

8318

2013-2014 Regular Sessions

I N A S S E M B L Y

December 18, 2013

Introduced by M. of A. MAGEE -- read once and referred to the Committee
on Governmental Operations

AN ACT to amend the state finance law and the executive law, establish-
ing and administering a supplemental state disaster aid program

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

1 Section 1. Subdivision 9 of section 53 of the state finance law is
2 renumbered subdivision 10 and a new subdivision 9 is added to read as
3 follows:

4 9. IN ADDITION TO THE PROVISIONS OF THIS SECTION, FUNDS SHALL BE
5 EXPENDED BY THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR
6 NATURAL AND MAN-MADE DISASTER PREVENTION, RESPONSE AND RECOVERY PURSUANT
7 TO THE PROVISIONS OF SECTION TWENTY-NINE-E OF THE EXECUTIVE LAW.

8 S 2. Section 29-e of the executive law, as added by chapter 603 of the
9 laws of 1993, paragraph (e) of subdivision 1 as amended by section 8,
10 paragraphs (a), (f) and (g) of subdivision 3 as amended by section 9 and
11 paragraphs (a) and (b) of subdivision 4 as amended by section 10 of part
12 B of chapter 56 of the laws of 2010, is amended to read as follows:

13 S 29-e. New York state emergency assistance program. 1. For purposes
14 of this section the following terms shall have the following meanings:

15 (a) "Infrastructure" shall mean and include publicly owned storm and
16 sanitary sewers, water supply systems, drainage systems, transportation
17 systems, roads and bridges.

18 (b) "Municipality" shall mean any county, city, village, or town of
19 the state.

20 (c) "Public facilities" shall mean and include publicly owned build-
21 ings, including traditional government buildings, such as courthouses,
22 firehouses, police stations, parks, recreational facilities, and correc-
23 tional facilities.

24 (d) "Fund" shall mean the state's contingency reserve fund established
25 by law.

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

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1 (e) "The office of emergency management" shall mean the office within
2 the division of homeland security and emergency services.

3 2. The governor may, upon a finding that a municipality in the state
4 has suffered substantial damage by an unanticipated natural OR MAN-MADE
5 disaster which has resulted in significant economic distress within such
6 municipality, issue a declaration of significant economic distress in
7 accordance with the provisions herein. In determining whether such
8 significant economic distress exists, the governor shall consider wheth-
9 er ANY OR ALL OF the following criteria have been met:

10 (a) the municipality suffered a substantial loss of assessed value;

11 (b) substantial damage has occurred to municipal buildings, facilities
12 and infrastructure, OR TO PRIVATE RESIDENTIAL OR COMMERCIAL PROPERTY;

13 (c) the cost incurred by the municipality for clean-up operations is
14 significant;

15 (d) businesses within the municipality have experienced significant
16 economic loss due to the inability to conduct normal business due to the
17 disaster;

18 (e) a significant increase in unemployment claims filed by persons
19 employed within the municipality has occurred; and

20 (f) the county or the county within which the municipality is located
21 has been declared eligible by the United States small business adminis-
22 tration for physical disaster and economic injury disaster loans.

23 In addition, the governor shall also consider the extent that other
24 financial resources, including federal assistance and insurance, are
25 available to assist the municipality, AND ITS RESIDENTS AND BUSINESSES
26 to repair damage caused by the disaster.

27 3. (a) Upon the issuance of a declaration of significant economic
28 distress due to unanticipated natural OR MAN-MADE disaster by the gover-
29 nor, a municipality recognized by the governor as being affected by such
30 disaster which occurred on or after December first, nineteen hundred
31 ninety-two, OR A RESIDENT OR BUSINESS ADVERSELY AFFECTED BY SUCH DISAS-
32 TER, may apply to the division of homeland security and emergency
33 services on a form prescribed by such office, for reimbursement from the
34 state's contingency reserve fund, OR ANY OTHER DESIGNATED FUND EXPRESSLY
35 ESTABLISHED FOR THE PURPOSE OF PROVIDING EMERGENCY ASSISTANCE FOR
36 NATURAL AND/OR MAN-MADE DISASTERS, for reimbursement of extraordinary
37 and unanticipated costs associated with the reconstruction or repair of
38 [public] buildings, facilities or infrastructure.

