

**STATE OF NEW YORK**  
**COMMUNITY DEVELOPMENT BLOCK GRANT**  
**DISASTER RECOVERY (CDBG-DR) PROGRAM**  
**SUBSTANTIAL AMENDMENT NO. 13**

**Approved by HUD August 2, 2016**

**List of additions to: ACTION PLAN AMENDMENTS No. 8, No. 9, No. 10, No. 11 and No. 12**

**In sections: Proposed Distribution of Funds, Updated Impact and Unmet Needs Assessment, NY Rising Housing Recovery Programs, and NY Rising Infrastructure Program**

**Summary:**

Action Plan Amendment 13 (APA 13) will address the following items:

- A. *Proposed Allocation of Funds:* Table updated to reflect the reallocation of funds between programs based on unmet needs and additional funding sources.
- B. *NY Rising Housing Recovery Program:* The new Manufactured Home Community Resiliency Program (MHCRP) will provide individualized and comprehensive resiliency solutions for residents of selected manufactured home communities (MHCs) located in the 100- and 500- year floodplain in disaster-declared counties that sustained damage from Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy. MHCRP may benefit owners or renters of manufactured homes, owners of land on which a manufactured home or a concentration of manufactured homes are located, and/or municipalities with MHCs.
- C. *NY Rising Rental Buildings Recovery Program:* The Affordable Rental Opportunity (ARO) is a new rental program targeting property owners who provide or are interested in providing housing to low- and moderate- income (LMI) households. The NY Rising Rental Properties Program is closed to new applications. This amendment creates ARO to benefit LMI families with incomes up to 80% of the area median.
- D. *NY Rising Infrastructure Program:* The State is revising its Action Plan to reflect the counties eligible for CDBG-DR funding.

## A. Proposed Allocation of Funds

*Description of changes:* All updates associated with items B-D are reflected in the table below and have been made to the tables at page 5 and page 46 of APA8.

<b>Program</b>	<b>APA 12 Allocation (includes program income)</b>	<b>Change</b>	<b>APA 13 Allocation</b>
<b>Total of All Programs</b>	<b>\$4,516,882,000</b>		<b>\$4,516,882,000</b>
<b>Housing</b>	<b>\$2,375,485,106</b>	<b>\$30,000,000</b>	<b>\$2,405,485,106</b>
<i>NY Rising Homeowner Recovery Program</i>	<b>\$1,398,277,424</b>		<b>\$1,398,277,424</b>
<i>NY Rising Condominium and Cooperative Program</i>	<b>\$75,000,000</b>		<b>\$75,000,000</b>
<i>Interim Mortgage Assistance Program</i>	<b>\$48,000,000</b>		<b>\$48,000,000</b>
<i>NY Rising Buyout and Acquisition Program</i>	<b>\$620,207,682</b>		<b>\$620,207,682</b>
<i>NY Rising Rental Buildings Recovery Program</i>	<b>\$224,000,000</b>		<b>\$224,000,000</b>
<i>Public Housing Assistance Relief Program</i>	<b>\$10,000,000</b>		<b>\$10,000,000</b>
<i>Manufactured Home Community Resiliency Program</i>		<b>\$30,000,000</b>	<b>\$30,000,000</b>
<b>Economic Development</b>	<b>\$123,000,000</b>		<b>\$123,000,000</b>
<i>Small Business Grant Program</i>	<b>\$90,000,000</b>		<b>\$90,000,000</b>
<i>Business Mentoring Program</i>	<b>\$3,000,000</b>		<b>\$3,000,000</b>
<i>Tourism and Marketing</i>	<b>\$30,000,000</b>		<b>\$30,000,000</b>
<b>Community Reconstruction</b>	<b>\$728,432,794</b>		<b>\$728,432,794</b>
<i>NY Rising Community Reconstruction Program</i>	<b>\$728,432,794</b>		<b>\$728,432,794</b>
<b>Infrastructure and Match</b>	<b>\$884,120,000</b>	<b>(\$30,000,000)</b>	<b>\$854,120,000</b>
<i>Local Government &amp; Critical Infrastructure Program</i>	<b>\$145,000,000</b>		<b>\$145,000,000</b>
<i>Non-Federal Share Match Program</i>	<b>\$480,920,000</b>	<b>(\$30,000,000)</b>	<b>\$450,920,000</b>
<i>Suffolk County Coastal Resiliency and Water Quality Improvement Initiative</i>	<b>\$47,000,000</b>		<b>\$47,000,000</b>
<i>Bay Park Waste Water Treatment</i>	<b>\$101,000,000</b>		<b>\$101,000,000</b>
<i>Long Island Power Authority</i>	<b>\$107,500,000</b>		<b>\$107,500,000</b>
<i>Resiliency Institute for Storms and Emergencies (RISE)</i>	<b>\$2,700,000</b>		<b>\$2,700,000</b>
<b>Rebuild by Design</b>	<b>\$185,000,000</b>		<b>\$185,000,000</b>
<i>Living with the Bay: Slow Streams</i>	<b>\$125,000,000</b>		<b>\$125,000,000</b>
<i>Living Breakwaters: Tottenville Pilot</i>	<b>\$60,000,000</b>		<b>\$60,000,000</b>
<b>Administration &amp; Planning</b>	<b>\$220,844,100</b>		<b>\$220,844,100</b>

