

1612

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 12, 2015

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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 PERIODIC 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.