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| Title: | A Local Law to amend the administrative code of the city of New York, in relation to a feasibility study on housing adaptation and mobility, voluntary residential buyouts, and related support services for residents of high-risk flood zones | | | | |
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| 2/28/2024 | * | City Council | Introduced by Council | |
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Int. No. 153

By Council Members Cabán, Gennaro, Ung, Restler, Hanif, Krishnan, Marte, Gutiérrez, Hanks, Hudson, Farías and Riley

A Local Law to amend the administrative code of the city of New York, in relation to a feasibility study on housing adaptation and mobility, voluntary residential buyouts, and related support services for residents of high-risk flood zones

Be it enacted by the Council as follows:

Section 1. a. Definitions. 1. For purposes of this section, the terms “climate hazard,” “environmental justice area,” “non-structural risk reduction approach,” and “resiliency and adaptation measure” have the same meanings as defined in section 24-808 of the administrative code of the city of New York.

2. For purposes of this section, the following terms have the following meanings:

Climate hazard zone. The term “climate hazard zone” means an area of the city that the task force

determines is at elevated risk from climate hazards.

Eligible household. The term “eligible household” means a household whose members reside on an eligible property.

Eligible property. The term “eligible property” means a property located in a flood hazard zone that the task force deems eligible to participate in a housing mobility program. Properties shall not be excluded from consideration for eligibility solely on the basis of residence, tenure, or public or other government-subsidized or regulated status.

Flood hazard zone. The term “flood hazard zone” means an area of the city of New York that the task force determines to be at foreseeable risk of severe or repeated flooding or storm-related damage within 100 years, or that may provide protection from such flooding or damage to surrounding areas, if converted for that purpose.

Housing mobility program. The term “housing mobility program” means a program or programs for acquiring eligible properties through voluntary residential buyouts, which shall also (i) offer support services to eligible households and owners of eligible properties, and (ii) provide for the permanent conversion of such properties for use as flood protection or public space.

Support services. The term “support services” means services needed by residents or property owners in climate or flood hazard zones in relation to climate-related risk mitigation, adaptation, and relocation, including but not limited to services for information dissemination, social organizing support, and counseling with regard to flood prevention, mitigation, and adaptation options, financial planning and assistance, relocation support, mental health, and insurance options.

Task force. The term “task force” means the New York city climate change adaptation task force established pursuant to section 3-123 of the administrative code of the city of New York.

b. Feasibility study. The task force shall study the feasibility of mitigating and preventing risks associated with climate hazards that may affect property in or adjacent to flood hazard zones. No later than 1

year after the effective date of this local law, the task force shall deliver the feasibility study to the mayor, the speaker of the council, and the borough presidents, and make the report available to the public. The feasibility study must comprise a report on housing adaptation, a proposed framework for a housing mobility program and fund, and a pilot study on support services, as follows:

1. Housing adaptation report. The task force shall recommend strategies and measures to adapt housing for the prevention and mitigation of climate hazards in flood hazard zones, to limit future housing growth in flood hazard zones, and to identify areas at low risk of flooding where housing growth may be feasible, taking into consideration the climate adaptation plan proposed pursuant to section 24-808 of the administrative code of the city of New York, the wetlands protection strategy prepared pursuant to section 24-528 of the administrative code of the city of New York and any successor frameworks for wetlands management, the work of the New York city panel on climate change established pursuant to section 3-122 of the New York city charter, the comprehensive waterfront plan prepared pursuant to section 205 of the New York city charter, and the environmental justice plan and study required by sections 3-1003 and 3-1007 of the administrative code of the city of New York.

2. Housing mobility program framework. The task force shall develop a proposal for the establishment of a housing mobility program for certain property owners and residents of flood hazard zones, informed by best practices for such programs. The proposal shall include the following:

(a) Proposed eligibility requirements and valuation criteria for households and properties to take part in the program, taking into consideration properties' flood and climate hazard risk profiles, economic status of residents and owners, local population density, environmental justice considerations, and the potential of a given land area to contribute to flood prevention or mitigation in surrounding areas;

(b) Estimated number of eligible households and properties and estimated total valuation of all eligible properties, pursuant to the proposed requirements and criteria developed under subparagraph (a) of this paragraph;

(c) Recommendations and considerations for including properties with various ownership and tenancy structures, including but not limited to tenants and cooperators of public housing, rent-regulated housing, federally subsidized housing, supportive housing, limited-equity cooperatives, and housing subject to city or state regulatory agreements;

(d) Recommendations for streamlining applications to participate in the proposed housing mobility program and for prioritizing among eligible properties, including with respect to options for establishing an advanced-commitment program or other form of precertification process;

(e) Recommendations for the provision of integrated support services to eligible households and eligible property owners, commensurate with identified flood hazard zones and the needs of residents of flood hazard zones, and taking into account the results of the pilot study required by paragraph 5 of this subdivision;

(f) Recommendations for establishing a participatory process for working with communities of eligible households to identify and select eligible sites for relocation, and for preventing displacement of any vulnerable populations that may already reside at selected relocation sites; and

(g) Recommendations for converting the use of eligible properties to the prevention or mitigation of flooding and other climate risks, including, as needed, recommended legislative, regulatory, or zoning reforms, recommended entities to take possession of or manage converted properties, and potential recommended uses for converted properties such as green infrastructure installation, habitat restoration, public access, community use and benefit, or other protective or recreational purposes.