## **B. Manufactured Home Community Resiliency Program (MHCRP)**

### *Description of Changes:*

MHCRP is a new program. NY Rising Housing Recovery Programs will now include MHCRP, which will provide individualized and comprehensive resiliency solutions for residents of selected manufactured home communities (MHCs). Applicants currently in the NY Rising Homeowner Recovery Program may continue to be assisted through that program, if eligible.

### **Updated Unmet Needs Analysis**

As a result of outreach and analyses conducted by the State since APA8 and as part of the State's application to the HUD CDBG National Disaster Resilience Competition, the State has identified additional unmet recovery and resilience needs associated with residents of MHCs from Hurricane Irene, Tropical Storm Lee, and Superstorm Sandy.

### *Manufactured Home Communities at Risk in New York State:*

MHCs provide an affordable housing option for an estimated 71,355 households in nearly 2,012 communities across New York State<sup>i</sup>. The majority of these communities were built on low-lying land, often before the advent of land-use regulations. Consequently, many are located in areas vulnerable to natural hazards—such as riverine, coastal, and stormwater flooding—where hazard mitigation would have been required if permitted today<sup>ii</sup>. A combination of low-incomes, high population densities, and a mix of ownership and rental structures compounds this vulnerability. Manufactured homes also present unique challenges with regard to their safe installation and elevation in flood prone locations.

As part of the State's analyses, it has identified MHCs located in the 100- or 500-year floodplain. A key element in this assessment was the Geographic Information System (GIS) dataset collected annually by NYS Homes and Community Renewal's Division of Housing and Community Renewal in accordance with Section 233 of NYS Real Property Law. Analysis of this data identified at least 40 MHCs in the floodplain, containing at least 1,686 units and housing 4,384 residents.

The State then engaged with county officials, subject-matter experts, and State agencies to further define the problem. Through this process, the State identified the particular vulnerabilities MHCs face during both extreme and routine weather events. Vulnerabilities include socio-economic characteristics of residents, physical liabilities of this housing type, the topographic locations of communities in the floodplain, and inadequate storm and wastewater infrastructure leading to increased risk and cost of recovery. Institutionally, manufactured home owners also face unique financial vulnerabilities. Unlike traditional mortgages, financing for most manufactured homes is similar to automobile financing, with interest rates up to five percentage points higher than the average mortgage<sup>iii</sup>. Manufactured-housing lenders also specialize in subprime lending, which can increase interest rates by an additional three percentage points<sup>iv</sup>.

