

**COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY (CDBG-DR) PROGRAM**

SUBSTANTIAL AMENDMENT NO. 11

Approved by HUD January 25, 2016

List of additions to: ACTION PLAN AMENDMENTS No. 8, No. 9 and No. 10

In sections: Proposed Use of Funds, NY Rising Housing Recovery Programs and Allocation of Funds Chart.

Summary:

Action Plan Amendment 11 will address the following items:

- A. *Municipal Support Program*: has been clarified to include the ability to reimburse municipalities for costs in the permitting offices for storm-related damage to (1) multi-family buildings and (2) homes in the NY Rising Buyout and Acquisition Program, in addition to damaged homes in the NY Rising Homeowner Recovery Program.
- B. *NY Rising Condominium and Cooperative Program*: originally part of the NY Rising Homeowner Recovery Program. This amendment is to create a separate NY Rising Condominium & Cooperative Program to address the unique conditions posed by these types of legal structures.
- C. *NY Rising Rental Buildings Recovery Program*. Clarifying eligible activity to include mitigation for all NY Rising Rental Buildings Recovery Program and increasing the base cap for rental properties to be \$300,000.
- D. *NY Rising Buyout and Acquisition Program*. Eligibility for applicants is expanding to include applicants who are subsequent homeowners and banks in the Enhanced Buyout Areas. The State seeks the maximum level of homeowner participation in the Enhanced Buyout Areas to protect nearby communities from the impact of extreme weather. To avoid patchwork effect among these high risk areas, the State is proposing to amend the Action Plan to allow subsequent homeowners, including banks that purchased foreclosed homes, to participate in the program. Obtaining 100% participation in the Enhanced Buyout Areas improves the resiliency of the larger community by transforming the parcels of land into wetlands, open space, or storm water management systems, the State creates a natural coastal buffer to safeguard against future storms.
- E. *NY Rising Infrastructure Program*. The State, through GOSR, will provide an additional \$27.5 million dollars in match to assist LIPA address unmet recovery needs for FEMA Public Assistance costs ties to restoration related activities as a result of Hurricane Irene, Superstorm Sandy and Winter Storm NEMO. The budget for overall Match allocation in the Proposed Allocation of Funds chart in GOSR's Action Plan will be reduced to provide for the additional funds specifically allocated to LIPA. See Proposed Allocation of Funds chart for updated budget.

A. Municipal Support Program

Municipal Support Program (pg. 50 of APA8)

Eligible Activity: Public services 105(a)(8)

National Objective: Urgent Need

Budget: \$6,000,000 (as part of the NY Rising Housing Recovery Programs)

Project Description: The majority of applicants under the New York State Rising Housing Recovery Program are concentrated in specific counties. The State understands that municipalities within these counties bear part of the costs tied to the rebuilding effort. Further, municipalities may require substantial assistance in their permitting offices in order to process and produce an increased number of inspections and permits. Therefore, New York State developed the Municipal Support Program as part of the NY Rising Housing Recovery Program to provide grant funds for the reimbursement of storm-related costs to municipalities in damaged counties. Reimbursements include, but are not limited to, salaries, permitting costs, and inspection costs as they relate to applicable properties in GOSR's NY Rising Housing Recovery Programs including storm-damaged homes, multi-family buildings, and acquisition or buyout properties. This funding may help eliminate impediments municipalities might face in processing permits and completing inspections that are necessary for both property owner and homeowner recovery projects to proceed.

B. NY Rising Condominium and Cooperative Program

NY Rising Condominium and Cooperative Program

Condominiums and Cooperatives were originally part of the NY Rising Homeowner Recovery Program. This amendment is to create a separate NY Rising Condominium & Cooperative Program to address the unique conditions posed by these types of legal structures. Condominium unit owners will be helped through this Program if they cannot be helped through either the NY Rising Homeowner Recovery Program or the NY Rising Rental Buildings Recovery Program.

Activity Type: Repair, reconstruction, and mitigation of residential condominium & cooperative structures.

