliency Officer, (3) securing staffing and funding for permitting agencies, (4) state funding and regulatory reform for freshwater wetland protections, (5) strengthening the green roof tax abatement provisions, and (6) enabling legislation establish revolving loan funds for projects authorized under the federal STORM Act.

1. Statewide Flood Disclosure Legislation

Disaster declarations from flooding have been declared in every county of New York State in the past ten years alone. The current flood disclosure requirements in New York are completely outdated and insufficient. While New York's disclosure statute

² https://nca2018.globalchange.gov/downloads/NCA4_Ch18_Northeast_Full.pdf

³ <https://www.nature.com/articles/s41558-021-01159-7>



(Section 465 of the Real Property Law) states a seller must disclose whether the property is located in a designated floodplain, the same law also allows the seller to simply pay a \$500 credit at closing to avoid having to provide a disclosure statement. This loophole is extremely common and does not provide full transparency to buyers or renters. Residents have a right to know their flood risks when moving into a home. Knowing the level of one's risk helps change patterns of behavior related to flood insurance, increasing participation up to 15% or more.

A study from Natural Resource Defense Council (NRDC) and Columbia University's Sabin Center for Climate Change Law reviewed all 50 state's flood disclosure policies.⁴ New York State was graded an "F," ranking in the bottom 21 states in the nation, while states like Texas, Louisiana, and Oklahoma were graded an "A." In the last state legislative session, State Senator Brad Holyman (D-27) introduced Senate Bill S5472, which would amend the loophole in Section 465 of the Real Property Law. The bill successfully passed the Senate but failed to make it to a vote in the Assembly before the session ended. An Assembly version of this bill was introduced by Assembly member Robert Carroll (D-44). This bill would require property owners to disclose whether the property is located in a 100-year or 500-year floodplain according to FEMA's flood insurance rate maps, whether the property is subject to requirements under federal law to obtain and maintain flood insurance, and the property's flood insurance history.⁵ This bill provides an important and necessary tool for ensuring that New Yorkers are aware of the risks they face as it relates to flooding.

We call on your administration to support the passage of this legislation, with a particular emphasis on galvanizing Assembly support. In a state like New York, where flood risks are high, disclosure laws are an important first step to understanding how you might be impacted by climate change. These laws provide consumer protections and transparency around climate risks. The overall goal is for homeowners and renters to make an informed decision and purchase.

2. Statewide Climate Resiliency Strategy and Chief Resiliency Officer

⁴ <https://www.nrdc.org/experts/joel-scata/home-buyers-face-stacked-decks-learn-past-floods>

⁵ <https://www.nysenate.gov/legislation/bills/2021/s5472>



States like New York face a tremendous burden in keeping communities, economies and vital resources protected from the growing threats of climate change. The New York Department of State (DOS) currently has a website on resiliency planning, with the overall goal of “improving resilience to climate change impacts on the natural and built environment as well as social and economic systems.” There are several commendable resilience programs, like the NYS Smart Growth Program and Local Waterfront Revitalization Programs; however, we encourage your administration to develop a more comprehensive and holistic Statewide Climate Resiliency Strategy that integrates resilience and adaptation planning across the entire state. Thorough resiliency and community planning efforts have proven to minimize the impacts of climate-related disasters. When states and local municipalities work together to assess their risks, they can better deploy resources and capital to the highest risk areas.

New Jersey, for example, completed their first Statewide Climate Change Resilience Strategy in October 2021.⁶ This program provides a series of policy options to promote the long-term resilience of New Jersey against the threat of climate change. We encourage New York to develop a Statewide Climate Resiliency Strategy, incorporated in the state budget, as a framework for policy, regulatory, and operational changes - providing strategic direction and action across various state agencies to support the resilience of communities, the economy, and infrastructure.

Additionally, this Climate Resilience Strategy would appropriately position New York to leverage federal funding dollars. With new federal funding streams (i.e., Infrastructure Investment and Jobs Act, Build Back Better, and Ida Supplemental) as well as existing streams (i.e., FEMA BRIC and other grant programs), the creation of a resilience strategy would support New York in securing federal dollars in a more organized process.

