State of New York

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Department of State
Secretary of State

State of New York

Executive Chamber

No. 33

EXECUTIVE ORDER

TEMPORARY SUSPENSION OF PROVISIONS RELATING TO BUSINESSES AFFECTED BY THE STATE DISASTER EMERGENCY

WHEREAS, on August 25, 2011, I issued Executive Order Number 17 declaring a disaster emergency in the counties of Bronx, Kings, New York, Queens, Richmond, Nassau, Suffolk and contiguous areas in the State of New York; and

WHEREAS, on September 15, 2011, as a result of the power outages and extensive flooding and damages to homes, businesses and transportation networks caused by Hurricane Irene and Tropical Storm Lee, I issued Executive Order Number 22 in order to amend Executive Order Number 17 to declare a State disaster emergency, effective September 12, 2011, within the territorial boundaries of the following additional Counties: Albany, Broome, Chenango, Chemung, Clinton, Columbia, Delaware, Dutchess, Essex, Greene, Herkimer, Montgomery, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Sullivan, Tioga, Ulster, Warren, Washington and Westchester; and

WHEREAS, Section 29-a of the Executive Law authorizes the suspension, alteration or modification of statutes, local laws, ordinances, orders, rules or regulations, or parts thereof, if compliance with such provisions would prevent, hinder or delay action necessary to cope with a disaster emergency; and

WHEREAS, there are available funds from the New York Main Street Program to address the immediate needs of local businesses, including the rehabilitation of commercial buildings and the replacement of permanent fixtures and equipment;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend and otherwise alter or modify specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, hereby temporarily suspend or modify, for the period from the date of this Executive Order until further notice, the following laws under the following conditions:

1. Subdivision (4-a) of Section 146 of the Executive Law, to the extent that the chairperson of the Housing Trust Fund Corporation determines it necessary to waive any requirement to publish, in the State Register or elsewhere, notice of the availability of Main Street Program funds;

2. Subdivision (3) of Section 1221 of the Private Housing Finance Law, to the extent of allowing New York Main Street Program funds to be used in disaster emergency areas that might not otherwise be eligible;

3. Subdivision (4) of Section 1221 and subdivision (5) of Section 1222 of the Private Housing Finance Law, to the extent of eliminating New York Main Street Program's minimum requirements for

submitting a plan or proposal, thereby allowing the Housing Trust Fund Corporation and/or any eligible applicant to expedite the delivery of Main Street Program funds in disaster emergency areas;

4. Subdivision (2) of Section 1222 of the Private Housing Finance Law, to the extent that the Housing Trust Fund Corporation would be permitted to make awards larger than the $500,000 limit on Main Street Program contracts to new applicants or to award additional Main Street Program funds to existing Main Street participants;

5. Subdivision (3) of Section 1222 of the Private Housing Finance Law, to the extent that the Chairperson of the Housing Trust Fund Corporation determines that an eligible applicant or an existing Main Street Program participant can reasonably justify an increase in the limit on the percentage of a Main Street contract that can be used for approved planning and administrative cost; and

6. Subdivision (2) of Section 14.09 of the Parks, Recreation and Historic Preservation Law, to the extent of requiring the Commissioner of Parks, Recreation and Historic Preservation to undertake in an expedited fashion the required review as to whether an applicable project may have an adverse impact on any property that is listed on the national register of historic places or on the state register or is determined to be eligible for the state register.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this tenth day of November in the year two thousand eleven.

BY THE GOVERNOR

Secretary to the Governor