National Objective: Low- and Moderate- Income or Urgent Need

Geographic Eligibility: Disaster-declared counties outside of New York City

Eligible Activity: Sec. 105 (a) (4) 42 U.S.C. 5305(a)(4)

Eligible Applicants: This Program is available to Condominium Associations, Cooperative Boards, Condominium Unit Owners, and Cooperative Shareholders whose condominium or cooperative property is located outside of New York City and sustained damage from Hurricane Irene, Tropical Storm Lee, and/or Superstorm Sandy.

Program Description: The NY Rising Condominium & Cooperative Program includes the following eligible funding activities:

- **Reimbursement:** The Program provides reimbursement for eligible costs incurred by Condominium Associations/Cooperative Boards and unit owners/shareholders for completed structural repair or reconstruction activities for the Condominium or Cooperative property.
- **Repair:** The Program pays for approved and eligible costs to complete repairs to Condominium or Cooperative properties that have not yet been completed.
- **Resiliency Measures:** The Program pays for resiliency measures such as mandatory elevation of the structure when feasible for substantially damaged/improved properties located in the 100-year floodplain, as well as bulkhead repairs and other feasible storm mitigating measures, which help minimize future flood damage to storm-damaged Properties.

Maximum Award: Following the analysis of the needs of the affected communities and the availability of funding, the Program set the following cap amounts and allowances:

- **Base Cap:** The base cap for the total amount for a Condominium Association or Cooperative Board is \$5,000,000 which includes an individual unit cap of \$300,000. LMI unit increase may raise the base cap over the \$5,000,000 threshold.
- **Low- and Moderate- Income Allowance:** Unit owners or shareholders who are identified to be low- or moderate- income (total household income is less than or equal to 80% of area median income) will be deemed low-to-moderate income. Each LMI unit will receive \$50,000 increase in award cap.
- **Elevation Allowance:** Condominium Associations or Cooperative Boards with damaged properties within the 100-year floodplain and which are substantially damaged/improved are required to elevate the structure and, if the elevation is feasible, are eligible for up to a \$1,000,000 increase in the base cap amount.

The Program covers costs for the repair or replacement of damage to real property including mold remediation, replacement of disaster-impacted non-luxury residential appliances, and environmental and health hazard mitigation costs related to the repair of the disaster-impacted property.

Optional mitigation measures are available for Applicants who are eligible participants in the NY Rising Condominium & Cooperative Program whether or not they are within the 100-Year Floodplain. Such mitigation measures include, but are not limited to, the following:

- Elevation of electrical systems and components;
- Securing of fuel tanks;
- Use of flood resistant building materials below base flood elevation (retrofits to be limited in scope to be cost effective);
- Installation of flood vents;
- Installation of backflow valves; and,
- Installation of roof strapping.

Eligibility Criteria:

- The applicant will be the primary payee on all flood and other insurance for the areas funded by GOSR. This can be the Condominium Association, Cooperative Board or the unit owner/shareholder.
- The applicant must be responsible for all structural repairs on the areas funded by NY Rising.

- Applicants must complete a process to verify previously received disaster recovery benefits. Unmet need is determined after accounting for all federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds per the Stafford Act.

Program Changes and Clarifications:

The NY Rising Housing Recovery Program is creating a separate program in order to address the unique conditions posed by these types of legal structures.

C. NY Rising Rental Buildings Recovery Program

NY Rising Rental Buildings Recovery Program (pg. 55 of APA 8)

The New York Rental Buildings Recovery Program was approved in the State’s initial Action Plan. Programmatic changes were made in APA 6. APA 8 consolidated all prior changes. This Amendment clarifies that mitigation is allowable activity in this Program and raises the base cap to \$300,000.

Activity Type: Repair, Reconstruction and mitigation including bulkheads of rental properties

National Objective: Low- and Moderate- Income, Urgent Need, or Slum and Blight

Geographic Eligibility: Disaster-declared counties outside of New York City

Eligible Activity: Sec. 105 (a)(1)(4) 42 U.S.C. 5305(a)(4) New Construction: FR-5696-N-01(VI)(B)(28)

Program Description: The New York State Rental Housing Recovery Initiatives are broken into two major Programs:

- The Rental Properties Program, formerly named the Small Rental Properties Program, is designed to assist storm-damaged rental properties. To promote efficient administration, separate program components for one-four unit properties and five-seven unit properties have been merged into one. The Rental Properties Program may also serve storm-damaged properties with 8 or more units. Davis-Bacon wages and other labor standards provisions apply where CDBG-DR is used for construction in properties of eight or more units. Eligible Applicants include condominium and cooperative owners who are the primary payee on all flood and other insurance.

