

STATE OF NEW YORK

9249

IN ASSEMBLY

February 9, 2022

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

AN ACT to amend the state finance law and the executive law, in relation to establishing the "Hurricane Ida relief program"

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

1 Section 1. The state finance law is amended by adding a new section
2 99-oo to read as follows:

3 § 99-oo. Hurricane Ida relief program fund. 1. There is hereby estab-
4 lished in the joint custody of the state comptroller and the commission-
5 er of taxation and finance a special fund to be known as the "Hurricane
6 Ida relief program fund" to be administered in accordance with this
7 section and section twenty-nine-1 of the executive law.

8 2. The Hurricane Ida relief program fund shall consist of all moneys
9 received therefor, including but not limited to appropriations, monetary
10 grants, gifts or bequests received by the state for the purposes of the
11 fund, and all other moneys credited or transferred thereto from any
12 other fund or source; provided, however, such fund shall not collect nor
13 expend more than fifty million dollars in total. Moneys of such fund
14 shall be expended only for Hurricane Ida relief financial assistance and
15 disaster relief services in accordance with section twenty-nine-1 of the
16 executive law.

17 3. Moneys in such fund shall be kept separate from and shall not be
18 commingled with any other moneys in the custody of the comptroller or
19 the commissioner of taxation and finance. Any moneys of the fund not
20 required for immediate use may, at the discretion of the comptroller, in
21 consultation with the director of the budget, be invested by the comp-
22 troller in obligations of the United States or the state, or in obli-
23 gations the principal and interest on which are guaranteed by the United
24 States or by the state. Any income earned by the investment of such
25 moneys shall be added to and become a part of and shall be used for the
26 purposes of such fund.

27 4. Money expended from such fund shall be used to supplement and not
28 supplant or replace any other available recovery or relief funds,

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

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1 including federal or state funding, which would otherwise have been
2 expended for reimbursement of damages caused by Hurricane Ida.

3 5. Moneys of the fund, when received pursuant to subdivision two of
4 this section, shall be available to the commissioner of the division of
5 homeland security and emergency services to provide authorized compen-
6 sation or reimbursements to eligible individuals, households and busi-
7 ness who suffered damages caused by Hurricane Ida for which insurance,
8 state assistance, and federal assistance are either not available or do
9 not adequately meet the needs of such eligible individual, household or
10 business with respect to such damages in accordance with section twen-
11 ty-nine-1 of the executive law.

12 6. The monies of the fund shall be paid out, without appropriation, on
13 the audit and warrant of the state comptroller on vouchers certified or
14 approved by the commissioner of the division of homeland security and
15 emergency services as provided in section twenty-nine-1 of the executive
16 law. The comptroller shall, in consultation with the commissioner of the
17 division of homeland security and emergency services, prescribe by regu-
18 lation the manner in which moneys of the fund shall be distributed to
19 eligible applicants.

20 § 2. The executive law is amended by adding a new section 29-1 to read
21 as follows:

22 § 29-1. Hurricane Ida relief program. 1. The division of homeland
23 security and emergency services, in conjunction with the comptroller,
24 shall establish and administer a supplemental state disaster aid program
25 to be known as the "Hurricane Ida relief program" or the "program" as
26 provided in this section. Such program shall be in addition to any funds
27 provided by the federal government and expended or provided through the
28 division for disaster recovery and relief, and shall not duplicate
29 assistance provided by the federal government or insurance.

30 2. For the purposes of this section, the following terms shall have
31 the following meanings:

32 (a) "Applicant" means an individual, household or business entity that
33 has applied for assistance pursuant to subdivision three of this
34 section.

35 (b) (i) "Division" means the division of homeland security and emer-
36 gency services.

37 (ii) "Commissioner" means the commissioner of the division of homeland
38 security and emergency services.

39 (iii) "FEMA" means the federal emergency management administration.

40 (c) "Eligible applicant" means an applicant that suffered damages
41 caused by Hurricane Ida within a locality designated as within an area
42 subject to the Major Disaster Declaration for Remnants of Hurricane
43 Ida, (FEMA-4615-DR-NY), for the incident period September first through
44 September third, two thousand twenty-one, as defined in paragraph (g) of
45 this subdivision, and:

46 (i) insurance, or financial assistance as defined in paragraph (d) of
47 this section, or any combination of such insurance and financial assist-
48 ance are not available to the applicant; or

49 (ii) such insurance, or financial assistance, or combination thereof
50 are available to the applicant but cannot adequately compensate or reim-
51 burse such applicant for such damages.

52 (d) "Financial assistance" means money provided to an eligible appli-
53 cant as defined in paragraph (c) of this subdivision, as compensation or
54 reimbursement for damages caused by Hurricane Ida in accordance with the
55 provisions of this section and section ninety-nine-oo of the state
56 finance law but shall not include financial assistance for damages

1 caused by Hurricane Ida provided by FEMA's individual assistance
2 program, or any other federal, state, or municipal disaster recovery,
3 relief, assistance or aid program or fund other than the program estab-
4 lished pursuant to this section. Such financial assistance shall in no
5 event exceed ten thousand dollars nor be less than one hundred dollars.

6 (e) "Fund" means the Hurricane Ida relief program fund established
7 pursuant to section ninety-nine-oo of the state finance law.