Typically MHCs are comprised of LMI households<sup>v</sup>. In 2011, the median annual household income for Americans living in manufactured housing was \$26,000, compared to a national

median of \$50,054<sup>vi</sup>, and about 77 percent of manufactured home households earn less than \$50,000<sup>vii</sup>. Additional socio-economic vulnerabilities identified in the literature and through stakeholder conversations also include higher proportions of elderly and disabled residents<sup>viii</sup> and persons with limited English proficiency.

The state believes that without federal and State intervention, many MHCs will face increasing resiliency needs, jeopardizing a valuable stock of affordable housing and putting vulnerable populations at risk. Each community has unique conditions that must be addressed locally, through significant dialogue with key stakeholders and tailored approaches to resiliency.

#### *Unmet Recovery Needs in MHCs:*

Specifically, as part of the NY Rising Community Reconstruction (NYRCCR) Program, the State identified at least three manufactured home communities that were inundated during a Qualified Disaster in the Orange County and Rockland County. Two communities, containing a combined 175 homes, were identified as the sites of “Additional Resiliency Recommendation” projects in the NYRCCR Final Plan for the Village of Washingtonville (Orange County) and one, containing 114 homes was identified in the NYRCCR Final Plan for Stony Point (Rockland County). While recovery efforts have continued, the State has identified significant resiliency needs associated with these sites.

For applicants on rented land, the MHCRP will fund the replacement of a manufactured home if the applicant relocates to property outside of the floodplain. For those that own their land, the program allows for the elevation of a manufactured home and limits the elevation height to five feet seven inches, the maximum height recommended by FEMA to safely elevate a manufactured home. Although successful for some applicants, the current program does not provide a comprehensive solution for entire communities that sustained damage within the floodplain. There are a total of 55 active applicants in the current program who own manufactured homes but are on rental property in the floodplain. Eleven of these applicants are in process of receiving a new home outside of the floodplain. The remaining 44 applicants - 26% of the active MHC population - are currently not progressing. Thirty-nine of these 44 Applicants live in one mobile home community in Stony Point. This may be attributed to a lack of alternative and proximate communities for residents to relocate after their manufactured home is replaced. Elevations of excessive height may also be undesirable or an impractical option.

### **Manufactured Home Community Resiliency Program**

**Eligible Activities:** 105 (a) all provisions; 42 U.S.C. 5305(a)

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

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

**Eligible Applicants:** Owners or renters of manufactured homes, owners of land on which a manufactured home or a concentration of manufactured homes are located, and municipalities with MHCs located in the 100- and 500- year floodplain in disaster-declared counties that sustained damage from Hurricane Irene, Tropical Storm Lee, and/or Superstorm Sandy.

## **Program Description:**

The NY Rising MHCRP will select vulnerable MHCs, as funding permits, that require a comprehensive, community-wide solution to recovery. Ongoing outreach to identify additional communities will be conducted through contacts with stakeholders including but not limited to State agencies, local governments, non-profit agencies, and existing community connections.

The criteria below have been developed to help assist the selection process and may evolve as the State solidifies program design and engages in additional community consultations.

Proposed criteria used to assist in the selection of a community(ies) may include, but is not limited to the following: (1) location in the floodway or the 100- or 500-year floodplain and its degree of vulnerability as determined by FEMA criteria; (2) a concentration of LMI residents; (3) the number of individual Applicants from a community who are already in the NY Rising Housing Program; (4) level of damage sustained during a Qualifying Storm; (5) the community's proximity to additional storm recovery investments; and, (6) interest from the community and the local government.