Owner-occupied properties with two-units (those with one homeowner unit and one rental unit) will continue to be assisted through the Homeowner Program.

The State continues to provide assistance for rehabilitation, reconstruction, and assistance for mitigation in a coordinated fashion through the same program component rather than through separate initiatives as originally outlined.

The Rental Properties Program

This Program is designed to restore residential rental properties located outside of New York City that were damaged by Hurricane Irene, Tropical Storm Lee, and/or Superstorm Sandy. The Program is intended to assist owners of damaged small and larger residential rental properties.

The Program operates under the following guidelines:

- The Program covers costs for reimbursement of eligible repair/replacement costs; the repair/replacement of damaged real property; replacement of disaster-impacted non-luxury residential appliances; and environmental and health hazard mitigation costs related to the repair of disaster-impacted property.
- The Program also covers costs (including elevation) to mitigate future damage for those properties that are located within the 100-year floodplain and certain mitigation funds are available for properties located outside of the 100-year floodplain.
- Assistance is provided for unmet repair/reconstruction and elevation/mitigation needs after accounting for all federal, State, local and/or private sources of disaster-related assistance, including, but not limited to property owners' and/or flood insurance proceeds.
- Assistance for repair and elevation activities is capped at the lesser of a specified dollar amount to be determined by New York State, or the ACTUAL unmet repair, bulkhead and elevation need. To direct sufficient levels of assistance to those most in need, a higher overall dollar cap amount may be applied to those properties that are occupied by low- and moderate- income households and/or those properties serving low- and moderate- income renter households, where the need is justified.
- Household income verification documentation is required for tenants in affordable units for reporting purposes.

Maximum Award: Following the analysis of the needs of the affected communities and the availability of funding, the Program set the following cap amounts and allowances:

- **Base Cap:** The base cap amount for rental property repair and/or reconstruction coverage is \$300,000. Owners are eligible for a \$50,000 cap increase for each additional unit.
- **Low- and Moderate- Income Allowance:** Tenants who are identified to be low- or moderate-income (total household income is less than or equal to 80% of area median income) will qualify their unit for an increase of \$50,000 in the cap amount. (\$300,000 Base + \$50,000 low- and moderate- income = \$350,000 base cap). Property owners who want to converted vacant apartments into LMI units may also qualify for the increase for that unit.
- **Elevation Allowance:** Rental property owners with damaged properties within the 100-year floodplain are eligible for up to a \$100,000 increase in the base cap amount for a 1- or 2-unit property. The allowance is increased by \$25,000 for each additional unit. The maximum cap increase for elevation is \$225,000.
- **Reconstruction Cap:** Property owners that require reconstruction are eligible for a base cap of \$300,000 (subject to DOB). For each additional unit there is a \$50,000 per unit award cap increase.

RENTAL PROPERTIES PROGRAM BASE CAP (\$300,000)		
Number of Units	LMI (Base cap + \$50K per LMI unit + \$50K for each additional unit above 1 unit)*	Urgent Need (Base cap + \$50K for each additional unit above 1 unit)
1	\$350,000	\$300,000
2	\$450,000	\$350,000
3	\$550,000	\$400,000
4	\$650,000	\$450,000
100	\$10,250,000	\$5,250,000

*the chart assumes 100% LMI in the LMI column, but LMI is determined by unit. EX: A 2-unit property with only one LMI unit would qualify for an award of \$300K + \$50K (unit 2) + \$50K (if unit 2 is LMI) = \$400K.

D. NY Rising Buyout and Acquisition Program

[NY Rising Buyout and Acquisition Program](#) (pg. 52 of APA8 [APA10 not approved at time of APA11 public comment])

This Program was approved in the State’s initial Action Plan and is currently operational. This amendment expands eligibility to include applicants who are subsequent homeowners and banks in an Enhanced Buyout Area.

