



NEW YORK STATE SENATOR

Jack M. Martins

Senate Passes Comprehensive Hurricane Sandy Legislation

JACK M. MARTINS June 18, 2013

| ISSUE: **LOCAL GOVERNMENT, NATIONAL DISASTERS**

| COMMITTEE: **LOCAL GOVERNMENT**



Bills Offer Relief to Businesses, Homeowners, Local Governments, and School Districts; Increase Disaster Preparedness; and Remove Obstacles to Recovery

The New York State Senate today passed a comprehensive legislative package that provides relief to people and communities impacted by Hurricane Sandy, aids rebuilding efforts, and increases disaster preparedness. The 22 bills will be integral to providing needed financial assistance to homeowners, businesses, local governments, school districts, and others still recovering from the storm, and give those responsible for disaster response the tools they

need to be more effective and efficient.

Senate Majority Coalition Co-Leader and Republican Conference Leader Dean G. Skelos said, “It has been over seven months since Hurricane Sandy left its mark, and as people and governments continue to rebuild, the Senate is implementing measures that will help make that process easier both now and in the future. Many members of the Senate have worked together to develop legislation that will provide effective relief to those who are impacted by Sandy and will help mitigate the effects of storms that have yet to come.”

Senate Majority Coalition Co-Leader and Independent Democratic Conference Leader Jeffrey D. Klein (D-Bronx/Westchester) said, “Eight months after Super Storm Sandy, it’s clear we need to equip our state with better tools to prepare and recover from the next natural disaster. Today, we took decisive action to bring relief and resources to the areas that need it most. I’m pleased that the Senate Task Force on Sandy Recovery worked diligently to address problem areas so that we can build an even more resilient New York.”

In New York, Hurricane Sandy caused 60 deaths and resulted in recovery costs of more than \$30 billion. The areas with the most severe damage from the storm included New York City and the counties of Suffolk, Nassau, Westchester, and Rockland.

The bipartisan legislative agenda includes a bill sponsored by Senator Jack M. Martins as well as bills sponsored by members from the Senate Republican, IDC and Democratic conferences. The measures include tax assessment relief for properties catastrophically damaged by the storm, revisions to regulatory obstacles that slow down the rebuilding process, and improvement and continued examination of state insurance laws to help policyholders receive funds following a disaster, among others.

Senator Martins said, “In addition to the destruction of the homes of so many of our residents, our downtown areas also experienced devastating property damage and loss caused by Superstorm Sandy. Our local businesses across Long Island were severely affected by the massive flooding, prolonged power outages and widespread destruction. This bill will allow local Industrial Development Agencies to finance projects in the local downtown areas that were impacted by Sandy in order to provide relief and help get small businesses back up and running. As our downtowns go, so go our communities. This assistance is vital as we continue to recover and rebuild our communities.”

The bills are:

S5776 sponsored by Senator Jack Martins (R-C-I, Mineola): Permits Industrial Development Agencies (IDA) to include retail projects if a project is located within a county that has been declared a federal disaster area within 18 months of the project’s approval by the IDA and the project involves a business directly or indirectly impacted by the disaster.

S2121A sponsored by Senator Phil Boyle (R-C-I, Suffolk County): enacts the “Superstorm Sandy Assessment Relief Act” to allow eligible municipalities included in the federal disaster declarations (excluding New York City) to offer a real property tax reduction to owners whose properties suffered catastrophic damage during the storm.

S3702B sponsored by Senators Andrew Lanza (R-I-C, Staten Island), Martin Golden (R-C, Brooklyn), Diane Savino (D, Staten Island/Brooklyn), and Simcha Felder (D, Brooklyn): allows New York City to offer real property tax relief to city residents whose properties were severely damaged by Hurricane Sandy. Eligible residents would receive a rebate that reflects the reduction in value of the improvements on property for a period of eight months from the date of Hurricane Sandy to the end of the city’s 2013 fiscal year.

S4554A sponsored by Senator Dean G. Skelos (R, Rockville Centre): provides local option to counties within the Hurricane Sandy federal disaster area outside of New York City to grant exemptions for filing fees (or reimbursement if fees have already been paid) associated with federal Small Business Administration Disaster Loans filed with the county clerk's office.

Final Passage.

S5796 sponsored by Senators Golden and Savino: Provides local option to New York City to grant exemptions for filing fees (or reimbursement if fees have already been paid) associated with federal Small Business Administration Disaster Loans filed with the county clerk's office that are connected with damage due to Hurricane Sandy.

S3716 sponsored by Senator Skelos: Expands the financing options available to the City of Long Beach to recover from the destruction caused by Superstorm Sandy. Final Passage.

S4969 sponsored by Senator Lanza: Amends a law passed as part of the state budget which requires the New York State Energy Research and Development Authority to develop recommendations about establishing microgrids to now include not-for-profit organizations focused on disaster relief and recovery. Microgrids are a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that acts as a single controllable entity and can connect and disconnect from the grid to enable it to operate in both grid-connected or island-mode. Final Passage.

S5323A sponsored by Senator George Maziarz (R-C, Newfane): removes barriers to the efficient deployment of out-of-state infrastructure restoration workers, such as utility and wireless network providers, to expedite the restoration of infrastructure and utilities. Final Passage.

