



Legislation Details (With Text)

**File #:** Res 0714-2023      **Version:** \*      **Name:** NYS Department of Health and NYS Environmental Facilities Corporation to fairly allocate grants and loans for lead service line replacement approved in the Federal Bipartisan Infrastructure Law and to remove all rules preventing NYC from receiving a fair

**Type:** Resolution      **Status:** Filed (End of Session)

**In control:** Committee on Environmental Protection, Resiliency and Waterfronts

**On agenda:** 7/13/2023

**Enactment date:**      **Enactment #:**

**Title:** Resolution calling upon the New York State Department of Health and New York State Environmental Facilities Corporation to fairly allocate grants and loans for lead service line replacement approved in the Federal Bipartisan Infrastructure Law and to remove all rules preventing New York City from receiving a fair share of this funding.

**Sponsors:**

**Indexes:**

**Attachments:** 1. Res. No. 714, 2. July 13, 2023 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 7-13-23, 4. Minutes of the Stated Meeting - July 13, 2023

| Date       | Ver. | Action By    | Action                      | Result |
|------------|------|--------------|-----------------------------|--------|
| 7/13/2023  | *    | City Council | Introduced by Council       |        |
| 7/13/2023  | *    | City Council | Referred to Comm by Council |        |
| 12/31/2023 | *    | City Council | Filed (End of Session)      |        |

Res. No. 714

Resolution calling upon the New York State Department of Health and New York State Environmental Facilities Corporation to fairly allocate grants and loans for lead service line replacement approved in the Federal Bipartisan Infrastructure Law and to remove all rules preventing New York City from receiving a fair share of this funding.

By Council Members Gennaro, Farías, Yeger, Brooks-Powers, Nurse, Schulman, Riley, Williams, Won and Brewer

Whereas, Lead is a naturally occurring metal, exposure to which can cause significant health and developmental issues for people, particularly when exposure occurs during pregnancy or childhood; and

Whereas, Some common ways that people are exposed to lead are through ingesting contaminated food or water, ingesting paint chips, or through the inhalation of lead dust; and

Whereas, Children younger than six are at heightened risk of lead exposure, in part because lead is

easily absorbed into developing nervous systems; and

Whereas, According to the United States Environmental Protection Agency (EPA) and the Centers for Disease Control and Prevention (CDC), there is no known safe level of lead in a child's blood, as even low levels of lead in a child's bloodstream can result in permanent damage, including developmental delays, behavioral issues, learning difficulties, and neurological damage; and

Whereas, Service lines connecting buildings to New York City's water distribution infrastructure, as well as piping and plumbing fixtures within buildings, particularly those built before 1961, can act as a source of lead contamination, when such pipes and fixtures were constructed from lead; and

Whereas, New York City's drinking water distribution system delivers lead free water to buildings, and treats water with food grade phosphoric acid and sodium hydroxide to minimize the likelihood of lead leaching from pipes into the water; and

Whereas, As part of President Joe Biden's Bipartisan Infrastructure Law, the federal government has allocated \$50 billion dollars to upgrade water and wastewater infrastructure across the United States, including \$15 billion dedicated to lead service line replacement and \$11.7 billion dollars in general Drinking Water State Revolving Funds, that can be spent on lead service line replacement; and

Whereas, In 2021, the Biden administration released the Biden-Harris Lead Pipe and Paint Action Plan, directing the EPA to allocate an additional three billion dollars in Bipartisan Infrastructure Law funding to states, tribes, and territories for lead service line replacements in 2022, and clarifying that the \$350 billion State and Local Fiscal Recovery Fund provided in the American Rescue Plan Act of 2021 could be used to replace lead service line, lead faucets and fixtures; and

Whereas, The Lead Pipe and Paint Action Plan also includes five billion dollars for the mitigation and removal of lead paint, lead faucets, and fixtures containing lead in low-income households, by the U.S. Department of Housing and Urban Development (HUD), \$65 billion of Build Back Better Act funding for public housing agencies, and \$5 billion for other federally-assisted housing preservation and rehabilitation,

which can be used for lead pipe replacement, and the replacement of privately owned lead service lines; and

Whereas, In New York, much of the funding from the Drinking Water State Revolving Funds will be administered by the New York State Environmental Facilities Corporation (EFC), which uses funding formulas and rules that functionally exclude New York City from fairly accessing grant funding; and

Whereas, EFC's standard guidelines include a hardship rule, which aims to target grants and/or principal forgiveness and interest free financing toward low-income families, but the rule excludes municipalities with populations exceeding 300,000 residents from accessing grant funding, regardless of whether any other criteria are met, essentially allowing every city in New York State apart from New York City to access that grant funding; and

Whereas, State law and EFC have also established per-municipality funding caps that severely disadvantage New York City, leading to the city being awarded only six million dollars over two years of funds from grants EFC announced in November of 2022, despite applying for, and being otherwise eligible to receive \$110 million dollars in project costs; and

Whereas, In August of 2022, New York City submitted six lead service line grant applications totaling approximately \$57.5 million dollars for remediation work in census tracts across the Bronx and Queens that demonstrate severe financial hardship, are known to have a high density of lead service lines, and contain a large population of children; and

Whereas, Under the New York State Department of Health's proposed guidelines for the distribution of lead service line replacement funds, communities would be limited to \$10 million in grants or principal loan forgiveness loans, making New York City eligible for only \$24 million in total funding, approximately 17% of grant funding available; and

Whereas, New York City represents approximately 44% of New York State's population and 59% of the state's disadvantaged communities, while providing 62% of the state's revenue. New York City is also a majority minority population, while the rest of the state is not; and

Whereas, Absent access to grant funding, New York City will be forced to slow down its planned lead service line replacement work, further burdening communities already among the most affected by income inequality and environmental racism; and

Whereas, Any guidelines or rules that prevent New York City from accessing its fair share of grants, loans, state funds, or federal funds directly disenfranchises a majority of New York State's most disadvantaged communities, and raises environmental justice and equity concerns; therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Department of Health and New York State Environmental Facilities Corporation to allocate grants and loans for lead service line replacement approved in the Federal Bipartisan Infrastructure Law fairly across New York State, and to remove all discriminatory rules preventing New York City from receiving a fair share of this funding

NRC  
LS#12713  
6/20/23