Activity Type: Voluntary Buyout or Acquisition of One- and Two- unit homes

National Objective: Low- and Moderate- Income, Slum and Blight or Urgent Need

Eligible Activity: Sec. 105 (a) (1) (2) (4) (7) (11) (24), 42 U.S.C. 5305(a) (1) (2) (4) (7) (11) (24) FR–5696–N–01 (VI) (B) (31)

Eligibility Applicants: Eligible applicants to the Buyout component are owners of one-family or two-family homes and/or vacant land located in an Enhanced Buyout Area who owned the property at the time of Hurricane Irene, Tropical Storm Lee, and/or Superstorm Sandy. Applicants who purchased the storm damaged property after the time of Hurricane Irene, Tropical Storm Lee, and/or Superstorm Sandy are eligible for the Buyout awards without any added incentives; or the price at which the applicant purchased the property, whichever is less. Eligible applicants to the Acquisition component are owners of substantially damaged one-family or two- family homes and/or vacant land that is contiguous to an eligible property with a structure and under the same owner as that property located within the 500-year floodplain in a disaster-declared county who owned the property at the time of one of the above storms.

Program Description: The NY Rising Buyout and Acquisition Program include State purchase of storm-damaged properties in the Enhanced Buyout Areas (the “Buyout Component”) and the acquisition of substantially damaged properties within the 500-year floodplain but outside of an Enhanced Buyout Areas (the “Acquisition Component”).

The Buyout Component includes the purchase of eligible storm-damaged properties in Enhanced Buyout Areas. Enhanced Buyout Areas are certain high risk areas in the floodplain determined to be among the most susceptible to future disasters. Properties purchased through the Buyout Component will be restricted in perpetuity for uses compatible with open space, recreation, or wetlands management practices.

The Acquisition Component includes the purchase of substantially damaged homes within the 500-year floodplain from willing sellers. Properties purchased through the Acquisition Component are eligible for redevelopment in the future in a resilient manner to protect future occupants of this property.

Buyout Component

The State purchases property located in designated “Enhanced Buyout Areas” through the voluntary sale from owners. The Buyout Component may also include the buyout of vacant or undeveloped land in these targeted areas to restrict and prevent any future development on these properties.

The following five factors are considered by the State when defining Enhanced Buyout Areas:

- A documented history of flooding and/or damage caused by extreme weather events, including damage by Hurricane Irene, Tropical Storm Lee and/or Superstorm Sandy;
- All the properties in the “enhanced buyout area” sustained damage documented by FEMA and/or the Department of State;
- A determination made by the Department of State, based on analysis of trends in coastal erosion and future flood risk, that the area is in Extreme or High risk areas of the floodplain;
- Multiple, contiguous parcels in the flood plain where Homeowners collectively voiced interest in relocation; the interest must be documented in a manner that allows the State to identify the individual parcels, and the number and location of the parcels; and,
- The State and the respective municipal officials (local/county) will have mutual understanding of the benefit of permanently removing residents/homes from the floodplain.

For applicants who owned the home and/or vacant land at the time of one of the declared storms, the State conducts Buyout purchases starting at 100% of the property’s pre-storm Fair Market Value (FMV), plus available incentive(s) ranging from 5%-15%. The State uses the 2013 FHA loan limits as the ceiling for the purchase price for properties that participate in this Buyout Component, not inclusive of incentives. Available incentives include:

- *5% Relocation Incentive:* The State provides a Relocation Incentive to residents who participate in a buyout inside an Enhanced Buyout Area if they permanently relocate and provide evidence of the purchase of a new primary residence within the same county in which their storm-damaged property is located. Residents of New York City are eligible for this incentive if they permanently relocate and purchase a new primary residence anywhere within the five boroughs of the City. The motivation for such an incentive is to protect and preserve the community while facilitating the reclamation of land in high risk areas for natural protection against future damage.

The State recognizes that, because of extenuating circumstances, the storm may prevent households from returning to their pre-storm county. In the event a homeowner receives CDBR-DR buyout funding and relocates to a residence outside the county in which their storm-damaged property is located, but within New York State, the homeowner can file a hardship request to receive a 5% Relocation Incentive. Homeowners must submit a statement outlining the challenges of relocating within their county of origin. They must also sign a Declaration of Hardship form that documents the submission of a statement of hardship. All Declaration of Hardship Forms are reviewed and approved by Program staff on a case-by-case basis.

This 5% relocation incentive is not available to owners of vacant or undeveloped land.