Upon selection of such community(ies), a comprehensive community-based planning process modeled after the NY Rising Community Reconstruction Program will commence for the purpose of developing the best comprehensive resiliency solutions tailored to the specific needs of individuals in the community(ies). Potential program activities may include:

- 1) Buyout of the property: The land on which the community is located may be purchased as a buyout. Such property will be restricted in perpetuity for uses compatible with open space, recreation, or wetlands management practices. Property will be purchased at 100% of pre-storm Fair Market Value, as established by an appraisal conducted by a firm meeting federal standards.
- 2) Clearance and demolition: Property which has been acquired through buyout may be cleared and existing structures demolished in order to facilitate its use as open space, recreation, or for wetlands management.
- 3) Acquisition of property outside of floodplain: Property outside of the floodplain may be purchased. Such property may include vacant land purchased for the purpose of relocating residents to a new MHC or acquiring land or an existing building to be used as a permanent affordable housing development.
- 4) Construction of new housing or improvements at existing location: On-site upgrades to communities may include elevation, replacement of manufactured homes, infrastructure improvements, storm protection measures, etc. Construction of new manufactured home communities may include clearance and demolition, land preparation, infrastructure, installation of new manufactured homes, etc. Development of new housing may include construction or rehabilitation of permanent affordable housing.
- 5) Homeownership assistance: Down payment and closing cost assistance may be provided for residents of relocated communities to assist in the purchase of a fee simple home,

condominium, or cooperative housing unit. Homeownership counseling may also be provided.

- 6) Relocation payments and assistance: Relocation benefits will be provided to all eligible and current residents of manufactured homes located in a MHC approved for inclusion in MHCRP. Both Uniform Relocation Assistance (URA) relocation benefits defined by 24 CFR 570.606(d) and optional relocation benefits will be available as described below:
  - a) Permanent relocation assistance as defined by 24 CFR 570.606(d): Provided to owners and renters of manufactured homes located in a MHC approved for buyout under the MHCRP. These involuntary relocatees will be provided with permanent relocation assistance as required through the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). This assistance may include support in locating, moving to and renting/purchasing a home in a newly developed MHC or a fee simple home, condominium or cooperative housing unit.
  - b) Other relocation assistance as required through URA: Those who are renters will receive assistance through URA. This assistance may include support in locating and renting housing.
  - c) Optional long term rental assistance (no longer than three years): Provided to owners of manufactured homes located in a MHC approved for inclusion in MHCRP but not subject to buyout will be provided temporary relocation assistance. This assistance may include support in locating and renting housing. This assistance will be provided during the term that on-site improvements are being made to a MHC.
  - d) Optional personal property moving/storage assistance (no longer than three years): Provided to owners of manufactured homes located in a MHC approved for inclusion in MHCRP but not subject to buyout, whose belongings must be transported and stored during the period of relocation.

## **C. NY Rising Affordable Rental Opportunity Program (ARO)**

### *Description of Changes:*

ARO is a new program. The NY Rising Rental Properties Program was approved in the State's initial Action Plan and programmatic changes were made in APA 6, APA 8, and APA 11. The NY Rising Rental Properties Program is closed to new applications. This Amendment creates the Affordable Rental Opportunity to benefit LMI families with incomes up to 80% of area median.

**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)

**Eligible Applicants:** Residential rental property owners who provide housing opportunities to low- and moderate- income households.

**Program Description:** ARO is designed to assist storm-damaged rental properties to support the creation of rental units affordable to LMI households. The Rental Properties Program may serve storm-damaged rental properties with of any size including owner-occupied homes two-family homes. 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.

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.

### *Affordable Rental Opportunity*

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 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 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 LMI households and/or those properties serving LMI renter households, where the need is justified.
- Household income verification documentation is required for tenants in affordable units for reporting purposes.
- Verifying tenant income for the period of compliance.
- Provide assistance to property owners to address the difference between market rental rates and affordable rental rates.

**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 \$350,000. Owners are eligible for a \$100,000 cap increase for each additional unit.
- 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 \$350,000 (subject to duplication of benefits verification). For each additional unit there is a \$100,000 per unit award cap increase.
- **Project-Based landlord assistance:** Property owners are eligible for financial assistance to compensate for the difference between current rental rates, the new affordable rental rate. In addition, the program will provide a LMI rental administrative benefit of 10% of the rent difference to cover cost of compliance.

