STATE OF NEW YORK

4928

2023-2024 Regular Sessions

IN SENATE

February 17, 2023

Introduced by Sens. SEPULVEDA, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to establishing the community disaster relief and recovery act of 2023

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

Section 1. Short title. This act shall be known and may be cited as the "community disaster relief and recovery act of 2023".

§ 2. The executive law is amended by adding a new section 719 to read as follows:

§ 719. Community disaster relief and recovery fund program for non-citizens. 1. There is hereby established the community disaster relief and recovery fund program for non-citizens to be administered by the division of homeland security and emergency services, in conjunction with the New York state office for new Americans. Such program shall be administered in accordance with the guidelines under the Major Disaster Declaration for Remnants of Hurricane Ida 4615-DR-NY for storm survivors who are not able to receive financial assistance through other means, including but not limited to, the federal emergency management agency's individual assistance program, due to citizenship status.

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

(a) "Applicant" means an individual or household who has applied for assistance pursuant to this section.

(b) "Citizen" means a person born in one of the fifty states, the District of Columbia, Puerto Rico, U.S. Virgin Islands, Guam or the Northern Mariana Islands, or a person born outside of the U.S. to at least one U.S. parent or a naturalized citizen.

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

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(c) "Disaster" means a natural disaster or storm that results in the declaration of a state of emergency or disaster by the state or by the federal government.

(d) "Displaced" means the applicant is unable to reside in the disaster damaged residence because it is uninhabitable, meaning it is not safe, sanitary, or fit to occupy or because it is inaccessible due to surrounding damage or restrictions placed by government officials.

(e) "Financial assistance" means money provided to applicants to meet necessary expenses and serious needs as a result of the disaster.

(f) "Household" means all persons, including adults and minors, who lived in the pre-disaster residence who request assistance, as well as any persons, such as infants, spouse, or part-time residents who were not present at the time of the disaster, but who are expected to return during the assistance period.

(g) "Necessary expense" means a cost associated with acquiring an item, obtaining a service, or paying for any other activity that meets a serious need.

(h) "Non-citizen national" means a person born in an outlying possession of the U.S., including but not limited to American Samoa or Swains Island, on or after the date the U.S. acquired the possession, or a person whose parents are U.S. non-citizen nationals. All U.S. citizens are U.S. nationals, but not every U.S. national is a U.S. citizen.

(i) "Qualified alien" means a person: (i) with legal permanent residence, including having a green card, refugee or asylum status, withholding of deportation, conditional entry, parole into the U.S. for at least one year for humanitarian purposes; (ii) is a Cuban-Haitian entrant; or (iii) has a pending or approved petition for relief based on battery or extreme cruelty by a family member. Such term does not include a foreign-born individual studying, working, or traveling in the United States pursuant to a visa.

(j) "Qualified minor child" means a minor child who is a citizen, non-citizen national, or qualified alien who is living with the applicant.

(k) "Serious need" means a requirement for an item or service that is essential to an applicant's ability to prevent, mitigate, or overcome disaster-caused hardship, injury or adverse condition.

(l) "Undocumented immigrant" means a person who is a non-citizen domiciliary of the state whose country of origin is other than the United States.

3. The commissioner of the division of homeland security and emergency services, in conjunction with the New York state office for new Americans, shall establish procedures for receipt of applications from undocumented immigrant applicants and households in order to provide expedited relief to storm survivors, including housing related assistance and other needs assistance. Housing related assistance shall include lodging expense reimbursement, rental assistance and home repair assistance. Other needs assistance shall include but not be limited to, personal property assistance, medical and dental assistance, child care assistance, critical needs assistance, and clean and removal assistance.

4. Housing related assistance shall be administered in accordance with the guidelines under the Major Disaster Declaration for Remnants of Hurricane Ida 4615-DR-NY and such assistance shall be determined by the United States department of housing and urban development's fair market rent level.