39 (b) Where the municipality applying for assistance authorized pursuant
40 to this section is a city, and such application pertains to a county
41 wholly contained within such city, such city may submit separate appli-
42 cations for such assistance for each such county.

43 (c) [Such] IF ASSISTANCE FROM THE FEDERAL GOVERNMENT IS DENIED TO A
44 MUNICIPALITY, RESIDENT OR BUSINESS WHICH HAS SUSTAINED INJURY DUE TO A
45 NATURAL OR MAN-MADE DISASTER, STATE ASSISTANCE SHALL BE GRANTED WITHIN
46 THE GUIDELINES OF SUBDIVISION FOUR OF THIS SECTION.

47 (D) A municipality shall be granted the assistance provided pursuant
48 to this section, within the amounts made available by appropriation from
49 [the] A fund SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION, upon
50 approval of [such] AN application SUBMITTED TO THE DIVISION OF HOMELAND
51 SECURITY AND EMERGENCY SERVICES, provided that such municipality agrees
52 to have a local disaster preparedness plan pursuant to section twenty-
53 three of this article in effect by December thirty-first, nineteen
54 hundred ninety-three. On or after December thirty-first, nineteen
55 hundred ninety-three, no municipality shall be eligible for reimburse-
56 ment of such expenses unless such plan is in effect.

1 [(d)] (E) Municipalities which have received assistance pursuant to
2 this section shall, as soon thereafter as may be possible, amend their
3 respective local disaster preparedness plans to include corrective meas-
4 ures that must be taken in order to avoid, to the extent possible, simi-
5 lar emergencies in the future.

6 [(e)] (F) Municipalities, RESIDENTS AND BUSINESSES applying for
7 assistance pursuant to this section shall accurately describe the emer-
8 gency conditions which necessitate the expenditure of funds for which
9 reimbursement is being sought pursuant to this section.

10 [(f)] (G) In providing assistance pursuant to this section, the divi-
11 sion of homeland security and emergency services may give preference to
12 applicants which demonstrate the greatest need or which document that
13 such assistance will be utilized to bring the applicant into compliance
14 with federal or state law.

15 [(g)] (H) In the event that amounts appropriated are insufficient to
16 provide for full reimbursement of all extraordinary and unanticipated
17 costs incurred by such municipality, RESIDENT OR BUSINESS approved for
18 reimbursement pursuant to this section, the division of homeland securi-
19 ty and emergency services is authorized to provide a pro rata share of
20 the appropriations, appropriated herein, to such municipality.

21 4. (A) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN
22 CONSULTATION WITH THE DEPARTMENT OF FINANCIAL SERVICES AND THE EMPIRE
23 STATE DEVELOPMENT CORPORATION, SHALL ESTABLISH AND ADMINISTER BY REGU-
24 LATION A SUPPLEMENTAL STATE DISASTER AID PROGRAM. SUCH PROGRAM SHALL BE
25 IN ADDITION TO ANY FUNDS EXPENDED OR PROVIDED THROUGH THE DIVISION BY
26 MEANS OF FUNDS PROVIDED BY THE FEDERAL GOVERNMENT. WITHIN THE SUPPLE-
27 MENTAL DISASTER AID PROGRAM THERE SHALL BE THREE MAJOR CATEGORIES OF
28 DISASTER AID. SUCH CATEGORIES SHALL INCLUDE INDIVIDUAL ASSISTANCE,
29 PUBLIC ASSISTANCE AND HAZARD MITIGATION, AND SHALL BE AVAILABLE TO MUNI-
30 CIPALITIES, RESIDENTS AND BUSINESSES THAT HAVE BEEN OTHERWISE DENIED
31 ASSISTANCE FROM THE FEDERAL GOVERNMENT.