## **D. NY Rising Infrastructure Program**

### *Description of Changes:*

The State is revising sections in Action Plan Amendment 8 to reflect the counties eligible for CDBG-DR funding for the NY Rising Infrastructure Program. The text in APA8 is amended as shown below.

From APA8, page 66, paragraph 6:

**Eligible Applicants:** While New York City received its own CDBG-DR allocation to address infrastructure repairs and rebuilding, it remains geographically eligible. The GOSR Infrastructure program may utilize its resources within New York City as needed, such as providing funds for infrastructure projects through the New York Rising Community Reconstruction Program and for funds designated to Rebuild by Design that are located in Staten Island.

From APA8, page 68, paragraph 3:

### *FEMA Programs*

- a) **Public Assistance:** FEMA's Public Assistance Program (PA) is the nation's primary and largest disaster recovery program. While the number of projects eligible and costs incurred for PA has not been finalized, there are currently over 4,200 projects that have been approved by FEMA under the PA program for Superstorm Sandy. These projects are submitted by more than 1,000 eligible applicants. The State estimates that once final assessments are made by FEMA, the Sandy PA program could exceed \$8.5 billion in New York State. The program's costs to provide match for New York counties and State agency costs are expected to exceed \$350,000,000 with over \$153,000,000 needed to assist units of government, schools and eligible non-profits.

From APA8, page 70, paragraph 9:

### *Local Government and Infrastructure Program*

- b) **Local Government Support Program:** The Program is designed to provide funding to those eligible counties with unmet infrastructure and essential service needs that can be directly tied to the storm, and meet CDBG-DR eligibility requirements. The funding is based on a formula that takes FEMA Public Assistance obligated funds and FEMA Housing Damage Estimates into account. The counties that are considered eligible are those that HUD has deemed to be most impacted by Sandy. Counties will be responsible for identifying and prioritizing eligible projects.

## Public Comment

The Governor's Office of Storm Recovery (GOSR) posted Action Plan Amendment 13 (APA 13) for public comment on April 7, 2016. At that time, GOSR began accepting comments on the website [www.stormrecovery.ny.gov](http://www.stormrecovery.ny.gov), as well as through the mail. Public hearings were also held in Rockland County on April 18, 2016; and Nassau County on April 20, 2016 and April 21, 2016. The comment period officially ended at 5pm on May 7, 2016.

The legal notices of these hearings and the comment period were publicized in the three main non-English newspapers, Noticia (Spanish), Russian Bazaar (Russian) and Epoch Times (Chinese), as well as Newsday, AMNY, Journal News, and Our Town.

This Amendment was made accessible to persons with disabilities upon request (by telephone or in writing). Translations of APA 13 were made in Chinese, Russian and Spanish, the three most commonly used languages in the storm affected areas of New York State based on an analysis of Census data for households with members five years or older with limited English proficiency.

GOSR did not receive any comments related to APA 13 at the public hearing or via US Mail; however there were four comments, received through [www.stormrecovery.ny.gov](http://www.stormrecovery.ny.gov), which are set out below along with the GOSR response.

### Comment

The State received an inquiry regarding the Buyout & Acquisition program, and the writer asked if vacant land within the 500 year floodplain is available for acquisition through the GOSR program.

### Response

For the Acquisition component, vacant land that is contiguous to an eligible property with a structure and are under the same ownership as that property are eligible. Vacant land located in an Enhanced Buyout area is eligible for the program's Buyout component. More information on the Buyouts & Acquisition program, including guidance on eligibility criteria, can be found on GOSR's website: [www.stormrecovery.ny.gov](http://www.stormrecovery.ny.gov)

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### Comment

The State received an inquiry regarding the time frame for elevations for approved applicants in the area of the Poospatuck Reservation and asked if APA 13 will affect program participants.

### Response

The changes identified in APA 13 do not include elevation activities for approved applicants, and therefore has no effect on the elevation program. The elevation of manufactured homes is more complicated than the elevation of other forms of housing, mainly due to height of elevation and feasibility. GOSR is actively exploring options to assist mobile home owners located in the floodplain in the Poospatuck Reservation.