3. Buyout Fund. The task force shall propose a plan to establish a fund for the purpose of financing a housing mobility program and support services. The plan shall include, at a minimum, the following information:

(a) An analysis of the economic, fiscal, and social impacts that may be expected from the housing mobility program and support services, including but not necessarily limited to impacts on jobs and local development; tax revenue; social and equity indicators; the costs and benefits associated with different land

uses, including with respect to subsidized housing, group quarters, and natural ecosystem restoration; the long-term costs and benefits of protecting or rebuilding current residential uses in the context of foreseeable future climate hazards; and savings from potential flood-mitigation uses of acquired properties, individually and in aggregate, on the basis of varying levels of participation from eligible households and properties;

(b) Potential sources of funding and other resources for a housing mobility program, support services, and ecological restoration, commensurate with the estimates, recommendations, and impact analysis pursuant to subparagraph (a) of this paragraph; and

(c) A recommended framework for establishing, structuring, managing, and administering a permanent housing mobility fund for eligible properties and residents in flood hazard zones.

4. Strategic oversight. The task force shall recommend a structure for the administration, coordination, and strategic leadership for housing adaptation planning, a housing mobility program, a permanent housing mobility fund, and support services. Such recommendations shall include any legal, regulatory, or policy changes that the city may undertake in order to effectuate such structure.

5. Pilot study for support services. The department of housing preservation and development, in consultation with the task force, shall conduct a pilot study to assess the knowledge, interest level, needs, and concerns of households that reside on properties with a high likelihood of being designated as eligible to participate in a housing mobility program and to receive support services. The task force shall take the findings into account when preparing the housing mobility program scope pursuant to paragraph 2 of this subdivision, and shall include an anonymized analysis of the pilot study findings as an appendix in the feasibility study. The pilot study shall include, at a minimum, the following:

(a) Baseline survey. No later than 120 days after the effective date of this local law, the department of housing preservation and development, in consultation with the task force, shall administer a baseline survey to a group of likely eligible households, including residents of public housing and other government-subsidized or regulated housing, which shall be statistically representative of all likely eligible households with regard to

income, race, and tenure. The baseline survey shall assess:

- (1) Household composition, primary household language, and length and nature of tenure;
- (2) The knowledge, experiences, needs, concerns, and goals of eligible households in relation to flooding and to a potential housing mobility program; and
- (3) Interest level in participating in a housing mobility program, as applicable, and in receiving relocation and other support services.

(b) Focus groups. No later than 160 days after the effective date of this local law, the department of housing preservation and development, in consultation with the task force, shall conduct qualitative interviews with focus groups composed of a statistically representative group of likely eligible households. The interviews shall further investigate the knowledge, experiences, needs, concerns, and goals of likely eligible households as identified by the baseline survey results.

(c) Recommendations for support services. The task force shall make recommendations for establishing comprehensive support services in relation to household climate adaptation, taking into account the findings of the baseline survey and focus group interviews. The task force shall further recommend:

- (1) How the support services can be integrated into a permanent housing mobility program for flood hazard zones, if a program is established, and coordinated or combined with any existing support services offered by the city;
- (2) The extent to which support services should be offered in climate or flood hazard zones to households other than those eligible to participate in a housing mobility program; and
- (3) How the services can help to mitigate climate inequities, especially in environmental justice areas.

c. Consultation requirements. 1. Community stakeholders. For the purpose of completing the feasibility study required by subdivision b of this section, the task force shall consult, at a minimum, 8 community-based organizations that provide direct services to residents of climate hazard zones, at least 2 of which deliver services to residents of a flood hazard zone located in an environmental justice area.

2. Intragovernmental coordination. The task force shall consult with any other city, state, or federal agency, office, or entity to the extent they may have relevant information in relation to housing adaptation, housing mobility programs, relocation programs, interagency coordination needs, or equity considerations. Such agencies, offices, or entities shall include but need not be limited to the mayor's office of operations, the mayor's office of equity, the department of housing preservation and development, the New York city housing authority, the landmarks preservation commission, the mayor's office of contract services, and any successor to any such office, commission, or authority.

d. Meetings. 1. The chair shall convene a meeting of the task force to carry out the duties described in this local law no later than 30 days after the date that this local law takes effect.

2. The task force shall meet no less than once each quarter to carry out the duties described in this section, inclusive of the twice yearly meetings required pursuant to section 3-123 of the administrative code of the city of New York. This additional meeting requirement is suspended after the task force submits its report as required in subdivision b of this section.

§ 2. Subdivision b of section 3-123 of the administrative code of the city of New York is amended by adding new paragraphs 4 and 5 to read as follows:

4. Each agency affected by this section shall provide appropriate staff and resources to support the agency's work in relation to the task force.

5. In the event that the chair of the task force, an agency affected by this section, or the mayor receives constructive or actual notice of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment no later than 60 days after the vacancy occurs.

§ 3. This local law takes effect immediately.

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