5. Personal property assistance is financial assistance to replace or repair personal property damaged or destroyed due to a disaster. The

list of potential personal property items shall be determined by the United States department of housing and urban development's standard personal property line items data. Documented expenses for the actual cost to replace or repair personal property, or the maximum values assigned in the United States department of housing and urban development's standard personal property line items data, whichever is less, are allowable. Assistance for clothing is limited to the reasonable cost of clothing for up to seven days for damage to clothes that have been destroyed or contaminated by chemicals or sewer backup. Clothing soaked by wind-driven rain, seepage, or flood waters is not eligible for assistance. Replacement or repair of furnishings or appliances provided by a lessor are not eligible. Financial assistance to replace essential tool line items in the United States department of housing and urban development's standard personal property line items data such as tools, supplies, equipment or items required by an employer as a condition of employment or required for education may be allowable but are not allowable for self-employed applicants. The assistance is intended to meet the basic needs of a household, not restore all personal property items to a pre- disaster condition. Applicants seeking personal property assistance must provide documentation that the applicant has personal property damaged in the disaster. This documentation may include:

(a) Photographs or videos of the personal property showing damage from the disaster.

(b) Photographs, videos, or receipts of personal property from before the disaster combined with photographs and videos showing the disaster damaged residence.

(c) Inspections performed by a contractor.

(d) Receipts showing the cost, date of purchase after the disaster, and information sufficient to identify the item as corresponding to an item on the personal property list in the United States department of housing and urban development's standard personal property line items data.

6. Medical and dental assistance is financial assistance for injuries and expenses directly caused by a disaster. Eligible documented expenses may include costs associated with an injury or illness, pre-existing injury, disability, or medical condition aggravated by the disaster, replacement of prescribed medication, loss or damage of personal medical or dental equipment, medical or dental insurance deductibles or co-pays for eligible expenses, and loss or injury of a service animal. Medically unnecessary procedures, such as teeth whitening or appearance enhancement or assistance for therapy or emotional support animals are not allowable. Assistance for service animals is limited to service dogs and miniature horses that perform a qualified task for a person with a disability, as defined by the Americans with Disabilities Act of 1990, as amended. An applicant seeking medical and dental assistance must provide documentation of the need. Such documentation may include:

(a) Itemized bills, receipts, or estimates from the medical or dental provider or pharmacy.

(b) A written and signed statement from a medical or dental provider, including the date of disaster-caused injury and expenses necessary for recovery.

(c) Replacement of prescribed medication documentation includes all the following:

(i) A written and signed statement by the applicant or the applicant's medical or dental provider verifying the loss was caused by the disaster;

(ii) A written and signed statement from a medical or dental provider verifying the prescription is required and was previously prescribed to the applicant or a household member; and

(iii) Receipts or other verifiable documentation from the pharmacy showing the replacement cost of the prescribed medication.

(d) Loss or damage of medical or dental equipment documentation includes all the following:

(i) A written and signed statement by the applicant or the medical or dental provider verifying the loss was caused by the disaster;

(ii) A written and signed statement from a medical or dental provider verifying the applicant or household member required the medical or dental equipment prior to the disaster; and

(iii) Itemized bills, receipts, or estimates showing repair or replacement cost of the medical or dental equipment.

(e) Required documentation verifying the loss or injury of a service animal includes all the following:

(i) A written and signed statement by the applicant, medical provider, or veterinary provider verifying the service animal's loss or injury was caused by the disaster;

(ii) A written and signed statement from a medical provider verifying the applicant or household member required the service animal for a disability prior to the disaster;

(iii) A statement from the applicant, medical provider, or other representative explaining the type of task or work performed by the service animal; and

(iv) Itemized bills, receipts, or estimates showing expenses related to the service animal's loss or injury.

