



Legislation Text

File #: Res 0795-2005, **Version:** A

Res. No. 795-A

Resolution calling upon the Governor and New York State Legislature to execute the Memorandum of Understanding required for the implementation of the landmark 2003 New York State Brownfield Cleanup Program and distribution of funding through the Brownfield Opportunity Areas Program.

By Council Members Gennaro, Baez, Barron, DeBlasio, Dilan, Foster, Gonzalez, Koppell, Martinez, McMahon, Palma, Reyna, Avella, Brewer, Clarke, Comrie, Fidler, Gentile, Gerson, James, Katz, Liu, Nelson, Quinn, Sanders Jr., Vann, Weprin, Vallone Jr. and The Public Advocate (Ms. Gotbaum)

Whereas, On October 7, 2003, Governor George E. Pataki signed into law the long-awaited new Superfund/Brownfield Law, which, among other things, created a Brownfield Cleanup Program (“BCP”) for New York State; 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 are a major policy concern because there is a limited supply of vacant land in the City and 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, The New York State Legislature acknowledged that there are thousands of contaminated properties that threaten the health and vitality of the communities they burden, and that these sites, known as brownfields, are also contributing to sprawl development and loss of open space; 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, disinvestments, and environmental degradation; and

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

Whereas, The BOA Program offers an unparalleled opportunity to see vacant land in minority and underserved communities redeveloped, improved, and put to productive use; and

Whereas, Under the BOA Program, municipalities, community-based organizations, and partnerships of the two may apply for the financial assistance necessary to successfully complete area-wide brownfield redevelopment plans; and

Whereas, The BOA Program is the key to unlocking the potential for revitalizing New York City’s neighborhoods by redeveloping brownfield properties to meet vital community needs such as affordable housing, open space, and local job-creating businesses; and

Whereas, To date, approximately 20 percent of the applications for BOA Program funding have come from the five borough of New York City; and

Whereas, Governor Pataki, Senate President Bruno, and Assembly Speaker Silver have failed to reach agreement on the MOU; and

Whereas, The failure to reach agreement on the MOU has delayed the disbursement of the \$30 million appropriated thus far for the BCP/BOA Programs and, thereby, depriving New Yorkers and their communities of much needed relief and benefits; and

Whereas, It is imperative that the Governor and New York State Legislature agree upon a MOU that ensures a multi-year funding stream for the BOA Program, that requires the State to routinely report on key

programmatic decisions in order to promote accountability, and that, ideally, establishes an advisory committee to assist the State in implementing the Program; 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 the Memorandum of Understanding required for the implementation of the landmark 2003 New York State Brownfield Cleanup Program and distribution of funding through the Brownfield Opportunity Areas Program.

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