

5987

2013-2014 Regular Sessions

I N   S E N A T E

November 20, 2013

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Introduced by Sens. GRIFFO, SEWARD, FARLEY, MAZIARZ, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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.

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

LBD11827-02-3

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

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

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

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

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

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

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

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

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

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

3. (a) Upon the issuance of a declaration of significant economic distress due to unanticipated natural OR MAN-MADE disaster by the governor, a municipality recognized by the governor as being affected by such disaster which occurred on or after December first, nineteen hundred ninety-two, OR A RESIDENT OR BUSINESS ADVERSELY AFFECTED BY SUCH DISASTER, may apply to the division of homeland security and emergency services on a form prescribed by such office, for reimbursement from the state's contingency reserve fund, OR ANY OTHER DESIGNATED FUND EXPRESSLY ESTABLISHED FOR THE PURPOSE OF PROVIDING EMERGENCY ASSISTANCE FOR NATURAL AND/OR MAN-MADE DISASTERS, for reimbursement of extraordinary and unanticipated costs associated with the reconstruction or repair of [public] buildings, facilities or infrastructure.

(b) Where the municipality applying for assistance authorized pursuant to this section is a city, and such application pertains to a county wholly contained within such city, such city may submit separate applications for such assistance for each such county.

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

(D) A municipality shall be granted the assistance provided pursuant to this section, within the amounts made available by appropriation from [the] A fund SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION, upon approval of [such] AN application SUBMITTED TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, provided that such municipality agrees to have a local disaster preparedness plan pursuant to section twenty-three of this article in effect by December thirty-first, nineteen hundred ninety-three. On or after December thirty-first, nineteen

1 hundred ninety-three, no municipality shall be eligible for reimburse-  
2 ment of such expenses unless such plan is in effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 OF DAMAGED PUBLIC PROPERTY, AID FOR ESSENTIAL GOVERNMENT FUNCTIONS, AND  
2 INFRASTRUCTURE GRANTS FOR PUBLIC SCHOOLS.

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

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

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

37 S 3. This act shall take effect immediately.