

## The 5th Annual Hudson Valley Affordable Housing Summit

### PLANNING TO STAY

## Strengthening our Communities through Resilient Affordable Housing for All Ages

*May 12, 2022*

*8:00 am– 12:30 pm*

New York's population is aging and the climate is changing– causing regular and devastating extreme weather events. The Hudson Valley Affordable Housing Summit will consider these realities in the context of creating and ensuring livable communities and affordable housing. Panel discussions from planners, advocates, developers, government officials and funders will explore best practices, lessons learned and available resources for increasing and improving affordable housing. There will be a light Breakfast and time to network.

### AGENDA

**8:00 – 8:45**      **Registration and Networking Breakfast**

**8:45 – 9:00**      **Transition to Meeting Space**

**9:00 – 9:15**      **Welcome & Introduction**

**Jason Labate, Esq.,** *Partner, Goldstein Hall PLLC*

**Tiffany Zezula, Esq.,** *Deputy Director, Land Use Law Center*

**9:15 – 9:45**      **Resilient, Equitable, Age-Friendly Communities—Weaving a Complex Web**  
**(0.5 Practice)**

New York State has several policies, statutes and programs that support resiliency, affordable housing, and age-friendly communities. New York, for example, became the first state in the nation to become certified as “age-friendly” by AARP and the World Health Organization. This led to the issuance of the Age-Friendly NY/Health Across All Policies Executive Order, which requires agencies to incorporate public health and health aging into all programs and policies. The State is also implementing the Community Risk and Resiliency Act of 2014. And Governor Hochul has announced in her State of the State message the creation of a statewide Aging Master Plan. Sometimes, it's simply a matter of weaving the pieces together to most effectively achieve the desired outcome—resilient, affordable housing and communities for all ages. Mr. Beyer will discuss the individual pieces and how they fit together through both a top-down state and bottom-up local government lens.

**Paul Beyer, Esq.,** *State Director of Smart Growth, New York State Department of State*

**9:45 – 10:45**

**Senior Housing (1.0 Practice)**

Communities throughout the region are working to develop a range of creative and effective policies and regulations to address the challenges in providing and encouraging a range of appropriate and affordable housing options for older adults, and as necessary, their caretakers. Understanding where and how older adults currently live is important in promoting more aging-supportive communities. This panel will discuss regional trends, policies, options and zoning techniques that can create more senior housing simply by allowing more flexibility within the context of existing land use patterns.

**Carolyn Grossman Meagher**, *Director of Regional Planning, NYC Department of City Planning*

**Rick Morrissey**, *Deputy Supervisor, Town of Somers*

**Marcel Negret**, *Senior Planner, Regional Planning Association*

MODERATOR **Tiffany B. Zezula, Esq.**, *Deputy Director, Land Use Law Center*

**10:45 – 12:00**

**Resilient Housing (1.5 Practice)**

Communities throughout the Hudson Valley (and across the globe) are experiencing severe weather events with frightening regulatory. Flooding, extreme wind, extreme heat and tornadoes are now regular threats to which we in the Hudson Valley must respond. Our infrastructure, neighborhoods and homes are at great risk. Affordable housing properties and low- and moderate-income tenants and owners are at particular risk during severe weather, because of the age of buildings, location of properties, and limited assets and income. This panel will discuss the local, state and federal efforts to promote climate risk reduction and provide insight into the practical efforts' developers can take, and obstacles they face, in future proofing existing and newly constructed affordable properties.

**Andrew Germansky**, *Senior Vice President, Real Estate, Westhab, Inc.*

**Adam Salgado**, *Commissioner of Development, City of New Rochelle*

**Laurie Schoeman**, *Director of Climate and Sustainability, Enterprise Community Investment*

MODERATOR **Jason Labate, Esq.**, *Partner, Goldstein Hall PLLC*

**12:00 – 12:30**

**Summit Wrap-Up / Networking**

## The 5th Annual Hudson Valley Affordable Housing Virtual Summit

### *PLANNING TO STAY*

*Strengthening our Communities through Resilient Affordable Housing for All Ages*

**May 12, 2022**

**9:00 am – 12:30 pm**

## **SPEAKER BIOS**

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### **Paul Beyer**

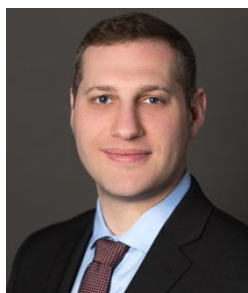
*State Director of Smart Growth, NYS Department of State*



Paul Beyer is the State Director of Smart Growth Planning at the NYS Department of State's Office of Planning, Development and Community Infrastructure. In this position, Paul promotes the principles of Smart Growth on the state, regional and local level in New York. Paul's experience in land use and Smart Growth began when he worked in the New York State Legislature, where he focused on land use, environmental and public health policy. Paul served on the Planning Board in the Town of Amherst, NY for five years, where he helped develop the town's Comprehensive Plan. He also served on the Town of Bethlehem, NY Comprehensive Plan Update Committee. Paul has a law degree from the University at Buffalo.