32 (B) PURSUANT TO THE SUPPLEMENTAL DISASTER AID PROGRAM, APPLICATIONS
33 FOR STATE ASSISTANCE SHALL BE MADE AVAILABLE TO POTENTIAL AID RECIPIENTS
34 BY THE DIVISION. AFTER A COMPLETED APPLICATION IS RECEIVED BY THE DIVI-
35 SION, THE DAMAGED PROPERTY SHALL BE INSPECTED TO VERIFY THE LOSS. IF AN
36 APPLICATION FOR A GRANT IS APPROVED BY THE DIVISION, THE APPLICANT SHALL
37 RECEIVE AID NOT MORE THAN THIRTY DAYS AFTER THE SUBMISSION OF THE APPLI-
38 CATION. IF AN APPLICATION FOR A LOAN IS APPROVED BY THE DIVISION, THE
39 APPLICANT SHALL RECEIVE AID NOT MORE THAN SIXTY DAYS AFTER THE
40 SUBMISSION OF THE APPLICATION.

41 (C) THE DIVISION SHALL COOPERATE WITH THE OFFICE OF THE STATE COMP-
42 TROLLER TO PROVIDE FOR THE PROVISION OF PERIOD AUDITS OF THE SUPPLE-
43 MENTAL DISASTER AID PROGRAM, TO ASSURE THAT ALL AID AND LOANS PROVIDED
44 WERE GIVEN ONLY TO THOSE ELIGIBLE TO RECEIVE SUCH ASSISTANCE AND IN THE
45 AMOUNTS SO REQUIRED, AND THAT SUCH DISASTER FUNDS AND LOANS WERE USED
46 ONLY FOR THEIR INTENDED PURPOSES. FUNDS AND LOANS FOR THE SUPPLEMENTAL
47 DISASTER AID PROGRAM SHALL NOT DUPLICATE ASSISTANCE PROVIDED BY OTHER
48 SOURCES, INCLUDING THOSE PROVIDED BY THE FEDERAL GOVERNMENT OR INSUR-
49 ANCE.

50 (D) AFTER A MAJOR DISASTER, THE DIVISION OF HOMELAND SECURITY AND
51 EMERGENCY SERVICES SHALL ATTEMPT TO NOTIFY ALL DISASTER VICTIMS ABOUT
52 THE AVAILABLE AID PROGRAMS OFFERED BY THE FEDERAL AND STATE GOVERNMENTS,
53 INCLUDING THE SUPPLEMENTAL DISASTER AID PROGRAM, AND URGE THEM TO APPLY.

54 (E) IN APPROPRIATE CIRCUMSTANCES, THE DIVISION SHALL AWARD ASSISTANCE
55 TO INDIVIDUALS WHO SUSTAINED INJURY TO PERSON OR PROPERTY AS A RESULT OF
56 A NATURAL AND/OR MAN-MADE DISASTER. APPLICATION FOR ASSISTANCE SHALL BE

1 MADE AND DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.
2 THE DIVISION SHALL FOLLOW THE PRESCRIBED PROTOCOLS OF THIS PARAGRAPH IN
3 PROVIDING INDIVIDUAL ASSISTANCE. IMMEDIATELY AFTER THE DECLARATION OF
4 THE DISASTER, THE DIVISION SHALL FACILITATE THE ARRIVAL OF DISASTER
5 WORKERS AT THE VICINITY OF THE DISASTER, AND SHALL SET UP AND ESTABLISH
6 A CENTRAL FIELD OFFICE TO COORDINATE THE RECOVERY EFFORT. THE DIVISION
7 SHALL FURTHER ESTABLISH AND PUBLICIZE A TOLL-FREE TELEPHONE NUMBER FOR
8 USE BY AFFECTED RESIDENTS AND BUSINESS OWNERS TO GAIN INFORMATION ON THE
9 APPLICATION FOR ASSISTANCE. THE DIVISION SHALL FURTHER FACILITATE THE
10 OPENING AND OPERATION OF DISASTER RECOVERY CENTERS WHERE DISASTER
11 VICTIMS CAN MEET WITH PROGRAM REPRESENTATIVES AND OBTAIN INFORMATION
12 ABOUT AVAILABLE AID AND THE RECOVERY PROCESS. WHERE POSSIBLE, THE DIVI-
13 SION SHALL INTEGRATE AND COORDINATE ITS EFFORTS TO FOLLOW THE PRESCRIBED
14 PROTOCOLS OF THIS PARAGRAPH WITH FEDERAL AND LOCAL GOVERNMENT EFFORTS
15 ALSO PROVIDING DISASTER AID OR SERVICES. DISASTER AID TO INDIVIDUALS
16 SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING CATEGORIES:

17 I. DISASTER HOUSING. THE DIVISION SHALL MAKE INDIVIDUAL ASSISTANCE AID
18 AVAILABLE FOR DISASTER HOUSING FOR A PERIOD OF UP TO EIGHTEEN MONTHS FOR
19 DISPLACED RESIDENTS OF THE MUNICIPALITY WHOSE RESIDENCES WERE HEAVILY
20 DAMAGED OR DESTROYED. THE DIVISION SHALL ALSO MAKE AVAILABLE AID FOR
21 HOUSING REPAIRS, AND FOR THE REPLACEMENT OR REPAIR OF DAMAGED ITEMS THAT
22 WOULD MAKE SUCH DAMAGED OR DESTROYED RESIDENCES HABITABLE.

23 II. DISASTER GRANTS. THE DIVISION SHALL MAKE INDIVIDUAL ASSISTANCE AID
24 AVAILABLE TO HELP MEET OTHER SERIOUS DISASTER RELATED NEEDS AND NECES-
25 SARY EXPENSES NOT COVERED BY INSURANCE AND OTHER AID PROGRAMS. SUCH
26 SERIOUS DISASTER RELATED NEEDS AND NECESSARY EXPENSES MAY INCLUDE
27 REPLACEMENT OF PERSONAL PROPERTY, AND TRANSPORTATION, MEDICAL, DENTAL
28 AND FUNERAL EXPENSES.

29 III. LOW INTEREST DISASTER LOANS. THE EMPIRE STATE DEVELOPMENT CORPO-
30 RATION SHALL MAKE INDIVIDUAL ASSISTANCE LOW INTEREST DISASTER LOANS
31 AVAILABLE TO RESIDENTS AND BUSINESSES, TO COVER UNINSURED PROPERTY LOSS-
32 ES. LOW INTEREST DISASTER LOANS SHALL BE MADE AVAILABLE FOR REPAIR OR
33 REPLACEMENT OF HOMES, AUTOMOBILES, CLOTHING OR OTHER DAMAGED PERSONAL
34 PROPERTY. LOW INTEREST DISASTER LOANS SHALL ALSO BE MADE AVAILABLE TO
35 BUSINESSES FOR PROPERTY LOSS AND ECONOMIC INJURY. APPLICATION FOR SUCH
36 LOW INTEREST DISASTER LOANS SHALL BE MADE TO THE DIVISION, WITH APPROVAL
37 OF SUCH APPLICATION REQUIRING BOTH THE APPROVAL OF THE DIVISION AND THE
38 EMPIRE STATE DEVELOPMENT CORPORATION. THE EMPIRE STATE DEVELOPMENT
39 CORPORATION SHALL BE AUTHORIZED TO ISSUE BONDS FOR THE PURPOSE OF THIS
40 SUBDIVISION.

41 IV. PERSONAL SERVICE AID. THE DIVISION SHALL MAKE INDIVIDUAL ASSIST-
42 ANCE AID AVAILABLE TO PROVIDE NECESSARY PERSONAL SERVICES TO DISASTER
43 VICTIMS, INCLUDING CRISIS COUNSELING, DISASTER-RELATED UNEMPLOYMENT
44 ASSISTANCE, LEGAL AID, INCOME TAX ASSISTANCE, SOCIAL SECURITY ASSISTANCE
45 AND VETERAN'S BENEFIT ASSISTANCE.

