

# STATE OF NEW YORK

3988

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

Introduced by M. of A. BARCLAY, MANKTELOW, MORINELLO, SIMPSON, LEMONDES, DeSTEFANO, J. M. GIGLIO, BRABENEC -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the state finance law and the environmental conservation law, in relation to establishing the municipal asbestos abatement grant program; and making an appropriation therefor

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

1 Section 1. Legislative intent. Many of our local communities have  
2 buildings that are vacant and left abandoned by their original owners.  
3 Those buildings containing asbestos are especially difficult and costly  
4 to clean up. For decades asbestos was commonly used in building  
5 construction as a fire proofing material, as well as an additive to  
6 concrete, asphalt, pipes, siding and floor tiles. Asbestos becomes  
7 hazardous when damaged and its fibers are known to cause certain types  
8 of cancer. These asbestos filled buildings pose significant financial  
9 challenges to our local governments that cannot afford to renovate and  
10 reuse them.

11 The Legislature seeks to support local government efforts to revital-  
12 ize economies by helping return these abandoned and vacant buildings to  
13 productive use. Therefore, the Legislature hereby creates The Municipal  
14 Asbestos Abatement Grant Program with the intention of providing finan-  
15 cial assistance to municipalities for the demolition, renovation or  
16 restoration of abandoned or vacant asbestos laden buildings for the  
17 purpose of returning them to productive use.

18 § 2. Paragraph (b) of subdivision 6 of section 92-s of the state  
19 finance law, as amended by section 3 of part U of chapter 58 of the laws  
20 of 2016, is amended to read as follows:

21 (b) Moneys from the solid waste account shall be available, pursuant  
22 to appropriation and upon certificate of approval of availability by the  
23 director of the budget, for any non-hazardous municipal landfill closure

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

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1 project; municipal waste reduction or recycling project, as defined in  
2 article fifty-four of the environmental conservation law; for the  
3 purposes of section two hundred sixty-one and section two hundred  
4 sixty-four of the economic development law; any project for the develop-  
5 ment, updating or revision of local solid waste management plans pursu-  
6 ant to sections 27-0107 and 27-0109 of the environmental conservation  
7 law; environmental justice projects and grants [~~and~~], for the develop-  
8 ment of the pesticide sales and use data base pursuant to title twelve  
9 of article thirty-three of the environmental conservation law; and to  
10 establish the municipal asbestos abatement grant program.

11 § 3. Article 54 of the environmental conservation law is amended by  
12 adding a new title 17 to read as follows:

13 TITLE 17

14 MUNICIPAL ASBESTOS ABATEMENT GRANT PROGRAM

15 Section 54-1701. Municipal asbestos abatement grant program.

16 54-1703. Municipal asbestos abatement grant program database.

17 § 54-1701. Municipal asbestos abatement grant program.

18 The department, in conjunction with the department of health and the  
19 department of labor, shall establish the municipal asbestos abatement  
20 grant program to provide financial assistance to municipalities for the  
21 abatement of asbestos in vacant and/or abandoned commercial properties.  
22 Such program shall include, but not be limited to: definitions of eligi-  
23 ble projects; matching grants for approved asbestos abatement projects;  
24 eligible municipalities; the percentage that will be the state's share  
25 as well as the municipality's share; maximum per-building awards; maxi-  
26 mum total project awards; as well as any other standards, guidelines or  
27 rules as may be necessary.

28 § 54-1703. Municipal asbestos abatement grant program database.

29 The department in coordination with relevant state agencies, munici-  
30 palities and the federal government, shall establish a database listing  
31 every abandoned commercial building in need of asbestos abatement within  
32 the state, including, but not limited to, the address, square footage  
33 and approximate age. The initial database list is to be sent to the  
34 governor, temporary president of the senate, the speaker of the assem-  
35 bly, the minority leader of the senate and the minority leader of the  
36 assembly by December thirty-first, two thousand twenty-six, and shall be  
37 updated annually.

38 § 4. The sum of fifteen million dollars (\$15,000,000), or so much  
39 thereof as may be necessary, is hereby appropriated to the department of  
40 environmental conservation out of any moneys in the state treasury in  
41 the general fund to the credit of the solid waste account, not otherwise  
42 appropriated, and made immediately available, for the purpose of carry-  
43 ing out the provisions of this act. Such moneys shall be payable on the  
44 audit and warrant of the comptroller on vouchers certified or approved  
45 by the commissioner of environmental conservation in the manner  
46 prescribed by law.

47 § 5. This act shall take effect on the one hundred eightieth day after  
48 it shall have become a law. Effective immediately, the addition, amend-  
49 ment and/or repeal of any rule or regulation necessary for the implemen-  
50 tation of this act on its effective date are authorized to be made and  
51 completed on or before such effective date.