### **Andrew Germansky**

*Senior Vice President, Real Estate, Westhab, Inc.*



Andrew Germansky is the Senior Vice President of Real Estate at Westhab, Inc. He joined the organization in December of 2017 and is responsible for managing all phases of real estate development, including site identification and pipeline development, design coordination, financing, construction management, and property and asset management. Since joining Westhab, Andrew has overseen several large-scale affordable/supportive housing and transitional shelter developments in Westchester and New York City. He recently completed construction on Westhab's Dayspring Campus project, a community center hub and adjacent 63-unit affordable housing complex in Nodine Hill, Yonkers. Andrew has spoken at conferences and on panels about the importance of investing in community development.

Before working at Westhab, he worked for seven years at Omni New York LLC as the Assistant Vice President of Development. Andrew was part of a team that acquired and renovated/constructed 8,200 low-income affordable housing apartment units with a total transaction value of \$970 million and construction

costs totaling \$340 million. Before joining Omni, Andrew worked for Forsyth Street Advisors, a real estate and public finance consulting firm for affordable housing, and The Mind Company, a startup market research consulting firm in Buenos Aires, Argentina. Andrew holds a Bachelor of Arts in History from Middlebury College.

## **Carolyn Grossman Meagher**

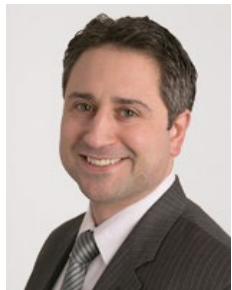
*Director of Regional Planning, NYC Department of City Planning*



Carolyn Grossman Meagher heads the newly formed Regional Planning Division within New York City's Planning Department. Initiated in June 2016 following a recommendation from One New York, the city's most recent strategic plan, the Regional Planning Division seeks to support New York City's collaboration with governments across the region on issues of shared planning priority. Prior to this position, Carolyn served as the Director of Governmental Affairs for the Department of City Planning, leading political outreach efforts for the city's land use and rezoning initiatives. She has also worked in political and real estate development consulting in NYC, and holds a Masters in Urban Planning with distinction from the Harvard Graduate School of Design, and a Bachelor of Arts in Political Science from the New College of Florida.

## **Jason Labate**

*Partner, Goldstein Hall PLLC*



Jason's practice areas include real estate and community development, nonprofit formation and governance and real estate and project finance. He also provides legal expertise for the Joint Ownership Entity (JOE NYC), a "first-of-its-kind" nonprofit collaboration of New York City affordable housing community development corporations for which Jason and the Goldstein Hall team were awarded the prestigious [NYU Grunin Prize for Law and Social Entrepreneurship](#). Jason also [co-authored an article on JOE NYC](#), which was published in *The Journal of Affordable Housing and Community Development Law*. Recently, Jason closed on JOE NYC's multi-building solar project, which is expected to create approximately 700,000 kW/h of clean energy per year and lower operating costs.

Jason has been integral in developing the Firm's Faith-Based Practice Group, which works with faith-based organizations to protect assets, evaluate options, and maximize real property. He is a frequent panelist and guest speaker on faith-based and nonprofit issues, presenting at, among other venues, the [Manhattan Borough President's Religious Facilities Task Force](#) and leading the Firm's collaboration with the New York State Council of Churches' (NYSCC) [Who is My Neighbor seminars](#). Jason was also one of three recipients of this year's NYSCC's Community Development Award and serves as co-chair of [Bricks and Mortals](#), an association, and soon to be incorporated nonprofit, that fosters education and collaboration among faith-based organizations, community stakeholders and real property experts. He led the Firm's participation in the [LISC NYLOP](#) predevelopment grant program for Mission Driven Organizations and is working with the [Interfaith Affordable Housing Collaborative](#) to help establish its structure and predevelopment grant process and resources.

Jason oversees the New Rochelle office and led the Firm's partnership with the Pace Land Use Law Center in offering the [Hudson Valley Affordable Housing Summit](#), which has run since 2016. Jason has established relationships with new clients in the Hudson Valley and helped existing clients expand their work into Westchester County.

Prior to becoming an attorney, Jason spent 10 years serving nonprofits and public agencies in a non-legal capacity. He was a New York City Urban Fellow from 2004-05. He has a bachelor's degree with honors in Public Policy from the University of Chicago, a Master of Public Administration from NYU's Wagner School, and was a Sparer Public Interest Fellow at Brooklyn Law School, where he graduated cum laude.

As a partner, Jason will focus on the Firm's nonprofit and faith-based matters, including the JOE NYC and the Faith-Based Practice Group. He will also lead the Firm's real estate and project financing work. Jason will also continue to expand Goldstein Hall's work throughout the Hudson Valley.

## **Rick Morrissey**

*Deputy Supervisor, Town of Somers*



**Frederick "Rick" Morrissey** has dedicated his life to Public Service, Environmental Health, and Community Service.

**Town Supervisor, (Ret) Town of Somers, NY**, January 2014 – December 2021

Served as CEO/CFO of the Town of Somers Responsible for the day-to-day operation of all Town business.

