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:

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

The Legislature seeks to support local government efforts to revitalize economies by helping return these abandoned and vacant buildings to productive use. Therefore, the Legislature hereby creates The Municipal Asbestos Abatement Grant Program with the intention of providing financial assistance to municipalities for the demolition, renovation or restoration of abandoned or vacant asbestos laden buildings for the purpose of returning them to productive use.

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

(b) Moneys from the solid waste account shall be available, pursuant to appropriation and upon certificate of approval of availability by the 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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project; municipal waste reduction or recycling project, as defined in article fifty-four of the environmental conservation law; for the purposes of section two hundred sixty-one and section two hundred sixty-four of the economic development law; any project for the development, updating or revision of local solid waste management plans pursuant to sections 27-0107 and 27-0109 of the environmental conservation law; environmental justice projects and grants [~~and~~], for the development of the pesticide sales and use data base pursuant to title twelve of article thirty-three of the environmental conservation law; and to establish the municipal asbestos abatement grant program.

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

TITLE 17

MUNICIPAL ASBESTOS ABATEMENT GRANT PROGRAM

Section 54-1701. Municipal asbestos abatement grant program.

54-1703. Municipal asbestos abatement grant program database.

§ 54-1701. Municipal asbestos abatement grant program.

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

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

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

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

§ 5. This act shall take effect on the one hundred eightieth 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.