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*The Health and Welfare Council of Long Island submitted comments regarding the Manufactured Home Community Resiliency Program (MHCRP) and Affordable Rental Opportunity (ARO) requesting clarification on the site selection process, eligibility criteria and unmet need.*

*Comment*

Clarification was requested related to the selection of communities and if a higher number of applicants from a community who are already in the NY Rising program would increase the probability of that community being selected for participation in MHCRP. They recommended that communities where there are fewer people currently in the NY Rising Housing program be prioritized since it may result in fewer complications for individuals already in the program.

*Response*

The number of applicants currently in the Single Family Homeownership program will be one of several criteria in selecting communities for the MHCRP. Other criteria are expected to include location in the floodplain and vulnerability to future damage, damage sustained during a qualifying storm, concentration of LMI residents, etc.

*Comment*

Will the Governor's Office of Storm Recovery identify the eligible MHCs?

*Response*

GOSR will identify the MHCs through contacts with stakeholder including but not limited to State agencies, local governments, non-profits, and existing connections.

*Comment*

Will MHCs located on reservations be eligible for this program?

*Response*

Although MHCs on tribal land would not be excluded, it is anticipated that assistance through MHCRP will be provided to selected communities where the owners of the manufactured homes do not own the land and where a buyout of the property is a realistic option. Manufactured home owners can also be assisted through the Single Family Homeownership program.

*Comment*

We recommend that priority should go to communities that are eligible for the 4th proposed activity: "construction of new housing or improvements at existing location". This option will

create the least negative impact on the lives of community members, by not requiring them to leave their existing communities.

Response

Construction of new housing or improvements at the existing location is an option that will be seriously considered as part of the comprehensive planning process. The Program agrees that maintaining connections to educational, health, work and religious networks are very important. The solutions found in each community will strive to minimize these disruptions while balancing the need to provide the most appropriate resilient, quality affordable housing as possible.

Comment

For the homeownership assistance program, will there be a state-wide rate that will apply, or will the program cover the full amount of closing costs and down payments? What percentage of a mortgage for a down payment will be covered? Long Island housing costs are some of the highest in the nation, and we recommend that payment structures take into account the cost of living and buying a house on Long Island versus other regions in the state.

Further, we discourage having any residency requirements for participation in this sort of program. As mentioned in the unmet needs analysis at the beginning of the Action Plan Amendment, MHCs house higher proportions of elderly clients, who may be unwilling or unable to stay in their homes for a minimum number of years. This was a concern of many clients when the NY Rising Homeowner program initially had residency requirements, and deterred people from applying to the program.

Response

The specifics with regard to how any homeownership assistance program will work have not yet been determined. This includes any residency requirements. The objective will be to provide any such assistance in a manner that will be affordable and beneficial to the residents of the MHCs as well as be allowable under the HUD requirements.

Comment

Who will be involved in the comprehensive community-based planning process?

Response

The participants in the community-based planning process have not been identified. Non-profit agencies with relevant expertise and experience would be considered valued participants.

Comment

Regarding activity #1, “buyout of the property”, will the owner/manager of the entire mobile home community be the one receiving funds, or will individuals members of the community receive buyout funds?

Response

The proposed activity “buyout of the property” relates to the land on which the MHC is situated. The owners of the manufactured homes will be assisted to find appropriate, resilient, quality affordable housing. If the land on which a resident’s home is purchased through a buyout that resident will receive permanent relocation assistance. The specifics of what assistance any resident would receive have not yet been determined and would be determined, in part, from the planning process that is undertaken in each community. It is anticipated that the assistance may include such things as the creation of a new manufactured home community with newly installed and constructed manufactured homes, and monetary and counseling assistance in purchasing or renting either new constructed or existing affordable housing.

Comment

If tenants are forced from their homes as a result of the MHC land buyout option, we recommend considering them, if eligible based on income guidelines, with more weight for the affordable housing units being developed in Copiague and Riverhead through the NY Rising Program, if feasible given the implementation timeline of these projects.