**Town Councilman, Town of Somers, NY**, January 2010 – December 2013

Served as a voting member of the governing council for the Town of Somers.

**Deputy Commissioner, Environmental Health, Westchester County Department of Health**, Mt. Kisco, NY, May 2010 – January 2014

Coordinated the administrative and policy-making aspects of the environmental health programs in the Westchester County Department of Health. Directed **Public Health Protection** permitting programs such as Food Service establishments, Children's Camps, Bulk Petroleum Storage, and the **Bureau of Environmental Quality** encompassing Land development, Water Quality and Air Quality programs.

**Director of Operations, Environmental Health Services, Westchester County Department of Health**, New Rochelle, NY, 1988 – May 2010

Directed the Administrative Hearing Office, generating \$1 million in Civil Penalties. Directed the Environmental Health Services permit program, generating \$4 million in revenue annually. Directed Tobacco Enforcement and the Adolescence Tobacco Use Prevention Act Program. Utilized thorough knowledge of Federal, State, and local regulations in the development and implementation of public health programs. Developed proposals for legislative action.

## **MAJOR ACHIEVEMENTS**

Attained a Triple A Moody's rating for the Town of Somers via conservative budgeting

As Co-Chair of the Open Space Committee spearheaded the effort to purchase 654 acres of open space in the Town of Somers, known as the Angle Fly Preserve

President of the Somers Lions Club

Coached Modified Football & Lacrosse



## **Marcel Negret**

*Senior Planner, Regional Plan Association*



Marcel is a Senior Planner at RPA. He provides technical expertise and research capabilities to RPA's planning and advocacy efforts.

Prior to joining RPA, Marcel was Project Manager at the Municipal Art Society of New York where he helped inform positions regarding citywide policies and precedent setting land use decisions. He has experience in stormwater infrastructure and has worked as a waterfront planning consultant for Insight Civil Engineering, and Community Boards 9 and 10 in the Bronx.

Marcel has a master's degree in Urban Environmental Systems from the Pratt Institute Graduate Center for Planning and the Environment (GCPE) and holds a bachelor from the School of Architecture and Design, Universidad de Los Andes, Bogota, Colombia. Marcel is a visiting assistant professor at Pratt Institute, recipient of an American Society of Landscape Architects (ASLA) research honor award, and a drum machine aficionado.

## **Adam Salgado**

*Commissioner of Development, City of New Rochelle*



Mr. Salgado brings over 20 years of public service experience to the Commissioner of Development position, successfully leveraging his background in federal grants, economic development, housing finance, community engagement and municipal management to spearhead and execute impactful public works programs to benefit the City of New Rochelle. Mr. Salgado, with the full support of the City Council, guided an expansion and enhancement in 2021 to include a waterfront zone with open space and parkland as well as enhanced requirements/incentives for sustainable building design, green infrastructure, climate resiliency as well as local and MWBE hiring. The pivot to include these new initiatives underscores the City's vision and forward-looking approach to development with a focus on social equity, community engagement, and climate justice.

Prior to joining the City of New Rochelle, Mr. Salgado worked for the City of New York and was instrumental in developing and executing a number of significant urban development and transportation-related projects. As Director of Grants Management for the Department of Transportation (DOT) he oversaw planning and administration of the agency's \$500 million grant-funded budget including supporting the development of the CitiBike program and administering tactical urbanism initiatives such as the Times Square pedestrianization project.

He received his BA from Hunter College. A proud New Rochelle resident since 2014, Mr. Salgado currently serves as Executive Director of the City of New Rochelle's Industrial Development Agency (IDA) and Corporation for Local Development (CLD) and is a member of ICLEI Local Governments for Sustainability.

## **Laurie Schoeman**

*Director of Climate and Sustainability, Enterprise Community Investment*



Laurie Schoeman is the Director of Climate and Sustainable for Enterprise Community Partners Capital Division and sits in the Office of the President. Enterprise is the only national nonprofit that does it all – solutions, capital and community development – under one roof. Laurie directs the efforts in the Capital division around ESG strategy development, finance, development and management of climate risks for affordable housing across the nation.

Schoeman is a deeply committed multi-sector climate risk reduction leader with 20 years of experience working in affordable housing, climate finance, community and economic development, equity and environmental justice, and federal and local policy to build the resilience of communities across the nation. Schoeman is a nationally known practitioner and intermediary recognized for her keen ability to drive complex problems into tangible outputs to accelerate climate-safe and adaptive communities. Laurie has led leading-edge local, state and federal efforts to promote climate risk reduction, including the passage of the nation's first utility-sponsored environmental justice policy in San Francisco; the construction of the nation's first off-grid environmental justice learning center in California; and the publication of a series on Climate Resilient Housing which has led to close to \$250M of investment into housing resilience. Schoeman is the co-chair of the New York State Climate assessment buildings chapter and co-facilitates Resilience21, a network of practitioners across the U.S. advancing climate risk reduction and adaptation. Schoeman has an MUP. from Hunter College and a BA from Smith College.