On a similar note, as climate risks intensify across the nation, several states and municipalities have created Chief Resilience Officer (CRO) positions to provide coordinated statewide leadership with the goal of reducing risks and protecting

⁶ <https://www.nj.gov/dep/climatechange/resilience-strategy.html>



communities, businesses, vital infrastructure, and the environment. Nearly one dozen states have hired CRO's in various areas of government, including the Governor's Office and state departments of environment or public safety. These officers are charged with improving collaboration internally across government agencies and externally with members of the public. These offices also have a coordinated approach to securing and spending federal disaster resources. We urge your administration to establish a CRO for New York, in order to effectively facilitate resiliency efforts across and meet the challenges of climate change in our state.

3. Securing Staffing and Funding for Permitting Agencies

As local municipalities and agencies begin to prepare for climate change and leverage increased federal dollars for projects, state programs that are responsible for permitting and for advising local communities must be properly funded and staffed. Increased flood events will also lead to pressure to repair and rebuild in ways that may not be resilient. In order to ensure this process is not backlogged, the Governor's Office should assure adequate staffing and funding for agencies and programs that develop and execute grant programs, liaise with local communities, identify projects, support local planning, and review and approve permits related to resiliency. This includes agencies such as NYS Department of Environmental Conservation (NYSDEC) including NYSDEC's Office of Climate Change and Bureau of Flood Protection and Dam Safety, NYSDEC Region 1 and 2 which faces some of the greatest challenges balancing climate change resilience with urban density, and New York Division of Homeland Security and Emergency Services' (DHSES) hazard mitigation staff among others.

We highly recommend increasing capacity and resources for local planning efforts for cities across New York. There is great need to expand resilience projects and we encourage your office to establish a streamlined process for projects and permits to be approved - especially in places where the State does not have resiliency plans underway.

Moreover, we encourage processes that allow NYSDEC to consider innovative shoreline designs and resilience infrastructure projects that meet the needs of 21st



century climate hazards. Permits should be made flexible to meet creative innovations that designers are putting forward for projects. The solutions to reducing climate-related risks will not be a one-size-fits-all approach. New York State permitting agencies should support original and modern design practices as a method to address the complex and technical challenges we face and have the capacity to undergo the internal processes needed to make permitting decisions based on the special needs of climate resilient design.

4. Wetland Protections and Reforms in State Budget

New York's wetlands are essential to our climate resilience, clean water future, and marine habitat. These vital ecosystems face risks from development pressures across New York City, the Hudson Valley, and beyond. As intense rain and flood events become more common, protecting our remaining wetlands is more important now than ever. Wetlands reduce the impacts of flooding, preserve the quality of drinking water sources, filter pollutants and sediments, and provide habitat to native wildlife.

In the last year alone, we have seen first-hand the risk that New York faces from intense rain and flood events. Protecting our wetlands and marshes is critical to preserving community resilience in the face of climate change. Just 1-acre of freshwater wetlands can store up to 1.5 million gallons of floodwaters that might otherwise damage properties or businesses.

We encourage your administration to support strong reforms to New York's regulatory program for freshwater wetlands in Article 24 of the Environmental Conservation Law. Reforms are necessary to improve NYSDEC's ability to protect freshwater wetlands that are currently hindered by outdated mapping procedures. We recommend amending the requirement that freshwater wetlands must appear on NYSDEC-issued maps to receive protection. These maps should be a resource for local communities and developers, rather than a regulatory requirement for state-level protection. This change will ensure wetlands of 12.4 acres or greater are protected, along with the clean water and flood control benefits they provide.



At a statewide level, New York has already lost more than 60% of its wetlands. We urge your administration to include reforms and funding for wetland protections in the upcoming state budget.

5. Strengthening Green Roof Tax Abatement Provisions

New York State has had a green roof tax abatement program since 2008, providing a property tax abatement for property owners who install vegetated systems on their rooftops. Participation for this program has remained low. The initial low tax abatement amount combined with additional bureaucracy involved in accessing the incentive created barriers to participation. The value of the incentive was only raised from \$4.50/sf of installed green roof to \$5.23/sf in 2013, much lower than expert organizations advocated for.

The program was renewed in July 2019 with a mandate that the NYC Mayor's office appoint a city agency to identify priority areas where green roofs are needed most. Additionally, properties in these areas would receive a higher tax abatement amount of \$15/sf. These are steps in the right direction, but the overall program cap remains relatively low. Currently, the cap is \$1 million. We ask that your administration work with the New York City Council to raise the cap to \$10 million. By raising this cap, non-priority areas can also receive an increase in their abatement amount. Additionally, we recommend that heat-stressed communities be included in priority area designation, as well as an extension of the bill through 2027. We anticipate that this will increase participation on a broad scale, resulting in a more effective resiliency strategy for both New York City and State.