Response

Such options would be considered, if feasible.

Comment

Is ARO open to new applicants and not just for those who previously applied to the rental properties program prior to its closure on February 16, 2016?

Response

ARO will be open to new applicants. Detail of applicant eligibility will be available on GOSR’s website.

Comment

What is the time frame during which a landlord is required to rent units to low to moderate income households?

We also seek clarity about the implications on enforcement of this if the property were to change hands after being accepted into the program.

Response

Applicants must commit to rent to low- and moderate- income residential rental tenants for a period of two-years. This compliance period is designed to maximize participation and exceeds requirements. GOSR commits to prioritize outreach to storm-impacted properties with existing commitments to provide affordable housing to LMI residential rental tenants. To sell the Property during the compliance period, the Applicant must notify the Housing Trust Fund

Corporation. The Housing Trust Fund Corporation may assign requirements that ensure that a subsequent owner adheres to the compliance period.

Comment

What are allowable increases on the rent over time?

Response

The compliance period for ARO-funded projects is two years. To participate in ARO applicants must commit to rent at an affordable rate to a tenant who earns less than 80% of the area's median income. An affordable rate is defined as no more than 30% of an eligible tenant's income.

Beyond two years, tenants can reach out to local jurisdictions for assistance with unlawful rent increases. Many storm-impacted towns, villages and cities within Nassau County adopted the Emergency Tenant Protection Act of 1974, which provide rent regulation, and protection to residents. More information about this law or specific rent protections for seniors and the disabled can be found at the link below on HCR's website.

<http://www.nyshcr.org/rent/about.htm#drie>

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Comment

A constituent wrote about the difficulty of rebuilding.

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*ERASE Racism submitted comments regarding the Affordable Rental Opportunity (ARO), requesting clarification of funding and long term details for the program.*

Comment

Clarification was requested regarding the funding allocation for the ARO program, which is part of the NY Rising Rental Buildings Recovery Program.

Response

The ARO program will base its budget on response to the applications. The Program is committed to addressing the unmet need of storm-impacted properties benefiting a low- to moderate- income tenants. GOSR will continue to adjust the budget to meet the level of participation of eligible applicants to our programs. At this time, the budget for the activities in the NY Rising Rental Buildings Recovery Program, which includes ARO, is appropriate for the participation we have in and anticipate for the rental programs.

### Comment

Clarification was requested regarding how affordability will be ensured after funds are exhausted or the ARO program ends.

### Response

The ARO Program establishes a two-year period of affordability after the completion of home rehabilitation. GOSR's Monitoring & Compliance department will monitor the applicants during the two year affordability period. The monitoring plan will be performed in accordance with a work plan, which will be scoped based on the size of the Program. This work plan, which is currently under development as of APA13 approval, will be finalized before applicants lease the units. Where applicable and eligible, tenants may file a complaint for unlawful rent increases based on local rental rules and regulations.

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<sup>i</sup> New York State Homes and Community Renewal (NYSHCR). *Manufactured Home Park Program*, last modified September 21, 2010. <http://www.nyshcr.org/programs/manufacturedhomes/>

<sup>ii</sup> Luciano, P, Baker, D., Hamshaw, K. and Riegler, N. *Report on the Viability and Disaster Resilience of Mobile Home Ownership and Parks*, Vermont: Department of Housing & Community Development, December 2013. <http://accd.vermont.gov/sites/accd/files/Documents/strongcommunities/housing/mobile-home-viability-report.pdf>

<sup>iii</sup> Genz, R. "Why Advocates Need to Rethink Manufactured Housing", *Housing Policy Debate*, Volume 12, Issue 2, 2001: pp. 393-414. [http://www.innovations.harvard.edu/sites/default/files/hpd\\_1202\\_genz.pdf](http://www.innovations.harvard.edu/sites/default/files/hpd_1202_genz.pdf)

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