

# STATE OF NEW YORK

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8013

2017-2018 Regular Sessions

## IN ASSEMBLY

May 25, 2017

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Introduced by M. of A. MORELLE -- Multi-Sponsored by -- M. of A. BARCLAY, BRONSON, HAWLEY, JENNE, JOHNS, LAWRENCE, MORINELLO, NORRIS, OAKS -- read once and referred to the Committee on Local Governments

AN ACT to create the Lake Ontario-St. Lawrence Seaway flood recovery and International Joint Commission Plan 2014 mitigation grant program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. There is hereby created the Lake Ontario-St. Lawrence  
2 Seaway flood recovery and International Joint Commission Plan 2014 miti-  
3 gation grant program.

4 1. (a) Small businesses, farms, owners of multiple dwellings, owners  
5 of residences, and not-for-profit organizations that sustained direct  
6 physical flood-related damage as a result of flooding caused by the  
7 raised level of Lake Ontario and the St. Lawrence river, that occurred  
8 between January 1, 2017 and June 30, 2017, shall be eligible to apply  
9 for a grant under this subdivision.

10 (b) Such grant shall not be limited in dollar amount. Such grant shall  
11 be used for storm-related repairs and restoration to structures, equip-  
12 ment, and for other storm-related costs, all of which were not covered  
13 by any other federal, state or local recovery program or any third-party  
14 payors.

15 (c) The empire state development corporation shall administer this  
16 grant program, which shall not exceed in the aggregate \$40,000,000. Such  
17 corporation is hereby empowered to establish grant guidelines and addi-  
18 tional eligibility criteria, based on available flood damage data  
19 provided by applicable state and/or federal agencies, as it deems neces-  
20 sary to effectuate the administration of this program. In providing  
21 assistance pursuant to this subdivision, the empire state development  
22 corporation shall give preference to applicants that demonstrate the  
23 greatest need, based on available flood damage data provided by applica-  
24 ble state and/or federal agencies.

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

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1 2. (a) Counties, cities, towns, villages and special districts that  
2 sustained direct physical flood-related damage as a result of flooding  
3 caused by the raised level of Lake Ontario and the St. Lawrence River,  
4 that occurred between January 1, 2017 and June 30, 2017, are eligible to  
5 apply for a grant under this subdivision.

6 (b) Such grant shall not be limited in dollar amount. Such grant shall  
7 be used for storm-related repairs and restoration to municipal infras-  
8 tructure and systems, including, but not limited to, roads, bridges and  
9 other transportation systems, drinking water supply systems, sanitary  
10 and/or storm sewer systems, levy and/or flood protection systems, as  
11 well as for municipal equipment, and for other storm-related costs, all  
12 of which were not covered by any other federal, state or local recovery  
13 program or any third-party payors.

14 (c) The empire state development corporation shall administer this  
15 grant program, which shall not exceed in the aggregate \$40,000,000. Such  
16 corporation is hereby empowered to establish grant guidelines and addi-  
17 tional eligibility criteria, based on available flood damage data  
18 provided by applicable state and/or federal agencies, as it deems neces-  
19 sary to effectuate the administration of this program. In providing  
20 assistance pursuant to this subdivision, the empire state development  
21 corporation shall give preference to applicants that demonstrate the  
22 greatest need, based on available flood damage data provided by applica-  
23 ble state and/or federal agencies.

24 3. (a) The empire state development corporation, in consultation with  
25 the department of environmental conservation and the environmental  
26 facilities corporation, shall administer a grant program for counties  
27 for flood mitigation or flood control projects in creeks, streams, and  
28 brooks. Only counties that sustained direct physical flood-related  
29 damage as a result of the flooding caused by the raised level of Lake  
30 Ontario and the St. Lawrence river, between January 1, 2017 and June  
31 30, 2017, shall be eligible to apply for a grant under this subdivision.

32 (b) This grant program shall not exceed in the aggregate \$25,000,000.  
33 Individual grants shall be limited in amount. The empire state develop-  
34 ment corporation, in consultation with the department of environmental  
35 conservation and the environmental facilities corporation, is hereby  
36 empowered to establish grant guidelines and additional eligibility  
37 criteria, based on available flood damage data provided by applicable  
38 state and/or federal agencies, as it deems necessary to effectuate the  
39 administration of this program. In providing assistance pursuant to this  
40 subdivision, the empire state development corporation shall give prefer-  
41 ence to applicants that demonstrate the greatest need, based on avail-  
42 able flood damage data provided by applicable state and/or federal agen-  
43 cies including the International Joint Commission. Priority also may be  
44 given to remediation which if not undertaken may result in additional  
45 flooding.

46 § 2. This act shall take effect immediately.