## **Tiffany Zezula**

*Deputy Director, Land Use Law Center*



Tiffany B. Zezula, Esq. is the Deputy Director for the Land Use Law Center at Pace University School of Law in White Plains, NY. She is the primary trainer and national coordinator for the Center's award winning Land Use Leadership Alliance Training program for local officials, environmentalists, planners, and developers. The Training Program has been modeled and transferred to over 6 states and has been tailored to tactical numerous land use issues, including fair and affordable housing. The program has trained over 3000 leaders in the Hudson Valley Region alone, including over 350 leaders in the Hudson Valley on the specific topic of fair and affordable housing.

Ms. Zezula also provides strategic assistance to local governments on comprehensive planning, revitalization strategies, land use, and the formation of affordable housing committees. Her work includes developing public engagement strategies and conducting feasibility analyses on town center developments. She conducts assessments and audits for municipalities in sustainable development, resiliency, State certification programs, and streamlining development processes. Ms. Zezula also provides strategic assistance to local governments, including assistance in developing collaborative public engagement approaches on land use project disputes and comprehensive planning. She has created various public engagement reports for communities across NY and CT. These reports are a culmination of public input facilitated by Ms. Zezula and then categorized and analyzed to highlight the public's feedback and interests regarding future land use decisions. Finally, she has worked in select communities in the creation of affordable housing committees advocating for affordable housing policy reform and education of citizens on the topic.

Finally, Ms. Zezula is in charge of running the Center's annual conference. The Center's annual conference is a significant educational event in the region, with more than 250 attorneys, business professionals, planners and local leaders in attendance to learn about national, regional, and local innovations, challenges, and best practices.

Ms. Zezula is a frequent national speaker on collaborative governance and local decision-making. She is also a frequent guest presenter at the Yale School of Forestry and an adjunct professor at Pace University School of Law on Environmental Dispute Resolution and Sustainable Development Law. She received her J.D. *cum laude* from Pace Law School in 2003 along with a certificate in Environmental Law. She is a certified mediator in the State of New York.



# **Resilient, Equitable, Age-Friendly Communities—Weaving a Complex Web**

**Paul Beyer, Esq.**, *State Director of Smart Growth, New York State  
Department of State*

## Resilient, Equitable, Age-Friendly Communities—Weaving a Complex Web

### Legal/Policy Materials

- Executive Order 190—Age-Friendly NY/Health Across All Policies: [EO 190.pdf \(ny.gov\)](#)
- Model Local Laws for Senior Housing: <https://dos.ny.gov/system/files/documents/2021/09/senior-housing-regulations-two-model-laws.pdf> In 2010, New York State enacted Elder Law § 202(14) (a), which directed the State’s Office for the Aging, the Department of State and others (Affiliate Partners) to prepare and make available to cities, towns and villages model zoning and planning guidelines “that foster age-integrated communities including provisions to allow for accessory senior citizen units in areas zoned for single family residences and for mixed-use development accommodating senior citizen residential housing.” These model local laws are the product that resulted from that statutory directive. (see <https://codes.findlaw.com/ny/elder-law/eld-sect-202.html>)
- Livable NY For ALL Ages Resource Manual: <https://aging.ny.gov/livable-new-york-resource-manual>
- Community Risk and Resiliency Act of 2014 (attached)
- DOS Model Local Laws to Increase Resilience: <https://dos.ny.gov/model-local-laws-increase-resilience> The Community Risk and Resiliency Act of 2014, above, directed the NYS Department of State to develop these model local laws for senior housing.
- EPA/FEMA/NYS Department of State RISE (Resilience Implementation and Strategic Enhancements) Municipal Resiliency Assessment Tool: [community resilience c-rise.pdf \(ny.gov\)](#)
- US Housing and Urban Development Community Resilience Toolkit: <https://files.hudexchange.info/resources/documents/HUD-Community-Resilient-Toolkit.pdf>

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I N   S E N A T E

February 14, 2014

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Introduced by Sens. SAVINO, ADDABBO, AVELLA, BOYLE, CARLUCCI, DILAN, ESPAILLAT, GIANARIS, GIPSON, GRISANTI, HASSELL-THOMPSON, HOYLMAN, KLEIN, KRUEGER, LANZA, LATIMER, LAVALLE, MARCELLINO, MARTINS, PARKER, PERALTA, PERKINS, SAMPSON, SERRANO, SMITH, SQUADRON, TKACZYK, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, the agriculture and markets law and the public health law, in relation to the consideration of future climate risk including sea level rise projections and other weather-related data; and in relation to requiring the preparation of model local zoning laws relating to climate risk