8 (f) "Household" means all persons, including adults and minors, who
9 lived in a pre-disaster residence within a locality designated as within
10 an area subject to the Major Disaster Declaration for Remnants of
11 Hurricane Ida, (FEMA-4615-DR-NY), for the incident period September
12 first through September third, two thousand twenty-one, who request
13 assistance, as well as any persons, such as infants, spouse, or part-
14 time residents who were not present at the time of the disaster, but who
15 are expected to return during the assistance period.

16 (g) "Hurricane Ida" means the disaster declared on September fifth,
17 two thousand twenty-one pursuant to Major Disaster Declaration for
18 Remnants of Hurricane Ida, (FEMA-4615-DR-NY), for the incident period
19 September first through September third, two thousand twenty-one.

20 (h) "Business entity" means a corporation, association, partnership,
21 limited liability company, limited liability partnership, or other legal
22 entity.

23 3. (a) The commissioner shall, in consultation with the comptroller,
24 develop and implement procedures governing the submission and receipt of
25 applications for financial assistance pursuant to this section. Such
26 procedures shall provide for expedited relief to eligible applicants,
27 and each such application shall be submitted to the division in such
28 form and in such manner as the commissioner deems appropriate.

29 (b) Such application for financial assistance shall be made available
30 for all potential applicants in accordance with subdivision six of this
31 section, and at minimum, shall require the applicant to certify on a
32 form prepared by the commissioner:

33 (i) the amount and nature of damages sustained by the applicant;

34 (ii) that such damages were in fact caused by Hurricane Ida;

35 (iii) the amount of any compensation or reimbursement for such damages
36 already received, if any;

37 (iv) the amount of any compensation or reimbursement for such damages
38 which the applicant has yet to receive but expects to receive at a
39 future date, and the date such compensation or reimbursement is
40 expected;

41 (v) any amount for which the applicant has applied for relief or made
42 a claim for financial assistance or disaster relief for damages caused
43 by Hurricane Ida from FEMA or any other federal, state, or municipal
44 disaster relief program for which a determination is pending; and

45 (vi) that the amount of financial assistance applied for reflects
46 damages incurred which (A) have not been compensated or reimbursed by
47 any other source; or (B) such damages have been partially compensated or
48 reimbursed and the amount applied for reflects a portion of damages not
49 so compensated or reimbursed.

50 (c)(i) The division shall review each application for assistance
51 submitted pursuant to this subdivision and shall approve or reject such
52 application and notify the applicant of such approval or rejection no
53 later than thirty days after receipt of such application. If the divi-
54 sion approves such application, the applicant shall receive financial
55 assistance no later than thirty days after such approval pursuant to

1 subdivision five of this section and section ninety-nine-oo of the state
2 finance law.

3 (ii) The division shall conduct the review, and determination required
4 by subparagraph (i) of this paragraph, in accordance with rules and
5 regulations promulgated by the commissioner for such purpose. To the
6 extent possible, such rules and regulations shall integrate the
7 prescribed protocols required under FEMA's individual assistance program
8 regarding verification, confirmation, assessment, and approval or denial
9 of applications for assistance, and appeals.

10 4. Beginning on the effective date of this subdivision and thereafter,
11 the division, in conjunction with the comptroller shall make financial
12 assistance available to compensate or reimburse eligible applicants in
13 accordance with this section and section ninety-nine-oo of the state
14 finance law. The commissioner shall by regulation determine which types
15 of damages shall be eligible for compensation or reimbursement and the
16 amount to be paid therefor, provided such damages shall include, but not
17 be limited to damage to real and personal property, structures located
18 on real property, vehicles, and other personal property as the commis-
19 sioner deems appropriate. The comptroller, in consultation with the
20 commissioner, shall prescribe by regulation the manner in which such
21 financial assistance shall be distributed to eligible beneficiaries.

22 5. The division shall cooperate with the office of the state comp-
23 troller to provide for the provision of periodic audits of the Hurricane
24 Ida relief program, to assure that all aid provided was given only to
25 those eligible to receive such assistance and in the amounts so
26 required, and that such funds were used only for their intended
27 purposes. Funds for the Hurricane Ida relief program shall not dupli-
28 cate assistance provided by other sources, including but not limited to
29 those provided by the federal government, the state, a municipality, or
30 insurance.

31 6. Beginning on the effective date of this subdivision and thereafter:
32 (a) The division shall attempt to notify all individuals, households and
33 businesses who suffered damages caused by Hurricane Ida of the Hurricane
34 Ida relief program established pursuant to this section and shall
35 encourage all such individuals, households and businesses to apply.

36 (b) The division shall establish and publicize a toll-free telephone
37 number for use by prospective applicants seeking information on the
38 program. The division shall publish guidance and instructions regarding
39 the application process, criteria for review and determinations, and
40 other relevant information, including an application form and related
41 materials. All such materials shall be accessible to the public on any
42 website maintained by the division and available for download by
43 prospective applicants.

44 § 3. This act shall take effect on the ninetieth day after it shall
45 have become a law, provided, however, that the provisions of subdivision
46 6 of section 29-1 of the executive law, as added by section two of this
47 act shall take effect immediately. Effective immediately, the addition,
48 amendment and/or repeal of any rule or regulation necessary for the
49 implementation of this act on its effective date are authorized to be
50 made and completed on or before such effective date.