



## Legislation Text

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**File #:** Res 0428-2006, **Version:** \*

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### Res. No. 428

Resolution calling upon the Governor and New York State Legislature to execute an amended Memorandum of Understanding (MOU) for the distribution of the second round of funding for the Brownfield Opportunity Areas Program (BOA), and to provide in such amended MOU for projects already awarded grants to receive such funds and proceed without unnecessary delay, and for projects that are consistent with the BOA plans to be given priority and preference for funding from State agencies.

By Council Members Gennaro, Fidler, Foster, James, Mendez, Seabrook and Mark-Viverito.

Whereas, On October 7, 2003, Governor George E. Pataki signed into law the landmark Superfund/Brownfield Law, which, among other things, created a Brownfield Cleanup Program (BCP) for New York State; and

Whereas, The New York State Legislature acknowledged that there are thousands of contaminated properties that threaten the health and vitality of the communities in which they are located, and that these sites, known as brownfields, are also contributing to sprawl, unwanted development, and loss of open space; and

Whereas, The BCP was formed to encourage the voluntary remediation of brownfields and to address the environmental, legal, and financial barriers that often hinder the redevelopment and reuse of contaminated properties; and

Whereas, The presence of brownfields in New York City is a major policy concern because there is a limited supply of vacant land in the City, brownfields make up a large portion of the relatively few sites available in the City for development and, in some areas, brownfields create or add to neighborhood blight; and

Whereas, According to the New York City Independent Budget Office, “there are an estimated 3,000 acres to 4,000 acres of brownfields in the city;” and

Whereas, Most of the City’s brownfield sites are located in or near low- and moderate-income

communities that have witnessed a long history of abandonment, disinvestment, and environmental degradation; and

Whereas, The New York State Superfund/Brownfield Law of 2003 stipulates that a Memorandum of Understanding (MOU) be executed annually by the Governor, the Temporary President of the New York State Senate, and the Speaker of the New York State Assembly, to authorize the expenditure of funds associated with the Brownfield Cleanup Program, including the Brownfield Opportunity Areas (BOA) Program, as set forth in Section 970-R of the General Municipal Law; and

Whereas, The BOA Program is crucial to fulfilling the New York State Superfund/Brownfield Law's intent of revitalizing communities burdened by brownfield sites, particularly minority and lower-income communities, through the productive reuse and redevelopment of brownfield sites; and

Whereas, The need for an effective transition from one phase of the BOA program to the next without administrative barriers, as was envisioned at the time the BOA was crafted, is imperative to the successful and timely execution of a BOA project, and the current practice of requiring an amended MOU to be executed by the Governor, Senate President, and Assembly Speaker is seriously hampering such transitions, thereby slowing down the cleanup and redevelopment of brownfield sites in New York City; and

Whereas, The failure to reach an agreement on an amended MOU for the allocation of BOA program funding provided in the state budget for fiscal years 2003-2004 and 2004-2005 has delayed and will continue to delay the disbursement of such funding, thereby depriving the citizens of the State of New York and their communities of much needed relief and benefits; and

Whereas, It is imperative that the Governor and New York State Legislature agree upon an amended MOU that ensures the distribution of the second round of BOA funding provided in the state budget for fiscal years 2003-2004 and 2004-2005; and

Whereas, It is also imperative that the amended MOU agreed upon by the Governor and New York State Legislature contain a framework that restructures those practices of the BOA decision-making process that

currently impede the disbursement of funding and the ability of planning efforts to move seamlessly from stage to stage, thereby providing guidance and regulatory certainty to community-based organizations participating in the program;

Whereas, The New York State Superfund/Brownfield Law of 2003 requires that priority and preference be given to projects in designated BOAs when such projects are being considered for financial assistance pursuant to Titles 54 and 56 of the Environmental Conservation Law and, to the extent authorized by law, such projects may receive a priority and preference when considered for financial assistance pursuant to any other state, federal or local law; and

Whereas, The details pertaining to such priority and preference are not included in the statute and the State has been slow to create and apply such priority and preference for projects in designated BOAs; and

Whereas, Applying such priority and preference to projects in designated BOAs is crucial to facilitating redevelopment projects and revitalizing communities within designated BOAs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor and New York State Legislature to execute an amended Memorandum of Understanding (MOU) for the distribution of the second round of funding for the Brownfield Opportunity Areas Program (BOA), and to provide in such amended MOU for projects already awarded grants to receive such funds and proceed without unnecessary delay, and for projects that are consistent with the BOA plans to be given priority and preference for funding from State agencies.

7/12/06

LS #1015