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. This act shall be known as and may be cited as the "commu-  
2     nity risk and resiliency act".  
3     S 2. Subdivision 2 of section 6-0107 of the environmental conservation  
4     law is amended by adding a new paragraph k to read as follows:  
5     K. TO MITIGATE FUTURE PHYSICAL CLIMATE RISK DUE TO SEA LEVEL RISE,  
6     AND/OR STORM SURGES AND/OR FLOODING, BASED ON AVAILABLE DATA PREDICTING  
7     THE LIKELIHOOD OF FUTURE EXTREME WEATHER EVENTS, INCLUDING HAZARD RISK  
8     ANALYSIS DATA IF APPLICABLE.  
9     S 3. Item (e) of subparagraph (ii) of paragraph d of subdivision 1 of  
10    section 17-1909 of the environmental conservation law, as added by chap-  
11    ter 565 of the laws of 1989, is amended to read as follows:  
12    (e) conforms with applicable rules and regulations of the department,  
13    INCLUDING A DEMONSTRATION THAT DESIGN AND CONSTRUCTION CONSIDER FUTURE  
14    PHYSICAL CLIMATE RISK DUE TO SEA LEVEL RISE, AND/OR STORM SURGES AND/OR  
15    FLOODING, BASED ON AVAILABLE DATA PREDICTING THE LIKELIHOOD OF FUTURE  
16    EXTREME WEATHER EVENTS, INCLUDING HAZARD RISK ANALYSIS DATA IF APPLICA-  
17    BLE.

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

LBD10228-19-4

1 S 4. Paragraphs g and h of subdivision 2 of section 27-1103 of the  
2 environmental conservation law, as amended by chapter 618 of the laws of  
3 1987, are amended and a new paragraph i is added to read as follows:

4 g. The impact on the municipality where the facility is to be cited in  
5 terms of health, safety, cost and consistency with local planning,  
6 zoning or land use laws and ordinances, [and]

7 h. The nature of the probable environmental impact, including specifi-  
8 cation of the predictable adverse effects on the natural environment and  
9 ecology, public health and safety, scenic, historic, cultural and recre-  
10 ational value, water and air quality, wildlife and an evaluation of  
11 measures to mitigate adverse effects[.], AND

12 I. THE FUTURE PHYSICAL CLIMATE RISK DUE TO SEA LEVEL RISE, AND/OR  
13 STORM SURGES AND/OR FLOODING, BASED ON AVAILABLE DATA PREDICTING THE  
14 LIKELIHOOD OF FUTURE EXTREME WEATHER EVENTS, INCLUDING HAZARD RISK ANAL-  
15 YSIS DATA IF APPLICABLE.

16 S 5. Paragraph b of subdivision 1 of section 40-0113 of the environ-  
17 mental conservation law, as added by chapter 672 of the laws of 1986, is  
18 amended to read as follows:

19 b. Minimum standards and schedules for design, construction, installa-  
20 tion, operation, maintenance, repair, monitoring, testing and inspection  
21 of facilities. Schedules shall be based on factors such as type of  
22 facility, type and quantity of hazardous substances stored, facility  
23 age, condition and construction type, soil conditions, location of  
24 facility relative to water supplies, surrounding population, and other  
25 environmental factors INCLUDING BUT NOT LIMITED TO FUTURE PHYSICAL  
26 CLIMATE RISK DUE TO SEA LEVEL RISE, AND/OR STORM SURGES AND/OR FLOODING,  
27 BASED ON AVAILABLE DATA PREDICTING THE LIKELIHOOD OF FUTURE EXTREME  
28 WEATHER EVENTS, INCLUDING HAZARD RISK ANALYSIS DATA IF AVAILABLE.

29 S 6. Subdivision 3 of section 49-0203 of the environmental conserva-  
30 tion law is renumbered subdivision 4 and a new subdivision 3 is added to  
31 read as follows:

32 3. THE DEPARTMENT AND THE OFFICE SHALL CONSIDER FUTURE PHYSICAL  
33 CLIMATE RISK DUE TO SEA LEVEL RISE, AND/OR STORM SURGES AND/OR FLOODING,  
34 BASED ON AVAILABLE DATA PREDICTING THE LIKELIHOOD OF FUTURE EXTREME  
35 WEATHER EVENTS, INCLUDING HAZARD RISK ANALYSIS DATA IF APPLICABLE.

36 S 7. Paragraph a of subdivision 2 of section 54-0303 of the environ-  
37 mental conservation law, as added by chapter 610 of the laws of 1993 and  
38 as designated by chapter 170 of the laws of 1994, is amended to read as  
39 follows:

40 a. The commissioner of the office of parks, recreation and historic  
41 preservation may enter into an agreement for the maintenance and opera-  
42 tion of open space land conservation projects in urban areas or metro-  
43 politan park projects by a municipality, or a not-for-profit corporation  
44 or unincorporated association which demonstrates to the commissioner's  
45 satisfaction that [it] THE FUTURE PHYSICAL CLIMATE RISK DUE TO SEA LEVEL  
46 RISE, AND/OR STORM SURGES AND/OR FLOODING, BASED ON AVAILABLE DATA  
47 PREDICTING THE LIKELIHOOD OF FUTURE EXTREME WEATHER EVENTS, INCLUDING  
48 HAZARD RISK ANALYSIS DATA IF APPLICABLE, HAS BEEN CONSIDERED AND THE  
49 MUNICIPALITY, NOT-FOR-PROFIT CORPORATION OR UNINCORPORATED ASSOCIATION  
50 is financially or otherwise capable of operating and maintaining the  
51 project for the benefit of the public and of maximizing public access to  
52 such project. Any such agreement shall contain such provisions as shall  
53 be necessary to ensure that its operation and maintenance are consistent  
54 with and in furtherance of this article and shall be subject to the  
55 approval of the director of the budget, the comptroller and, as to form,  
56 the attorney general.