- *10% Enhanced Buyout Incentive:* The State seeks the maximum level of homeowner participation in relocating homeowners out of high risk Enhanced Buyout Areas to protect as many households as possible from future disasters. The State offers the 10% Enhanced Buyout Incentive to individual homeowners so a significant number of properties are involved and as much land as possible within these areas can be returned to and reclaimed by nature.
- *10% Group Buyout Incentive:* The State recognizes that in rare circumstances, the purchase of a group of properties is the most effective way to re-purpose the area and graduated incentives are essential components. Therefore, the State may provide a 10% Group Buyout Incentive to a very limited cluster of homeowners (i.e., two to ten consecutively located properties) whose properties are located inside the floodplain but not inside an identified Enhanced Buyout Area. This incentive may be necessary in certain cases to facilitate the reclamation of a concentrated area of high risk properties and to avoid the patchwork effect of purchasing all but one or two properties inside such a cluster of properties.

For all Buyout Incentives, assistance is determined by property purchased after accounting for all federal, State, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

Applicants who purchase the storm damaged property after the time of Hurricane Irene, Tropical Storm Lee, and/or Superstorm Sandy are eligible for the Buyout awards without any added incentives; or the price at which the applicant purchased the property.

E. NY Rising Infrastructure Program

Covered Projects Previously outlined in APA6 (pg. 71 of APA8)

APA6, which was approved in May 2014, included details of three Covered Projects: providing PA match and backup generation capacity for the Bay Park Wastewater Treatment Facility; the State's HMGP Bridge Scour Project which addresses the need to repair and make bridges in impacted communities across the State more resilient; and PA match for the repair and restoration of LIPA's energy system. Each of these projects was, at the time of submission of APA 6, considered a covered project because the amount of federal funds provided by FEMA to repair the facilities combined with the non-federal share portion, provided by GOSR exceeds the \$10 million CDBG-DR and \$50 million or more total project threshold for Covered Projects. While all three projects may no longer meet the definition of a Covered Project, all three projects are still active and critical to community recovery.

Bay Park Wastewater Treatment Facility: The State continues its commitment to address storm-related recovery actions at the Bay Park Wastewater Treatment Facility in Nassau County. The project will serve to protect communities located near the plant as well as to minimize outflows to bays and natural resources areas from power outages.

Bridge Scour Project: The State's HMGP Bridge Scour Project is progressing; however, as a result of a FEMA's approval of a State-initiated financing plan for the HMGP program which outlines how the State will meet the non-federal share requirements for the Sandy HMGP projects, the State's HMGP Bridge Scour Project will not require CDBG-DR funds at this time.

LIPA: The LIPA covered project is also a FEMA PA project. It was found to not meet the Covered Project definition as funds were only needed to reimburse match costs that were tied to restoring power to the electrical system. Funds were not used for construction. The State along with LIPA has continued to address long term recovery and restoration needs of the power grid. As outlined in this amendment, the State has identified additional unmet recovery needs that tie to the restoration costs, which need to be reimbursed so that these costs are not passed onto customers. The work that is ongoing at LIPA will not only restore LIPA's assets to pre-storm condition but it will make them more resilient to future events and make Long Island communities more resilient.

The State worked with Long Island Power Authority to address its restoration related recovery needs as it is the primary public energy provider to Long Island providing services to over 95% of Long Island residents. GOSR has committed to assist LIPA cover a portion of storm related restoration costs through assisting with FEMA PA match obligation. From Hurricane Irene, Superstorm Sandy, and Winter Storm NEMA, LIPA's total FEMA PA match obligation exceeds \$200 million with over \$1.4 billion in damages (\$140 million in matching costs) tied to damages from Superstorm Sandy. This Amendment provides an additional \$27.5 million to assist LIPA to assist with match obligation. LIPA is part of GOSR's Non-federal Share Match Program but the allocation to LIPA has been specified in the Action Plan. The additional \$27.5 million to LIPA has not been reallocated from another GOSR program; it is increasing LIPA's allocation from the Non-federal Share Match Program budget.