6. Passing Enabling Legislation to Receive Federal STORM Act Revolving Loan Funds

Natural and human caused disasters are causing mounting damages and repair costs for buildings in FEMA flood zones. Climate change is increasing risk, resulting in much higher rates for insurance. High insurance rates, combined with the very real chances of damages from natural disasters, is likely to negatively impact property



values. This will consequently lead to vital property taxes that fund our schools, government operations, and debt obligations being reduced.

Mitigating hazard risk is critical to preserving property values and property tax revenues. Mitigating flood risk by structural elevation and structural dry flood proofing are proven methods of hazard risk reduction. Flood mitigation projects preserve property values and create good-paying jobs in professional trades and design professions. Financing of mitigation projects has always been the major limitation for hazard mitigation. Federal, State and local funding of grants for mitigation have been proven to work but have always fallen far short of need and demand for funds.

We have long needed a financing solution. We now have the newly enacted STORM Act (PL116/284), a federal law passed in January of 2021, which created the Federal Resilience Revolving Loan program for disaster mitigation. Correspondingly, FEMA received a \$500 million appropriation from the 2021 Infrastructure Bill, where they will begin writing program administration rules with program deployment in 2023. For states to access the loan funds they will need to create their own Resilience Revolving Loan Program. Maryland recently became the first state to pass a bill supporting this program, called the Resilient Maryland Revolving Loan Fund. The bill was centered on establishing a non-lapsing fund; the purpose of the Fund; authorizing uses for the Fund; requiring certain loans to be for a fixed period; and requiring the Maryland Emergency Management Agency to administer the Fund and prioritize making loans to projects it determines to have the greatest impact on eliminating hazards.⁷

We recommend that you incorporate into the State Budget the creation of a Resilience Revolving Loan Program. We look forward to collaborating with your administration and the legislature on this process.

⁷ <https://trackbill.com/bill/maryland-senate-bill-901-public-safety-emergency-management-resilient-maryland-revolving-loan-fund/2021687/>



**RISE TO
RESILIENCE**

Overall, we look forward to your response and to partnering with you and your administration as we seek a shared commitment to a climate resilient future for New York.

Sincerely,

Kate Boicourt, Director, Climate Resilient Coasts and Watersheds, New York - New Jersey, Environmental Defense Fund

Paul Gallay, Resilient Coastal Communities Project Director, Columbia Climate School

Tracy Brown, President, Riverkeeper

Samuel Frank, PhD, Founding Director, Resilient New York

Benjamin Prosky, Executive Director, AIANY

Sarah Charlop-Powers, Executive Director, Natural Areas Conservancy

Sherrise Palomino, Director of Advocacy and Programs, New Yorkers for Parks

Amy Chester, Managing Director, Rebuild by Design

Terri Carta, Executive Director, Brooklyn Greenway Initiative

Theodora Makris, Senior Policy and Research Associate, Center for NYC Neighborhoods

Dr. Edward Williams, President/CEO, Regional Ready Rockaway

Lisa Bloodgood, Director of Advocacy and Education, Newtown Creek Alliance

Matt Malina, Director & Founder, NYC H2O



**RISE TO
RESILIENCE**

Pamela Pettyjohn, President, Coney Island Beautification Project, Inc.

Jeremy Cherson, Senior Manager of Government Affairs, Riverkeeper

John Shapiro, Professor, Pratt Institute

Matt Gove, Mid-Atlantic Policy Manager, Surfrider Foundation

Anna Yie, Assistant Program Manager, SWIM Coalition

Georganna Deas, Administrative Director, Coney Island Beautification Project, Inc.

Gita Nandan, Board Chair, Thread Collective

Cortney Koenig Worrall, CEO and President, Waterfront Alliance

Contact:

Karen Imas, VP of Programs

Waterfront Alliance

kimas@waterfrontalliance.org 212-935-9831 ext 107

Rise to Resilience: www.rise2resilience.org

Rise to Resilience is a campaign and coalition spearheaded by the Waterfront Alliance. We are more than 100 organizations representing leaders in business, labor, environmental justice, volunteer organizations, scientists, environmental advocates, and design professionals collectively calling on our federal, state, and local governments to make building climate resilience an urgent priority.