1 S 8. Subdivision 3 of section 54-0503 of the environmental conserva-  
2 tion law, as added by chapter 610 of the laws of 1993, is amended to  
3 read as follows:

4 3. A closure investigation report which complies with the requirements  
5 of applicable regulations of the department, INCLUDING A DEMONSTRATION  
6 THAT FUTURE PHYSICAL CLIMATE RISK DUE TO SEA LEVEL RISE, AND/OR STORM  
7 SURGES AND/OR FLOODING, BASED ON AVAILABLE DATA PREDICTING THE LIKELI-  
8 HOOD OF FUTURE EXTREME WEATHER EVENTS, INCLUDING HAZARD RISK ANALYSIS  
9 DATA IF APPLICABLE, HAS BEEN CONSIDERED, shall have been submitted.

10 S 9. Subdivision 1 of section 17-1015 of the environmental conserva-  
11 tion law, as amended by chapter 334 of the laws of 2008, is amended to  
12 read as follows:

13 1. The department shall, pursuant to section 17-0303 of this article,  
14 promulgate rules and regulations establishing standards for existing and  
15 new petroleum bulk storage facilities which shall include, but not be  
16 limited to, design, equipment requirements, construction, installation  
17 and maintenance. In proposing, preparing and compiling such rules and  
18 regulations, the department shall INCLUDE CONSIDERATION OF THE FUTURE  
19 PHYSICAL CLIMATE RISK DUE TO SEA LEVEL RISE, AND/OR STORM SURGES AND/OR  
20 FLOODING, BASED ON AVAILABLE DATA PREDICTING THE LIKELIHOOD OF FUTURE  
21 EXTREME WEATHER EVENTS, INCLUDING HAZARD RISK ANALYSIS DATA IF APPLICA-  
22 BLE. THE DEPARTMENT SHALL consult with the state petroleum bulk storage  
23 code advisory council IN PROPOSING, PREPARING AND COMPILING SUCH RULES  
24 AND REGULATIONS. In addition, the department shall consult with the  
25 state fire prevention and building code council to assure that such  
26 rules and regulations are consistent with the uniform fire prevention  
27 and building code.

28 S 10. Subdivisions 1 and 5 of section 54-1101 of the environmental  
29 conservation law, as amended by chapter 309 of the laws of 1996, are  
30 amended to read as follows:

31 1. The secretary is authorized to provide on a competitive basis,  
32 within amounts appropriated, state assistance payments to municipalities  
33 toward the cost of any local waterfront revitalization program, INCLUD-  
34 ING PLANNING PROJECTS TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS. Eligi-  
35 ble costs include planning, studies, preparation of local laws, and  
36 construction projects.

37 5. The secretary shall impose such contractual requirements and condi-  
38 tions upon any municipality which receives state assistance payments  
39 pursuant to this article as may be necessary and appropriate to ensure  
40 that a public benefit shall accrue from the use of such funds by the  
41 municipality INCLUDING BUT NOT LIMITED TO, A DEMONSTRATION THAT FUTURE  
42 PHYSICAL CLIMATE RISK DUE TO SEA LEVEL RISE, AND/OR STORM SURGES AND/OR  
43 FLOODING, BASED ON AVAILABLE DATA PREDICTING THE LIKELIHOOD OF FUTURE  
44 EXTREME WEATHER EVENTS, INCLUDING HAZARD RISK ANALYSIS DATA IF APPLICA-  
45 BLE, HAS BEEN CONSIDERED.

46 S 11. Subdivision 1 of section 54-1105 of the environmental conserva-  
47 tion law, as added by chapter 610 of the laws of 1993, is amended to  
48 read as follows:

49 1. The commissioner is authorized to provide on a competitive basis,  
50 within amounts appropriated, state assistance payments to a municipality  
51 or a not-for-profit corporation toward the cost of any coastal rehabili-  
52 tation project approved by the commissioner PROVIDED THAT THE COMMIS-  
53 SIONER DETERMINES THAT FUTURE PHYSICAL CLIMATE RISK DUE TO SEA LEVEL  
54 RISE, AND/OR STORM SURGES AND/OR FLOODING, BASED ON AVAILABLE DATA  
55 PREDICTING THE LIKELIHOOD OF FUTURE EXTREME WEATHER EVENTS, INCLUDING  
56 HAZARD RISK ANALYSIS DATA IF APPLICABLE, HAS BEEN CONSIDERED.