Energy Systems (pg. 37 of APA8)

Superstorm Sandy caused widespread damage to the publicly operated utility systems and revealed the vulnerability of the electric grid. Electricity is a necessary and critical component of community recovery, the State as a result decided to assist eligible public utilities address repair, recovery and resilience projects that are needed to restore power to storm impacted areas and are eligible to receive FEMA funds. This includes the Long Island Power Authority (LIPA) which provides power to at least 800,000 households on Long Island. LIPA provides electric service to more than 1.1 million customers in Nassau and Suffolk counties and the Rockaway Peninsula in Queens. Superstorm Sandy left tens of thousands of those customers without power for weeks and followed on the heels of Hurricane Irene which left similar power outages. All 12 of LIPA's substations on the South Shore of Long Island sustained some degree of flood damage following Sandy.

After Superstorm Sandy, LIPA, a public authority, began working with FEMA to address the substantial restoration and resilience efforts (e.g. storm hardening measures, including installation of flood prevention barriers, elevation of equipment and adjustments to switching systems etc.) that would be needed to restore the grid and make the system less vulnerable to future events. The State, through GOSR, will provide 80 million to assist LIPA address matching requirements for restoration related costs. These will be applied to both the Hurricane Irene and Sandy \$1.4 billion Public Assistance awards. The match provided will be used to address post storm restoration activities to repair substations and electronic distribution systems.

The State does not currently recognize any additional unmet energy systems but GOSR's allocation of \$80 million in APA8 did not cover the full need to cover the FEMA PA match amount for Superstorm Sandy. The allocation increase of \$27.5 million does not meet the full FEMA PA match obligation but does that cost to not be passed onto customers.

Proposed Allocation of Funds

Program	First and Second Allocation approved May 2014	Change in First and Second Allocation	Amended First and Second Allocation	Third Allocation	Change in APA11	Total Allocation
TOTAL	\$3,810,960,000		\$3,810,960,000	\$605,922,000		\$4,416,882,000
Housing	\$1,959,019,206		\$1,959,019,206			\$1,959,019,206
NY Rising Housing Program	\$1,056,311,524		\$1,056,311,524		(\$3,000,000)	\$1,053,311,524
NY Rising Condominium and Cooperative Program					\$6,000,000	\$6,000,000
Interim Mortgage and Housing Assistance Program	\$49,000,000		\$49,000,000		(\$1,000,000)	\$48,000,000
NY Rising Buyout Program	\$621,207,682		\$621,207,682		(\$1,000,000)	\$620,207,682
NY Rising Rental Buildings Recovery Program	\$225,000,000		\$225,000,000		(\$1,000,000)	\$224,000,000
Public Housing Assistance Relief Program	\$7,500,000		\$7,500,000			\$7,500,000
Economic Development	\$216,500,000		\$216,500,000			\$216,500,000
Small Business Grants and Loans	\$158,500,000	\$25,000,000	\$183,500,000			\$183,500,000
Seasonal Tourism Industry	\$15,000,000	(\$15,000,000)	\$0			\$0
Coastal Fishing Industry	\$10,000,000	(\$10,000,000)	\$0			\$0
Business Mentoring Program	\$3,000,000		\$3,000,000			\$3,000,000
Tourism and Marketing	\$30,000,000		\$30,000,000			\$30,000,000
Community Reconstruction Program	\$664,510,794		\$664,510,794	\$63,922,000		\$728,432,794
NY Rising Community Reconstruction	\$664,510,794		\$664,510,794	\$63,922,000		\$728,432,794
Infrastructure and Match	\$780,120,000		\$780,120,000	\$357,000,000	\$357,000,000	\$1,137,120,000
Local Government and Critical Infrastructure	\$254,600,000	(\$109,600,000)	\$145,000,000			\$145,000,000
Suffolk County Coastal Resiliency and Water Quality Improvements Initiative				\$300,000,000		\$300,000,000
Non-federal Share Match Program	\$522,820,000	(\$134,400,000)	\$451,420,000	\$57,000,000	(\$27,500,000)	\$480,920,000
Bay Park Waste Water Treatment		\$101,000,000	\$101,000,000			\$101,000,000
Long Island Power Authority		\$80,000,000	\$80,000,000		\$27,500,000	\$107,500,000
Resiliency Institute	\$2,700,000		\$2,700,000			\$2,700,000
Rebuild by Design				\$185,000,000	\$185,000,000	\$185,000,000
Living with the Bay, Nassau County				\$125,000,000	\$125,000,000	\$125,000,000
Living Breakwaters Project, Richmond County (Staten Island)				\$60,000,000	\$60,000,000	\$60,000,000
Administration & Planning	\$190,810,000		\$190,810,000			\$190,810,000

