

# STATE OF NEW YORK

140

2023-2024 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. CRUZ, BURDICK, SIMON, McDONOUGH -- read once and referred to the Committee on Governmental Operations

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:

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

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

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

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

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

19 (b) "Citizen" means a person born in one of the fifty states, the  
20 District of Columbia, Puerto Rico, U.S. Virgin Islands, Guam or the  
21 Northern Mariana Islands, or a person born outside of the U.S. to at  
22 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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1 (c) "Disaster" means a natural disaster or storm that results in the  
2 declaration of a state of emergency or disaster by the state or by the  
3 federal government.

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

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

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

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

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

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

31 (j) "Qualified minor child" means a minor child who is a citizen,  
32 non-citizen national, or qualified alien who is living with the appli-  
33 cant.

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

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

40 3. The commissioner of the division of homeland security and emergency  
41 services, in conjunction with the New York state office for new Ameri-  
42 cans, shall establish procedures for receipt of applications from undoc-  
43 umented immigrant applicants and households in order to provide expe-  
44 ditioned relief to storm survivors, including housing related assistance  
45 and other needs assistance. Housing related assistance shall include  
46 lodging expense reimbursement, rental assistance and home repair assist-  
47 ance. Other needs assistance shall include but not be limited to,  
48 personal property assistance, medical and dental assistance, child care  
49 assistance, critical needs assistance, and clean and removal assistance.

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

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

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

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

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

27 (c) Inspections performed by a contractor.

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

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

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

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

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

54 (i) A written and signed statement by the applicant or the applicant's  
55 medical or dental provider verifying the loss was caused by the disas-  
56 ter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (c) Post-disaster receipts or estimates for child care fees, registra-  
48 tion, and/or health inventory fees.

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

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

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

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

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

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

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

8 (i) Post-disaster receipts or estimates for child care fees, registra-  
9 tion, and/or health inventory fees.

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

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

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

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

32 9. Clean and removal assistance is financial assistance for disaster-  
33 caused real property damage that does not qualify for home repair  
34 assistance because the damage did not render the home uninhabitable. It  
35 is intended to ensure contamination from floodwaters is addressed in a  
36 timely manner to prevent additional losses and potential health and  
37 safety concerns. If home repair assistance is subsequently awarded to  
38 the applicant, the amount of clean and removal assistance will be  
39 deducted from the home repair assistance funds. The maximum amount per  
40 household is five hundred fifty dollars. An applicant seeking clean and  
41 removal assistance must provide documentation of the need. Such documen-  
42 tation may include a self-declaration that the applicant incurred disas-  
43 ter related damage to their home that requires immediate cleaning to  
44 avoid contamination from floodwaters and potential health and safety  
45 concerns and that the funds will reimburse the applicant for expendi-  
46 tures already made for cleaning and removal in their home or will be  
47 used to purchase materials necessary for cleaning and removal in their  
48 home.

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

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

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

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