7. Child care assistance is financial assistance for disaster-caused increased financial burdens for child care. Child care must be provided to children aged thirteen and under or children with a disability, as defined by federal law, up to age twenty-one, who need assistance with the activities of daily living. The applicant must demonstrate that, regardless of whether child care was required prior to the disaster, the household experienced a disaster which caused financial burden because the applicant's gross household income has decreased because of the disaster or the applicant's child care expenses have increased as a result of the disaster. The applicant must also certify that they cannot utilize child care services provided by any other source. The child care provider must be licensed by the state of New York. The maximum amount is three thousand three hundred dollars for a maximum of eight weeks. An applicant seeking child care assistance must provide documentation of the need. Such documentation may include:

(a) Pre- and post-disaster gross household income documentation.

(b) Pre-disaster receipts, contract, or signed letter from the child care provider for child care expenses, if receipts or contract cannot be located.

(c) Post-disaster receipts or estimates for child care fees, registration, and/or health inventory fees.

(d) A post-disaster child care contract or agreement.

(e) A post-disaster child care provider's license or printout from the office of children and family services' website listing licensed child care providers.

(f) An individualized educational plan, 504 plan, or medical professional's statements, if applicable, to verify disability for children up to age twenty-one who need assistance with activities of daily living.

(g) A signed, written statement from the applicant affirming:

(i) The applicant is not receiving assistance for child care expenses from any other source; and

(ii) The expected length of time the applicant will have a disaster-caused need for child care assistance.

(h) An applicant who did not have child care expenses pre-disaster, and has incurred or will incur child care expenses as a result of the disaster, must submit:

(i) Post-disaster receipts or estimates for child care fees, registration, and/or health inventory fees.

(ii) A post-disaster child care contract or agreement.

(iii) A post-disaster child care provider's license or printout from the office of children and family services' website listing licensed child care providers.

(iv) An individualized educational plan, 504 plan, or medical professional's statements, if applicable, to verify disability for children up to age twenty-one who need assistance with activities of daily living.

8. Critical needs assistance is financial assistance for applicants who have immediate or critical needs because they are displaced from their primary residence or to applicants who need assistance to leave their pre-disaster primary residence to temporarily shelter elsewhere. Immediate or critical needs are life-saving and life-sustaining items including, but not limited to: water, food, first aid, prescriptions, infant formula, diapers, consumer medical supplies, durable medical equipment, personal hygiene items, and fuel for transportation. The maximum amount per household is five hundred dollars. An applicant seeking critical needs assistance must provide documentation of the need. Such documentation may include a self-declaration that the applicant incurred immediate or critical needs in the immediate aftermath of a disaster and the funds will reimburse the applicant for expenditures already made or will be used to purchase the life-saving and life-sustaining items described in this subdivision.

9. Clean and removal assistance is financial assistance for disaster-caused real property damage that does not qualify for home repair assistance because the damage did not render the home uninhabitable. It is intended to ensure contamination from floodwaters is addressed in a timely manner to prevent additional losses and potential health and safety concerns. If home repair assistance is subsequently awarded to the applicant, the amount of clean and removal assistance will be deducted from the home repair assistance funds. The maximum amount per household is five hundred fifty dollars. An applicant seeking clean and removal assistance must provide documentation of the need. Such documentation may include a self-declaration that the applicant incurred disaster related damage to their home that requires immediate cleaning to avoid contamination from floodwaters and potential health and safety concerns and that the funds will reimburse the applicant for expenditures already made for cleaning and removal in their home or will be used to purchase materials necessary for cleaning and removal in their home.

10. Funding for such program shall consist of all revenue received pursuant to an appropriation therefor, and any other monies appropriated, credited or transferred from any other source pursuant to law, including but not limited to state emergency appropriations established by the governor and based on the magnitude of the disaster and the number of impacted residents of the state. Nothing in this section shall be deemed to prevent the state from receiving grants, gifts or bequests

for the purpose of the program. Grants shall only be awarded based upon the availability of funds.

11. The division of homeland security and emergency services, in conjunction with the New York state office for new Americans, shall have the authority to establish rules and regulations to implement the provisions of this section.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.