Public Comments

The Governor's Office of Storm Recovery (GOSR) posted Action Plan Amendment 11 (APA 11) for public comment on October 22, 2015. At that time, it began accepting comments on the website www.stormrecovery.ny.gov as well as through the mail. Additionally three public hearings were held throughout the most heavily impacted regions. The legal notices of these hearings and the comment period were heavily publicized in periodicals throughout the State and the three main non-English newspapers, El Diario (Spanish), Russian Bazaar (Russian) and Epoch Times (Chinese), as well as AM New York, (Long Island) Newsday, (Lower Hudson) Journal News, Oneida Daily Dispatch, (Oswego) Palladium Times, (Plattsburgh) Press Republican, Staten Island Advance, (Albany, Capital District) Times Union, the (Fulton County) Leader Herald and Long Island Herald Papers including, East Rockaway Herald, Oceanside Herald and Rockville Centre Herald. GOSR also reached out to New York State's National Affordable Housing Act (NAHA) Team Leads, community based organizations that work closely with the State's Housing Agency, local elected officials, and libraries to inform them of the public hearings. The comment period officially ended on November 21, 2015.

This Amendment was made accessible to persons with disabilities upon request by telephone or written request at the address below. Translations of APA 11 were made in Chinese, Russian and Spanish, the three most common use languages in New York State based on an analysis of Census data for households with members five years or older with limited English proficiency.

During the public comment period, GOSR received 6 comments. Two of the comments were supportive of programs in our application. One of the comments was a request by a property owner to be considered for the NY Rising Buyout and Acquisition Program. GOSR informed the constituent that the program was closed and that they were an ineligible applicant.

1) NY Rising Rental Buildings Recovery Program

Comment:

Erase Racism sent a letter highlighting two areas of concern with APA 11. They thought that "1. Amendment 11 does not allocate additional CDBG-DR funds for rental housing despite an overwhelming unmet need. 2. Amendment 11 is not clear in terms of the base cap change to the NY Rising Rental Buildings Recovery Program."

Response:

1. The current budget, funded by the federal government, for rental housing is appropriate for the level of participation. GOSR will continue to modify and adjust the budget according to the needs of eligible applicant. While it is widely acknowledged that the CDBG-DR funding that GOSR received in the P.L. 113-2 is a substantive allocation, GOSR has consistently indicated that there are more unmet needs resulting from damage from Hurricane Irene, Tropical Storm Lee and Superstorm Sandy than there are resources. GOSR will continue to adjust the budget to meets the level of participation of eligible applicants to our programs. At this time the budget for rental housing is appropriate for the participation we have in our various programs.

2. GOSR has made clarifications to the APA 11 to make the terms of the base cap change to the NY Rising Rental Buildings Recovery Program clearer.

Comment:

One constituent was concerned that there was a “lack of accountability, enforcement and an implemented timeframe of procedures that landlords MUST follow to ensure repairs occur when landlords received funds.”

Response:

GOSR continues to implement vigorous oversight of its grant programs. Any applicant who receives funding through GOSR is required to sign a grant agreement in which they become legally bound to complete the work that has been specifically outlined for their project. If the applicant does not repair property as required by the grant agreement, then they will be subject to recapture of the funds forwarded to them. Additionally, the landlord may be responsible for paying costs for relocating the tenants.

2) NY Rising Buyout and Acquisition Program

Comment:

One constituent needed clarification on eligibility requirements for the Acquisition component of the NY Rising Buyout and Acquisition Program.

Response:

GOSR policy is as follows: If a home is categorized as one of the following by the Home Owner Program it may be eligible for Acquisition by the State:

- Dwelling that is Substantially Damaged and is in the 100 year and/or 500 year Floodplain;
- Dwelling is in the Floodway; and/or
- Applicant is FEMA non-compliant and Substantially Damaged.

Comment:

Two constituents wrote in support of Enhanced Buyout Areas and the NY Rising and Acquisition Program especially in Staten Island.