1 S 12. Subdivision 2 of section 325 of the agriculture and markets law  
2 is amended by adding a new paragraph (f) to read as follows:

3 (F) IN EVALUATING APPLICATIONS FOR FUNDING, THE COMMISSIONER SHALL  
4 CONSIDER WHETHER FUTURE PHYSICAL CLIMATE RISK DUE TO SEA LEVEL RISE,  
5 AND/OR STORM SURGES AND/OR FLOODING, BASED ON AVAILABLE DATA PREDICTING  
6 THE LIKELIHOOD OF FUTURE EXTREME WEATHER EVENTS, INCLUDING HAZARD RISK  
7 ANALYSIS DATA IF APPLICABLE, HAS BEEN CONSIDERED.

8 S 13. Section 1161 of the public health law, as added by chapter 413  
9 of the laws of 1996, is amended to read as follows:

10 S 1161. Eligible projects; priority ranking. Subject to the  
11 provisions of section thirty-two of the chapter of the laws of 1996  
12 which added this section, in consultation with the commissioner of envi-  
13 ronmental conservation, the commissioner shall establish and maintain a  
14 list of potentially eligible projects and shall establish, pursuant to  
15 rules and regulations, a process for listing potentially eligible  
16 projects identified by potential recipients and a priority ranking  
17 system for the purpose of providing financial assistance to recipients  
18 for such projects under this title. In establishing such system, the  
19 commissioner shall take into account the public health significance of  
20 such potentially eligible projects which shall include, but need not be  
21 limited to, an assessment of (i) public health and safety; (ii) popu-  
22 lation affected; (iii) attainment of state drinking water quality goals  
23 and standards; (iv) taking into consideration the water resources  
24 management strategy pursuant to title twenty-nine of article fifteen of  
25 the environmental conservation law; (V) TAKING INTO CONSIDERATION FUTURE  
26 PHYSICAL CLIMATE RISK DUE TO SEA LEVEL RISE, AND/OR STORM SURGES AND/OR  
27 FLOODING, BASED ON AVAILABLE DATA PREDICTING THE LIKELIHOOD OF FUTURE  
28 EXTREME WEATHER EVENTS, INCLUDING HAZARD RISK ANALYSIS DATA IF APPLICA-  
29 BLE; and [(v)] (VI) compliance with state and federal law, rules and  
30 regulations.

31 S 14. The department of state, in cooperation with the department of  
32 environmental conservation, shall prepare model local laws that include  
33 consideration of future physical climate risk due to sea level rise,  
34 and/or storm surges and/or flooding, based on available data predicting  
35 the likelihood of future extreme weather events including hazard risk  
36 analysis and shall make such laws available to municipalities.

37 S 14-a. Section 23-0305 of the environmental conservation law is  
38 amended by adding a new subdivision 8-a to read as follows:

39 8-A. THE DEPARTMENT SHALL INCLUDE CONSIDERATION OF FUTURE PHYSICAL  
40 CLIMATE RISK DUE TO SEA LEVEL RISE, AND/OR STORM SURGES AND/OR FLOODING,  
41 BASED ON AVAILABLE DATA PREDICTING THE LIKELIHOOD OF EXTREME WEATHER  
42 EVENTS, INCLUDING HAZARD RISK ANALYSIS DATA IF APPLICABLE, TO PERMITS  
43 ISSUED PURSUANT TO TITLE FIVE OF THIS ARTICLE.

44 S 15. Section 70-0117 of the environmental conservation law is amended  
45 by adding a new subdivision 9 to read as follows:

46 9. APPLICANTS FOR MAJOR PROJECTS. APPLICANTS FOR MAJOR PROJECTS FOR  
47 THE REGULATORY PROGRAMS OF PARAGRAPHS (A), (F), (H), (I), (J), (K) AND  
48 (M) OF SUBDIVISION 3 OF SECTION 70-0107 OF THIS ARTICLE SHALL BE  
49 REQUIRED TO DEMONSTRATE THAT FUTURE PHYSICAL CLIMATE RISK DUE TO SEA  
50 LEVEL RISE, AND/OR STORM SURGES AND/OR FLOODING, BASED ON AVAILABLE DATA  
51 PREDICTING THE LIKELIHOOD OF FUTURE EXTREME WEATHER EVENTS, INCLUDING  
52 HAZARD RISK ANALYSIS DATA IF APPLICABLE, HAS BEEN CONSIDERED.

53 S 16. The department of environmental conservation, in consultation  
54 with the department of state, no later than January 1, 2017 shall  
55 prepare guidance on the implementation of this act, including but not  
56 limited to available and relevant data sets and risk analysis tools and

1 available data predicting the likelihood of future extreme weather  
2 events. In addition, the department of environmental conservation and  
3 the department of state shall develop additional guidance on the use of  
4 resiliency measures that utilize natural resources and natural processes  
5 to reduce risk.

