

# STATE OF NEW YORK

3368

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

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

AN ACT to amend the executive law, in relation to establishing the disaster-related latent damage recovery grant program

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

1 Section 1. The executive law is amended by adding a new section 719 to  
2 read as follows:

3 § 719. Disaster-related latent damage recovery grant program. 1.  
4 There is hereby established the disaster-related latent damage recovery  
5 grant program to be administered by the division of homeland security  
6 and emergency services.

7 2. Projects eligible for program grants shall be limited to projects  
8 to repair latent damage to public infrastructure, including publicly-  
9 owned roads, bridges, drainage and flood mitigation systems, electrical  
10 and mechanical systems and communication systems, and any ancillary  
11 infrastructure necessary for the safe operation of the components there-  
12 of, where such damage was the result of a natural disaster for which the  
13 governor of the state of New York made a declaration of a state of emer-  
14 gency. For purposes of this section, "latent damage" shall be defined as  
15 damage that was not reasonably apparent during any initial damage  
16 assessments. In no event shall grants be awarded for, nor shall grant  
17 money be used for, infrastructure repairs that are required due to  
18 normal use and wear and tear.

19 3. The commissioner of the division of homeland security and emergency  
20 services shall establish procedures for receipt of applications from  
21 municipalities and for the issuance of grants authorized by this section  
22 within available appropriations. Application for such grants shall be  
23 submitted no more than seven years, but no less than one year, after the  
24 governor's declaration of the state of emergency that renders a munici-  
25 pality eligible for grants authorized by this section. In no event shall

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

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1 grants exceed ten percent of the sum of any state or federal disaster  
2 assistance monies granted to a municipality as a result of a natural  
3 disaster that were awarded prior to an application for a grant stemming  
4 from the same natural disaster. In no event shall a municipality receive  
5 a grant in excess of ten million dollars in a given calendar year.

6 4. Funding for such program shall consist of all revenue received  
7 pursuant to an appropriation thereto, and all other monies appropriated,  
8 credited or transferred from any other source pursuant to law. Nothing  
9 in this section shall be deemed to prevent the state from receiving  
10 grants, gifts or bequests for the purpose of the program. Grants shall  
11 only be awarded based upon the availability of funds.

12 § 2. This act shall take effect on the first of April next succeeding  
13 the date on which it shall have become a law. Effective immediately,  
14 the addition, amendment and/or repeal of any rule or regulation neces-  
15 sary for the implementation of this act on its effective date are  
16 authorized to be made and completed on or before such effective date.