



MEMORANDUM IN SUPPORT
S.8581 (Comrie) / A.9342 (Anderson)

AN ACT to amend the executive law and the state finance law, in relation to expanding eligibility for participation in the resilient retrofits loan and grant program and establishing the resilient retrofit loan and grant fund

We write in strong support of S.8581, which expands the eligibility criteria and amounts awarded for loans and grants pursuant to the Resilient Retrofits program for private sewer repairs and upgrades. This amendment will provide necessary financial support for New Yorkers facing the increasing private costs of flooding and sewage backups and help protect the safety, financial stability, and housing security of homeowners. Moreover, S.8581 will contribute to ensuring a clean and healthy environment for New Yorkers, as guaranteed by the New York State Constitution.

Communities in which New York City has historically invested less money and resources—which tend to be Black, Brown, and low-income communities—disproportionately bear the burdens of flooding and sewage backups.¹ For example, residents in Queens, the City’s most racially diverse borough,² made over 4,000 backup complaints involving private sewer systems to the NYC Department of Environmental Protection (DEP) in 2022 alone.³ Many homeowners cannot meet the compounding costs of short or long-term solutions to problems with their sewer systems. Sewer backups make residents’ environments unsafe, unhealthy, and inhumane,⁴ interfering with their constitutional right to a clean and healthy environment.⁵

The problems faced by New York Lawyers for the Public Interest (NYLPI) client communities in Queens are characteristic of this problem throughout New York.

¹ Kriston Capps & Christopher Cannon, *Redlined, Now Flooding*, BLOOMBERG (March 15, 2021); Bringing Basement Apartments Into the Light, 6, Office of the New Comptroller (Aug. 30, 2022).

² NYU Furman Center, American Community Survey: City and Borough Data <https://furmancenter.org/stateofthecity/view/citywide-and-borough-data> (last accessed Feb. 27, 2024)

³ NYC Department of Environmental Protection, *State of the Sewers 2022*, <https://www.nyc.gov/assets/dep/downloads/pdf/water/wastewater/state-of-the-sewers-2022.pdf>

⁴ See Dennis Pillion, *Alabama Black Belt Becomes Environmental Justice Test Case: Is Sanitation a Civil Right?*, Inside Climate News (July 10, 2023), https://insideclimatenews.org/news/10072023/alabama-sanitation-civil-rights-biden/?utm_source=InsideClimate+News&utm_campaign=e91b9fb4e0-EMAIL_CAMPAIGN_2023_07_15_01_00&utm_medium=email&utm_term=0_29c928ffb5-e91b9fb4e0-330506442

⁵ Environmental Rights Amendment, Art. 1, §19.

South Jamaica, Queens has a community of 20 homes that are connected on a failing private sewer line requiring frequent repair and maintenance (approximately \$10,000 per year).⁶ DEP has pledged to build a public line for this area within 4 years. Residents must then make private ‘lateral’ connections to the public line, which cost \$15,000 per house.

East Elmhurst, Queens has an area of about 35 homes on a public sewer line that faces chronic sewer backups.⁷ Many residents have serious health problems caused by sewage backups, including respiratory illnesses and skin infections, and many do not have health insurance. Residents would benefit from the installation of mechanisms like automatic backwater valves. Currently, residents are left to cover the costs of cleaning and repairing flood damage, which can cost tens of thousands of dollars. The availability of grants and loans for repairs, upgrades, and cleanup costs would make a massive difference.

S.8581 will provide life-changing support for New Yorkers facing the dire and rapidly worsening consequences of climate change and inadequate sewer infrastructure. This legislation will increase the safety, financial stability, housing security, health, and well-being of New Yorkers and help uphold their rights to a clean and healthy environment.

For more information, please contact Niki Cross, Environmental Justice Staff Attorney at ncross@nylpi.org. To learn more about NYLPI, please visit <http://www.nylpi.org>.

Founded 45 years ago by leaders of the bar, New York Lawyers for the Public Interest (NYLPI) is a community-driven civil rights organization that pursues justice for all New Yorkers. NYLPI works toward a New York where all people can thrive in their communities, with quality healthcare and housing, safe jobs, good schools, and healthy neighborhoods. Our Environmental Justice program fights environmental racism, works to eliminate the unfair burden of environmental hazards borne by low-income communities and communities of color, and seeks to create a more equitable and sustainable city.

⁶ Roxanne Scott, Sewer Backups, *Increasing from Climate Change, are Costing City’s Homeowners*, City Limits (Oct. 12, 2022), <https://citylimits.org/2022/10/12/sewer-backups-increasing-from-climate-change-are-costing-citys-homeowners/>

⁷ Ryan Schwach, ‘Worried every day it rains’: East Elmhurst residents struggle with flooding, Queens Daily Eagle (Jan. 12, 2024), <https://queenseagle.com/all/2024/1/12/worried-every-day-it-rains-east-elmhurst-residents-struggle-with-flooding>