S4666 sponsored by Senator Golden: Provides for Hurricane Sandy Recovery Funds oversight by requiring the state Division of Budget to maintain a website that provides regularly updated information detailing how Hurricane Sandy recovery monies are being spent.

S3667A sponsored by Senator Savino: requires those performing mold assessment and mold remediation to be licensed by the state, helping to ensure the proper training by those addressing this public health issue.

S5087 sponsored by Senator David Carlucci (D-Rockland): Provides that the Clarkstown Central School District shall be entitled to full aid notwithstanding the fact that they were in session for one day less than the required 180 days.

S2338A sponsored by Senator Jeffrey Klein (D-Bronx/Westchester): Directs the special advisory panel on homeowner insurance/catastrophe coverage to study certain facets of insurance in coastal areas so that homeowners are able to continue accessing a variety of insurance products at affordable prices to cover their diverse insurance and protection needs in the wake of Sandy.

S3850 sponsored by Senator Savino: Provides an incentive for business located in areas with varying levels of flood risk to obtain flood insurance by offering corporate franchise tax and personal income tax credits.

S5790 sponsored by Senator James Sanders, Jr. (D-Queens): Requires the Department of Homeland Security to conduct a study regarding the feasibility of installing tornado sirens to add redundancy to warning systems that could be rendered useless due to power loss from major disasters.

S4719 sponsored by Senators Lanza and Savino: Expands the definition of "essential emergency vehicles and personnel" that are exempted from curfews and traffic prohibitions

during declared emergencies to include personnel or vehicles of licensed or certified home health agencies or hospices. These individuals require such access in order to provide care and treatment to individuals in their homes or shelters during emergencies.

S5787 sponsored by Senators Greg Ball (R-C, Pawling), Carl Marcellino (R, Syosset), and Carlucci: Improves the state's ability to coordinate, prepare, and respond to disaster emergencies by making technical updates to current emergency laws, allowing the state to accept certain non-monetary donations to assist with emergencies, and helping to implement the NY-Text emergency alert system.

S5798 sponsored by Senators Golden, Lee Zeldin (R-C-I, Shirley) and Savino: requires the Department of Financial Services to conduct a study of anti-concurrent clauses in homeowners insurance policies with regards to sewer backup coverage. Many people affected by Superstorm Sandy found that anti-concurrent causation clauses in their policies prevented them from receiving coverage for property damage, especially damage to sewer lines. This bill will allow the Legislature to make an informed decision regarding the appropriate future treatment of these clauses in policies for sewer backup insurance coverage.

S3736B sponsored by Senator Joseph Addabbo, Jr. (D-Queens): Helps residents in Breezy Point, Queens, rebuild by waiving the requirement that a permit be granted for reconstruction of a building that has suffered substantial damage caused by Hurricane Sandy, provided the construction has sprinklers in accordance with the local building and fire code. The unique layout of Breezy Point required this additional permit because homes do not have mapped street frontage. Final Passage

S4725 sponsored by the Rules Committee: Allows a municipality to have some flexibility in addressing Hurricane Sandy costs by repaying inter-fund advances made for Sandy-related

expenses by the end of the next succeeding fiscal year. Current law requires municipalities to repay inter-fund advances by the close of the fiscal year in which the advance was made.

Final Passage

S4726 sponsored by the Rules Committee: Authorizes local governments and school districts impacted by Hurricane Sandy to expend and temporarily transfer reserve funds for Sandy-related expenses. Any transfer made pursuant to this provision would be required to be reimbursed over a five-year period, starting with the fiscal year following the transfer, with at least 20 percent of the transferred funds reimbursed each year during the five-year period.

Final Passage

S4729 sponsored by the Rules Committee: Provides additional financing options to municipalities, school districts, and fire districts by giving them the authority to issue serial bonds to finance certain extraordinary expenses necessitated by Hurricane Sandy, similar to what was offered for communities impacted by Hurricane Irene/Tropical Storm Lee.

S4778B sponsored by Senator Golden: Establishes an executive statewide plan for natural disaster emergency procedure that allows state and local officials to act cooperatively and efficiently in the event that the state is affected by extreme weather or other such natural disaster. It will also provide the public with a clear, concise, and effective set of guidelines for how to prepare for these types of disasters.

A bill (S5407) that is part of this package but was passed last week by the Senate is sponsored by Senator Klein. The measure directs the state to examine, evaluate, and make recommendations about establishing an office of risk assessment and management. The risk manager would help anticipate, curtail, and minimize future state liabilities due to personal injury of its employees and the general public or the physical damage to property that occurs during the normal course of state operations or as a consequence of a natural disaster or

catastrophic weather event.

The legislative agenda passed today complements the findings of the New York State Senate Bipartisan Task Force on Hurricane Sandy recovery. Following the storm, Task Force members toured storm-damaged communities across the New York City Metro Area, including Freeport, Island Park, Oceanside, The Rockaways, Staten Island, Brooklyn, Manhattan, and the Hudson Valley to meet first-hand with local officials and those who had been impacted.

In addition to the measures passed today, the 2013-14 state budget included several Hurricane Sandy-related items including: providing the appropriation authority to implement federal funding for Sandy recovery efforts; requiring gas stations to install generators or pre-wiring for generators; requiring the state to develop recommendations for the establishment of microgrids to assist in disaster relief and recovery; and providing the Public Service Commission with additional oversight and enforcement authority for certain electric utilities.