



**NYSFAH Written Testimony
Joint Legislative Budget Hearing
Environmental Conservation
SFY 2026-2027 Executive Budget Proposal
January 28, 2026**

My name is Carlina Rivera, I am the President and CEO of the New York State Association for Affordable Housing (NYSFAH), the trade association representing the for-profit and non-profit, mission driven partners who are committed to building and preserving affordable housing across New York State.

We appreciate the opportunity to offer written comments on the environmental conservation provisions in the Executive Budget as they relate to housing production, cost, and long-term affordability.

HOUSING CRISIS AND THE ROLE OF PROCESS

New York’s housing crisis is not abstract for the families and individuals struggling to make ends meet. It is measured in record rents, overcrowded apartments, stalled projects, and working people pushed farther from opportunity. Against this backdrop, removing barriers that delay—or in some cases prevent—the creation of affordable homes is an economic and social imperative. The targeted reforms to the State Environmental Quality Review Act (SEQRA) proposed by Governor Kathy Hochul as part of her FY 2026-2027 Executive Budget reflect a practical truth: process delays are part of the affordability problem.

Striking a balance between housing development and environmental protection is not only possible; it is necessary if New York is to address the current housing shortage while upholding its environmental commitments. The Governor’s proposal recognizes that housing in appropriate locations, subject to existing environmental and land-use safeguards, should not be subject to duplicative and unpredictable procedural hurdles that add cost without improving environmental outcomes.

SEQRA AND CONTAMINATED SITES

Opponents have suggested that SEQRA reform could lead to increased housing on contaminated land, particularly in communities already burdened by pollution. That claim sounds serious but misunderstands both SEQRA and standard development practice. SEQRA is a disclosure and decision-making framework, not a site investigation tool, and it does not uncover unknown contamination. As part of SEQRA, applicants complete an Environmental

Assessment Form (EAF) describing the project, site conditions, and potential environmental impacts. To address environmental history, applicants rely on data compiled by the New York Department of Environmental Conservation (NYSDEC), including documented spills, remediation sites, wetlands, flood zones, and properties subject to institutional controls. SEQRA therefore largely reflects information already known to regulators rather than revealing new hazards.

Developers do not first learn of contamination through SEQRA. Environmental risks are identified earlier through due diligence required by lenders, investors, and insurers. Under state and federal law, property owners and operators may be held jointly liable for contamination. No responsible developer assumes that risk without investigation. Where potential contamination is identified, developers typically pursue the Brownfield Cleanup Program to secure liability protections and proper remediation, or determine the site is not feasible. The notion that SEQRA reform would encourage reckless development on polluted land does not align with financial, legal, or regulatory reality.

TIME, COST, AND AFFORDABILITY

What the Governor's proposal does address is time. In affordable housing development, time directly translates into cost. Extended review periods increase interest carry, consultant and legal fees, and exposure to construction price escalation. Public subsidies do not stretch as far under these conditions, and projects that were feasible at application often become infeasible by closing. Each month of delay erodes affordability and reduces the number of homes that limited public resources can produce.

OVERSIGHT AND PUBLIC PARTICIPATION

Importantly, the proposed reforms do not eliminate environmental oversight or public participation. Agencies will continue to evaluate environmental impacts under applicable laws, and communities will continue to have opportunities for input. What changes is the extent to which duplicative documentation, prolonged procedural loops, and uncertainty can delay housing in locations already planned and served for development. Those burdens fall especially hard on affordable housing, which operates within fixed subsidy limits and long-term regulatory agreements.

POLICY CONSIDERATIONS

There have also been suggestions that any streamlining should be conditioned on extracting additional affordability or community benefits. Affordable housing developments already operate under extensive regulatory frameworks, including income restrictions, design standards, public financing requirements, and long-term compliance obligations. SEQRA was not designed as a housing policy tool and using it as leverage for unrelated policy goals makes the system less predictable and more vulnerable to litigation without strengthening environmental protection.

CONCLUSION

New York can protect environmental integrity while addressing its historic housing shortage. These goals are not in conflict. The Governor's SEQRA proposal seeks to maintain safeguards, preserve local participation, and remove unnecessary procedural friction that stalls urgently needed homes. The cost of inaction is not theoretical. It is paid every month in real dollars and hardship by New Yorkers who cannot find housing they can afford.

Thank you for your leadership and ongoing commitment to creating and preserving affordable housing for all New Yorkers.

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