SEQR Amendments

Department of Environmental Conservation

On May 26, 2026, Part R of the New York State enacted budget amended the State Environmental Quality Review Act (SEQR), codified at Article 8 of the Environmental Conservation Law. From new housing that welcome families into neighborhoods, to vital infrastructure projects that deliver clean water, clean energy, and greener spaces, Governor Kathy Hochul's "Let Them Build" SEQR revisions include common-sense reforms. The changes make it easier to do the right thing for the environment by encouraging development of previously disturbed sites instead of greenspace, upholding environmental safeguards, respecting local zoning, and helping expedite critical projects that are regularly determined to not have environmental impacts.:

- The statute was revised to provide new exemptions from SEQR for the following actions:
    1. constructing housing at previously disturbed sites statewide, with different parameters depending on whether the project is in or outside New York City.
    2. constructing public parks at previously disturbed sites, excluding mass gathering venues such as stadiums and performance centers.
    3. constructing multi-use bicycle and pedestrian trails at previously disturbed sites.
    4. constructing public school facilities in New York City to be connected to existing community or public water and sewerage systems.
    5. Replacing, rehabilitating, or reconstructing water and wastewater infrastructure projects, including lead service line replacements, that satisfy certain requirements.
    6. retrofitting existing structures to incorporate green infrastructure.
- The statute provides new definitions of the terms "previously disturbed site," "small community water system," and "public school facilities." The definition of "previously disturbed site" contains parameters based on certain site conditions, location, and use.
- To qualify for exemption, a project sponsor must submit documentation depending on project type, including a Phase I Environmental Site Assessment.
- The agency responsible for SEQR review has 120 days from receipt of a permit application to determine whether an exemption applies, unless the timeline is extended under specific circumstances.
- A determination of SEQR significance (a negative declaration, conditioned negative declaration, or positive declaration) must be issued within one year after the lead agency is established, and a Final Environmental Impact Statement must be published within two years after issuance of a positive declaration, unless extended under specific circumstances.
- The statute clarifies that the time to request judicial review of an agency determination under SEQR starts to accrue when the agency determination to approve or disapprove the action becomes final and binding on the petitioner.
- The statute clarifies that the amendments do not supersede, limit, modify, or affect any other state or local authorizations, requirements, or procedures, including with respect to permitting standards and municipal zoning.
- The amendments took effect immediately on May 26, 2026.