S T A T E O F N E W Y O R K

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2013-2014 Regular Sessions

I N S E N A T E

November 20, 2013

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:

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

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

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

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

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

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

(c) "Public facilities" shall mean and include publicly owned buildings, including traditional government buildings, such as courthouses, firehouses, police stations, parks, recreational facilities, and correctional facilities.

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

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(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

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

[(d)] (E) Municipalities which have received assistance pursuant to this section shall, as soon thereafter as may be possible, amend their respective local disaster preparedness plans to include corrective measures that must be taken in order to avoid, to the extent possible, similar emergencies in the future.

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

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

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

4. (A) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE DEPARTMENT OF FINANCIAL SERVICES AND THE EMPIRE STATE DEVELOPMENT CORPORATION, SHALL ESTABLISH AND ADMINISTER BY REGULATION A SUPPLEMENTAL STATE DISASTER AID PROGRAM. SUCH PROGRAM SHALL BE IN ADDITION TO ANY FUNDS EXPENDED OR PROVIDED THROUGH THE DIVISION BY MEANS OF FUNDS PROVIDED BY THE FEDERAL GOVERNMENT. WITHIN THE SUPPLEMENTAL DISASTER AID PROGRAM THERE SHALL BE THREE MAJOR CATEGORIES OF DISASTER AID. SUCH CATEGORIES SHALL INCLUDE INDIVIDUAL ASSISTANCE, PUBLIC ASSISTANCE AND HAZARD MITIGATION, AND SHALL BE AVAILABLE TO MUNICIPALITIES, RESIDENTS AND BUSINESSES THAT HAVE BEEN OTHERWISE DENIED ASSISTANCE FROM THE FEDERAL GOVERNMENT.

(B) PURSUANT TO THE SUPPLEMENTAL DISASTER AID PROGRAM, APPLICATIONS FOR STATE ASSISTANCE SHALL BE MADE AVAILABLE TO POTENTIAL AID RECIPIENTS BY THE DIVISION. AFTER A COMPLETED APPLICATION IS RECEIVED BY THE DIVISION, THE DAMAGED PROPERTY SHALL BE INSPECTED TO VERIFY THE LOSS. IF AN APPLICATION FOR A GRANT IS APPROVED BY THE DIVISION, THE APPLICANT SHALL RECEIVE AID NOT MORE THAN THIRTY DAYS AFTER THE SUBMISSION OF THE APPLICATION. IF AN APPLICATION FOR A LOAN IS APPROVED BY THE DIVISION, THE APPLICANT SHALL RECEIVE AID NOT MORE THAN SIXTY DAYS AFTER THE SUBMISSION OF THE APPLICATION.

(C) THE DIVISION SHALL COOPERATE WITH THE OFFICE OF THE STATE COMPTROLLER TO PROVIDE FOR THE PROVISION OF PERIOD AUDITS OF THE SUPPLEMENTAL DISASTER AID PROGRAM, TO ASSURE THAT ALL AID AND LOANS PROVIDED WERE GIVEN ONLY TO THOSE ELIGIBLE TO RECEIVE SUCH ASSISTANCE AND IN THE AMOUNTS SO REQUIRED, AND THAT SUCH DISASTER FUNDS AND LOANS WERE USED ONLY FOR THEIR INTENDED PURPOSES. FUNDS AND LOANS FOR THE SUPPLEMENTAL DISASTER AID PROGRAM SHALL NOT DUPLICATE ASSISTANCE PROVIDED BY OTHER SOURCES, INCLUDING THOSE PROVIDED BY THE FEDERAL GOVERNMENT OR INSURANCE.

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

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

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

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

III. LOW INTEREST DISASTER LOANS. THE EMPIRE STATE DEVELOPMENT CORPORATION SHALL MAKE INDIVIDUAL ASSISTANCE LOW INTEREST DISASTER LOANS AVAILABLE TO RESIDENTS AND BUSINESSES, TO COVER UNINSURED PROPERTY LOSSES. LOW INTEREST DISASTER LOANS SHALL BE MADE AVAILABLE FOR REPAIR OR REPLACEMENT OF HOMES, AUTOMOBILES, CLOTHING OR OTHER DAMAGED PERSONAL PROPERTY. LOW INTEREST DISASTER LOANS SHALL ALSO BE MADE AVAILABLE TO BUSINESSES FOR PROPERTY LOSS AND ECONOMIC INJURY. APPLICATION FOR SUCH LOW INTEREST DISASTER LOANS SHALL BE MADE TO THE DIVISION, WITH APPROVAL OF SUCH APPLICATION REQUIRING BOTH THE APPROVAL OF THE DIVISION AND THE EMPIRE STATE DEVELOPMENT CORPORATION. THE EMPIRE STATE DEVELOPMENT CORPORATION SHALL BE AUTHORIZED TO ISSUE BONDS FOR THE PURPOSE OF THIS SUBDIVISION.

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

(F) THE DIVISION SHALL MAKE MUNICIPALITY ASSISTANCE AID AVAILABLE TO LOCAL GOVERNMENTS TO PAY ALL OR PART OF THE COSTS OF REBUILDING A COMMUNITY'S DAMAGED INFRASTRUCTURE. UNLESS SUCH COST IS LESS THAN TEN THOUSAND DOLLARS, SUCH MUNICIPALITY ASSISTANCE AID SHALL PAY FOR NOT MORE THAN SEVENTY-FIVE PERCENT OF THE APPROVED PROJECT COSTS. THIS MUNICIPALITY ASSISTANCE AID SHALL INCLUDE AID FOR DEBRIS REMOVAL, AID FOR EMERGENCY PROTECTIVE MEASURES, AID FOR PUBLIC SERVICES, AID FOR REPAIR

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

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

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

(b) The commissioner of the division of homeland security and emergency services shall by March fifteenth of each year report to the governor and the legislature describing the activities and operation of the program authorized by this section. Such report shall set forth the number of reimbursement applications received and approved; the identities of the counties, cities, towns and villages, AS WELL AS THE INDIVIDUALS AND BUSINESSES receiving reimbursement, ASSISTANCE OR LOANS, together with the amount and purpose of the reimbursement, ASSISTANCE OR LOAN.

S 3. This act shall take effect immediately.