6 S 17. The environmental conservation law is amended by adding a new  
7 section 3-0319 to read as follows:

8 S 3-0319. SEA LEVEL RISE PROJECTIONS.

9 THE DEPARTMENT SHALL, NO LATER THAN JANUARY FIRST, TWO THOUSAND  
10 SIXTEEN, ADOPT REGULATIONS ESTABLISHING SCIENCE-BASED STATE SEA LEVEL  
11 RISE PROJECTIONS. IN ADOPTING SUCH REGULATIONS, THE DEPARTMENT SHALL  
12 CONSIDER INFORMATION INCLUDING, BUT NOT LIMITED TO, REPORTS OF THE  
13 INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, THE NATIONAL OCEANIC ATMO-  
14 SPHERIC ADMINISTRATION CLIMATE ASSESSMENT, THE SEA LEVEL RISE TASK FORCE  
15 REPORT CREATED PURSUANT TO CHAPTER SIX HUNDRED THIRTEEN OF THE LAWS OF  
16 TWO THOUSAND SEVEN, PROJECTIONS PREPARED BY THE NEW YORK CITY PANEL ON  
17 CLIMATE CHANGE AND ANY OTHER RELEVANT REGIONAL, STATE AND LOCAL REPORTS.  
18 THE DEPARTMENT SHALL UPDATE SUCH REGULATIONS NO LESS THAN EVERY FIVE  
19 YEARS.

20 S 18. Nothing in this act shall limit the existing authority of the  
21 department of environmental conservation to address climate risk due to  
22 sea level rise, storm surges, and flooding.

23 S 19. This act shall take effect on the one hundred eightieth day  
24 after it shall have become a law and shall apply to all applications  
25 and/or permits received after the adoption of guidance on the implemen-  
26 tation of this act but no later than January 1, 2017.

# Senior Housing

**Carolyn Grossman Meagher**, *Director of Regional Planning,  
NYC Department of City Planning*

**Rick Morrissey**, *Deputy Supervisor, Town of Somers*

**Marcel Negret**, *Senior Planner, Regional Planning Association*

MODERATOR **Tiffany B. Zezula, Esq.**, *Deputy Director, Land Use  
Law Center*

## Senior Housing

- **About RPA**
- **4RP ([Making the region affordable for everyone](#))**
  - Housing cost burden
  - Household composition (seniors)
- **Accessory Dwelling Units**
  - ADU's offer more [housing options for everyone](#), but especially relevant to people with disabilities and seniors
    - ADU examples
    - ADU potential
    - ADU financing
      - The linkage between potential rent (zoning) and underwriting for loans
      - [San Mateo County ADU Calculator](#)
  - ADU's and conversions present opportunities to create non-certified housing for people with disabilities
    - The estimated annual cost for attending a disabled person in a traditional certified housing institution is \$125,000.
    - Non-certified housing options are alternatives to certified housing, such as ADUs and conversions that can still meet the needs of people with disabilities (ADA compliant and visitable housing features, among others). In most cases, non-certified housing does not require full-time staff or an institution to manage a facility where people live in group quarters.
    - In NYS there are approximately 36,000 people with disabilities currently being housed in an institutional facility that receives NYS funding. Another 36,000 people with disabilities receive rental subsidies at 30% HUD FMR guidance.
    - Approximately 100,000 people in NYS are currently on a waiting list to access an institution or receive rental subsidies. A study from the University of Colorado estimates that 250,000 people in NYS will require long-term support.
  - [Bill \(A.1410 of 2020\)](#) would establish a funding source in the form of an interest-free loan program for up to \$50,000 or 50% of construction costs for the construction of an ADU. Eligible to persons with a disability or having attained the age of sixty-two. The bill would establish a loan program for accessory apartments housing developmentally disabled and elderly adults.
- **Transit-Oriented Development**

- 11 Rail Stations in Hudson Valley have the [infrastructure for TOD](#) but not the supportive zoning to enable it
- NYC Examples
  - [Zoning for Quality and Affordability](#)
    - Reducing parking requirements and enabling more flexible building envelopes
    - Creation of Transit Zone
  - [Zoning for Accessibility](#) (ZFA) seeks to make our transit system **more accessible**
    - Through ZFA, developers will work with the MTA to set aside space where needed for station elevators. It will expand incentives for developers to build elevators and related station upgrades in new, high-density buildings.



# Resilient Housing

**Andrew Germansky**, *Senior Vice President, Real Estate,  
Westhab, Inc.*

**Adam Salgado**, *Commissioner of Development, City of New  
Rochelle*

**Laurie Schoeman**, *Director of Climate and Sustainability,  
Enterprise Community Investment*

MODERATOR **Jason Labate, Esq.**, *Partner, Goldstein Hall PLLC*

Laurie Schoeman, Director of Climate and Sustainability, Enterprise Community Investment has recommended two books on Housing Climate Risk Reduction:

[Keep Safe | A Guide for Resilient Housing Design in Island Communities \(enterprisecommunity.org\)](#)

[strategies-for-multifamily-building-resilience.pdf \(enterprisecommunity.org\)](#)