



Legislation Text

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Res. No. 81

Resolution calling on Congress to pass, and the President to sign, legislation amending the Stafford Act to proactively fund the planning and construction of FEMA and HUD coastal resiliency projects.

By Council Members Brannan, Brewer, Restler, Nurse, Yeger, Sanchez, Ayala and Riley

Whereas, The Robert T. Stafford Disaster Relief and Emergency Assistance Act (“the Stafford Act”) gives the president the power to declare a national emergency as a response to a national disaster, thereby allowing the president to access funds set aside by Congress to provide states with federal assistance during and after an emergency or disaster; and

Whereas, The United States (“U.S.”) has a number of agencies that work towards disaster relief, such as the Federal Emergency Management Agency (“FEMA”), the U.S. Department of Housing and Urban Development (“HUD”), and the U.S. Army Corps of Engineers (“USACE”); and

Whereas, Although FEMA and HUD administer federal funding programs for disaster relief and prevention, the USACE is also able to fund, design, and construct large-scale infrastructure projects, provided, however, that all allocations for such programs and projects must be planned for and earmarked in advance by Congress; and

Whereas, The Stafford Act required all funding requests must be in relation to a “major disaster” declaration by the president for a declared disaster that occurred in the past seven years; and

Whereas, The Safeguarding Tomorrow through Ongoing Risk Mitigation Act, or The STORM Act, was passed on January 1, 2021, amending the Stafford Act by adding § 205, which authorizes the FEMA Administrator to enter into agreements with a state or Indian tribal government (“eligible entity”) to make

capitalization grants that are not contingent upon prior disaster declarations but are instead based on an application's ability to detail both recurring major disaster vulnerabilities that show sizable risk and how the application's plan would achieve resilience in a vulnerable area to establish hazard mitigation so as to help local governments carry out eligible projects to reduce disaster risks and decrease disaster costs, with single hazard mitigation projects having to be less than \$5 million; and,

Whereas, The STORM Act authorizes appropriations of \$100 million for each of Fiscal Year 2022 and Fiscal Year 2023, but has not authorized any appropriations after Fiscal Year 2023; and

Whereas, FEMA and HUD have dedicated disaster relief and mitigation funding programs, particularly FEMA's Building Resilient Infrastructure and Communities ("BRIC") and Disaster Relief Fund ("DRF") and HUD's Community Development Block Grant Mitigation ("CDBG-MIT") and Disaster Relief ("CDBG-DR") programs, all of which provide key frameworks and details for directing federal disaster funding in accordance with the Stafford Act; and

Whereas, While BRIC and CDBG-MIT were formulated with a focus on future disaster prevention and mitigation, they are still mandated by the Stafford Act to require funding allocations to be in relation to recent and past disasters; and

Whereas, The Stafford Act caps BRIC funding at up to 6 percent of the total estimated disaster expenditures associated with each presidential disaster declaration, with annual contributions depending on the number and cost of disasters in the previous year and all funds entering the National Public Infrastructure Pre-Disaster Mitigation Fund, leading to FEMA estimating annual contributions to this fund to be between \$300 and \$500 million nationwide; and

Whereas, For Fiscal Year 2020 ("FY2020"), BRIC was allocated \$500 million, and, in 2018, Congress appropriated \$15.9 billion to HUD for CDBG-MIT for mitigation activities for qualifying disasters in 2015, 2016, and 2017, but has not indicated plans for future CDBG-MIT appropriations or allocations; and

Whereas, In comparison, the New York City Council issued a report entitled “Securing Our Future: Strategies for New York City in the Fight Against Climate Change,” which included a snapshot of New York City’s (“NYC”) current coastal resiliency projects, which cost approximately \$52.87 billion in combined funding from NYC, New York State, USACE, FEMA, and HUD, demonstrating that current federal funding for coastal resiliency will not be sufficient for the future needs of both NYC and the nation at large; and

Whereas, Due to the advance of climate change, more and more national disasters are happening each year, with FEMA reporting more than twice the number of annual billion-dollar events in the U.S. were experienced in the 2010s compared to the 2000s, that 2020 bore witness to the most active Atlantic hurricane season on record, and that severe storms are becoming an increasing contributor to the number of billion-dollar events, with the average frequency of high-tide flooding already up 50 percent when compared to the frequency in 2000; and

Whereas, The National Oceanic and Atmospheric Administration (“NOAA”) found that NYC is under threat from disasters like flooding, sea level rise, and coastal storms due to its 520 miles of coastline, which is more shoreline mileage than the cities of Miami, Los Angeles, San Francisco, and Boston combined, meaning coastal resiliency efforts, which seek to protect against coastal hazardous events, are a necessary aspect of disaster prevention in NYC; and

Whereas, Regular tidal flooding is already occurring in NYC neighborhoods such as Broad Channel, Hamilton Beach, and Howard Beach, with a Lower Manhattan Climate Resilience Study conducted by NYC’s Economic Development Corporation and the Mayor’s Office of Climate & Environmental Justice finding that by 2050, 37 percent of buildings in Lower Manhattan will be at risk from a rise in seawater level caused by a storm, otherwise known as storm surge; and

Whereas, FEMA recorded billions of dollars in National Flood Insurance Program (“NFIP”) payouts in the past decade, with six of the top 10 most significant NFIP payouts occurring in the past decade, and all 10

occurring since 2000, and has paid out \$830 million to NFIP policy holders in 2020 alone; and

Whereas, According to NOAA, coastal resiliency efforts are crucial to protecting against and minimizing the impacts of coastal hazards like flooding and storm surge, as well as coastal disasters like Hurricane Sandy, which cost \$19 billion in citywide damages and lost economic activity while also damaging over 69,000 residential units according to the NYC Mayor’s Office of Management and Budget; and

Whereas, Coastal resiliency efforts are predicated on preparing for, rather than reacting to, coastal hazards and consist of a myriad of different strategies, all of which take time and money to develop, yet, in 2020, FEMA published their “FEMA Mitigation Action Portfolio” which found that natural hazard mitigation saves, on average, \$6 in future disaster costs for every \$1 spent on federal grants; and

Whereas, As currently written, and other than what is authorized by the STORM Act, the Stafford Act only allows for mitigation funding as a reaction to past disasters as declared by the president, rather than a proactive protection against potential future disasters and damages, meaning that potential disasters which, due to climate change, could impact an area previously not affected by disasters, or wreak damage on an unprecedented level, would not allow an applicant to qualify for federal mitigation funding needed to build resiliency; and

Whereas, Proactive funding of coastal resiliency projects would entail both increased funding and easier access to disaster prevention funding, both of which would enhance and expedite current and future coastal resiliency plans, and which might cost-effectively reduce future needs for post-disaster funding and flood insurance payouts; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, legislation amending the Stafford Act to proactively fund the planning and construction of FEMA and HUD coastal resiliency projects.

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Session 11

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Res. No. 1532-2021