46 (F) THE DIVISION SHALL MAKE MUNICIPALITY ASSISTANCE AID AVAILABLE TO
47 LOCAL GOVERNMENTS TO PAY ALL OR PART OF THE COSTS OF REBUILDING A COMMU-
48 NITY'S DAMAGED INFRASTRUCTURE. UNLESS SUCH COST IS LESS THAN TEN THOU-
49 SAND DOLLARS, SUCH MUNICIPALITY ASSISTANCE AID SHALL PAY FOR NOT MORE
50 THAN SEVENTY-FIVE PERCENT OF THE APPROVED PROJECT COSTS. THIS MUNICI-
51 PALITY ASSISTANCE AID SHALL INCLUDE AID FOR DEBRIS REMOVAL, AID FOR
52 EMERGENCY PROTECTIVE MEASURES, AID FOR PUBLIC SERVICES, AID FOR REPAIR
53 OF DAMAGED PUBLIC PROPERTY, AID FOR ESSENTIAL GOVERNMENT FUNCTIONS, AND
54 INFRASTRUCTURE GRANTS FOR PUBLIC SCHOOLS.

55 (G) THE DIVISION SHALL MAKE HAZARD MITIGATION ASSISTANCE AID AVAILABLE
56 TO DISASTER VICTIMS AND PUBLIC ENTITIES TO AVOID THE LIFE AND PROPERTY

1 RISKS OF FUTURE DISASTERS. HAZARD MITIGATION ASSISTANCE AID SHALL
2 INCLUDE, BUT NOT BE LIMITED TO, AID FOR THE ELEVATION OR RELOCATION OF
3 CHRONICALLY FLOOD-DAMAGED HOMES AWAY FROM FLOOD HAZARD AREAS, AID FOR
4 THE RETROFITTING OF BUILDINGS TO MAKE THEM RESISTANT TO EARTHQUAKES OR
5 STRONG WINDS, AND AID FOR THE ADOPTION AND ENFORCEMENT OF ADEQUATE CODES
6 AND STANDARDS BY LOCAL, STATE AND FEDERAL GOVERNMENT. THE DIVISION SHALL
7 SEEK TO COORDINATE HAZARD MITIGATION MEASURES WHEN REPAIRING
8 DISASTER-DAMAGED STRUCTURES. IN ADDITION TO THE GRANTS PROVIDED PURSUANT
9 TO APPROVED HAZARD MITIGATION ASSISTANCE AID, THE EMPIRE STATE DEVELOP-
10 MENT CORPORATION SHALL MAKE HAZARD MITIGATION LOW INTEREST DISASTER
11 LOANS AVAILABLE TO MUNICIPALITIES, RESIDENTS AND BUSINESSES, TO PROVIDE
12 FOR HAZARD MITIGATION. HAZARD MITIGATION LOW INTEREST DISASTER LOANS
13 SHALL BE MADE AVAILABLE UPON APPLICATION TO THE DIVISION, WITH APPROVAL
14 OF SUCH APPLICATION REQUIRING BOTH THE APPROVAL OF THE DIVISION AND THE
15 EMPIRE STATE DEVELOPMENT CORPORATION. THE EMPIRE STATE DEVELOPMENT
16 CORPORATION SHALL BE AUTHORIZED TO ISSUE BONDS FOR THE PURPOSE OF THIS
17 SUBDIVISION.

18 [4.] 5. (a) The commissioner of the division of homeland security and
19 emergency services as defined in article twenty-six of this chapter with
20 the advice and consent of the disaster preparedness commission created
21 pursuant to this article, shall have the power to make such rules and
22 regulations as may be necessary and proper to effectuate the purposes of
23 this section.

24 (b) The commissioner of the division of homeland security and emergen-
25 cy services shall by March fifteenth of each year report to the governor
26 and the legislature describing the activities and operation of the
27 program authorized by this section. Such report shall set forth the
28 number of reimbursement applications received and approved; the identi-
29 ties of the counties, cities, towns and villages, AS WELL AS THE INDI-
30 VIDUALS AND BUSINESSES receiving reimbursement, ASSISTANCE OR LOANS,
31 together with the amount and purpose of the reimbursement, ASSISTANCE OR
32 LOAN.

33 S 3. This act shall take effect immediately.