



## NEW YORK STATE BUILDERS ASSOCIATION, INC.

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### SEQRA Reform Recommendations to NYS Senate

New York State is facing a severe housing shortage, and meaningful SEQRA modernization is essential to increasing housing production, supporting economic growth, and improving affordability. NYSBA appreciates the Senate's efforts to advance reform and its recognition that the current process can delay or prevent the construction of much-needed housing.

With that in mind, SEQRA reform will only be successful if it results in real, measurable increases in housing supply. Several provisions in the currently proposed language risk limiting the proposal's overall impact. Below are NYSBA's recommendations for targeted changes to ensure this legislation achieves its intended goal of promoting housing development and investment statewide.

#### WHAT WE SUPPORT

##### **Type II Action Thresholds — Housing & Mixed-Use Projects**

NYSBA **supports** increasing the threshold for housing units eligible for Type II classification. This is a meaningful step toward eliminating unnecessary environmental review for projects that should be permitted as-of-right.

To ensure this provision is fully effective, Type II classification should explicitly include associated approvals such as building permits, variances, subdivision approvals, site plan approvals, and zoning text amendments. Including these actions will prevent projects from being pulled back into discretionary review processes that undermine the intent of this reform.

##### **Mixed-Use Thresholds — Maintain as Proposed with Modification**

NYSBA **supports** maintaining the mixed-use thresholds as proposed. These provisions appropriately recognize the importance of mixed-use development in creating vibrant, walkable communities.

To improve consistency and ease of implementation, NYSBA recommends using counties as the basis for calculating applicable population thresholds.

#### RECOMMENDED CHANGES

##### **1. Applicability of “Qualifying Actions”**

The proposal limits qualifying actions only to multifamily development and urbanized areas or municipalities meeting specific density thresholds.

###### **Concerns:**

Limiting eligibility to only multifamily housing and urbanized areas will significantly reduce the effectiveness of this legislation in increasing housing production statewide. Many smaller towns and rural communities are actively seeking opportunities to expand their housing stock to support future population growth and economic development. Excluding these areas unnecessarily constrains the state's housing supply potential.

###### **Recommendation:**

Expand eligibility to include smaller towns and municipalities, as well as single-family housing communities. A broader, more inclusive approach will better reflect the diverse housing needs across New York and unlock additional housing opportunities.

## **2. Environmental Assessment Form (EAF) — Completeness Standard, Time Limits, and Final DEIS Approval**

The lack of a clear definition of “completeness” for an Environmental Assessment Form (EAF) creates uncertainty and delay. It is also critical to clarify how statutory timeframes apply to the Draft Environmental Impact Statement (DEIS) process.

### **Concerns:**

Projects can be stalled indefinitely if an EAF is repeatedly deemed incomplete, preventing review timelines from commencing. Additionally, existing timeframes are unclear and overly long, reducing the effectiveness of proposed reforms.

### **Recommendation:**

- Establish clear, objective criteria for determining EAF completeness and require timely agency determinations. Without this reform, procedural delays will continue to undermine SEQRA modernization.
- Reduce the timeline for determining whether an Environmental Impact Statement (EIS) is required from one year to six months.
- Clarify that the two-year time limit applies to a complete and final DEIS process.

## **3. Overly Burdensome and Redundant Requirements**

Several provisions introduce new procedural requirements that risk recreating SEQRA under a different name—effectively establishing a “SEQRA-lite” framework that undermines the intent of reform.

### **Concerns:**

- The proposal introduces additional environmental review triggers and documentation requirements that mirror existing SEQRA processes.
- Requirements such as mandatory Phase I Environmental Site Assessments, with the potential to escalate into Phase II investigations, duplicate environmental due diligence already addressed through existing state and federal programs.
- Mandated sign-offs related to wetlands, drinking water, and other environmental factors replicate reviews already conducted through agencies such as DEC and DOH.
- Requiring licensed architect or professional certifications at early stages imposes premature design costs before projects have regulatory certainty.
- Collectively, these provisions create a parallel review structure that reintroduces delay, uncertainty, and cost—particularly for straightforward or as-of-right projects.
- Many of these issues are already addressed through local site plan and subdivision authority under home rule, making additional state-level mandates redundant.

### **Recommendation:**

Remove these provisions and defer to existing local authority and established permitting processes. SEQRA reform should streamline development, not recreate the very barriers it is intended to eliminate.

## **4. Building and Energy Code Requirements**

The proposal includes additional building performance requirements that are overly prescriptive and risk significantly increasing construction costs.

### **Concerns:**

- Requirements such as LEED certification or LEED-equivalent standards add substantial soft costs, design complexity, and project delays.

- New York State has already adopted updated building and energy codes effective January 1, 2026, which are among the most stringent in the nation.
- Layering additional mandates on top of these standards creates duplicative compliance obligations and further strains project feasibility.
- Increased costs will directly translate into higher housing prices and reduced production, particularly for workforce and attainable housing.

**Recommendation:**

Avoid imposing additional building and energy requirements beyond the recently updated State Energy Code. Aligning SEQRA reform with existing standards will ensure environmental goals are met while maintaining project viability and supporting increased housing production.

**5. Definition of “Previously Disturbed Land”**

This provision is critical to the proposal’s success but is currently too narrow and will unnecessarily limit housing production.

**Concerns:**

An overly restrictive or unclear definition will exclude many viable sites, particularly those with prior low-intensity uses or partial disturbance, which will significantly reduce the legislation’s effectiveness.

**Recommendation:**

Align this definition more closely with the language advanced in the Governor’s proposal, which better reflects real-world development patterns and site conditions across New York. A broader and clearer definition of “previously disturbed land” will unlock more sites for housing and substantially increase the impact of this reform effort.

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NYSBA **supports** SEQRA modernization and appreciates the Senate’s commitment to addressing barriers to housing development. However, without these crucial changes, this proposal is unlikely to meaningfully increase housing production. In its current form, the legislation risks adding complexity, increasing costs, and delivering limited results.

We urge the Senate to strengthen this proposal to ensure it achieves its intended purpose: facilitating housing development and investment across the state. NYSBA believes that the targeted changes we have outlined would result in the creation of approximately 150,000 additional homes over the next five years.

Critically, these reforms would unlock a segment of housing production that is largely absent today due to SEQRA-related uncertainty, cost, and litigation risk. This includes medium-density infill development, adaptive reuse projects such as office-to-residential conversions, and projects led by smaller builders who are often unable to absorb the financial burden and risk associated with the current process.

By reducing these barriers, we estimate that—beyond the projected 150,000 units—an additional 10,000 to 20,000 housing units per year could be built that otherwise would not be built.

Taken together, these changes would accelerate 700 projects already in the pipeline and bring forward stalled opportunities, potentially increasing housing production by as much as 100 percent, delivering meaningful, measurable increases in housing supply when New York needs it most.

*NYSBA SEQRA Reform Recommendations to the NYS Senate - April 1, 2026*