



ANDREW M. CUOMO
Governor

NY Rising Condominium and Cooperative Program

Frequently Asked Questions

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NY Rising Condominium and Cooperative Program

1) What is the Condo/Co-op Program?

The NY Rising Condo/Co-op Program (the Program) is designed to provide funding to Condo Associations, Co-op boards, and Home Owner Associations for the repair of common elements and individual units that were damaged during Superstorm Sandy, Hurricane Irene, and/or Tropical Storm Lee.

2) Who are the applicants to the Program?

Applicants to the Program include Condo Associations, Co-op Boards, and Home Owner Associations. To participate, the Association / Board must be responsible for repairs to damaged residential structures in the event of a disaster and/or hold the primary property and flood insurance on damaged residential structures. All NY Rising grant awards are distributed directly to the Association or Board provided all eligibility requirements are met.

3) Is the Condo/Co-op Program still accepting applications?

No. The application period ended July 12, 2016.

4) What assistance is provided through the Condo/Co-op Program?

NY Rising provides financial assistance for repairs to Program allowable storm damage completed prior to the Association's application to NY Rising. This includes damage to common elements and individual units, where applicable. Repairs to non-residential structures, landscaping, and bulkheads are NOT eligible for NY Rising assistance through the Condo/Co-op Program. Additionally, luxury grade items, including but not limited to, custom cabinetry, fireplaces, and decks that are not a primary means of access, are not eligible for assistance. Please consult the Program Guidebook for additional information on allowable and excluded repairs.

5) How is eligible damage determined and valued?

The Program is based on its estimate of total storm damage on the detailed loss inspections used by insurance companies. These documents are called Proof of Loss estimates or POL's. If damages were not covered by insurance or excluded from insurance claim estimates due to exceeding a policy limit, Associations must provide a Proof of Loss statement or other similar document itemizing the excluded damages in order for them to be considered by the Program. All items listed in the POL's are reviewed for compliance with the Program's repair policies. Allowable repairs must be additionally verified as complete prior to application date in order to be included in the Program Damage Estimate. The Program has standard values for all allowable repairs that may differ from actual costs to repair or insurance valuation.



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6) How does the Program determine which units are included in the award?

As part of preparing the Program Damage Estimate, all line items listed in the POL's are identified as being associated with a living unit or a common area. Damages located within specific living units and damages to items not located within the boundaries of a specific living unit but designated for the sole use of a specific living unit are considered living unit damages by the Program. This includes damages to individual, unit-specific air conditioners, hot water heaters, furnaces, and boilers. A unit must have eligible damage identified in this way to be included in the Association's grant award. In addition, each of these damaged units must also meet basic eligibility requirements. This includes: providing evidence that the unit is not a second home, providing information on all public and private benefits received for the unit, and allowing access to the Program to conduct required inspections of the unit.

7) What are the requirements to receive assistance?

Associations must complete the Program's required application forms and provide all supporting documentation requested to verify eligibility. In addition, Associations must provide line item insurance loss documents or closely equivalent scope documents for all storm damages to the property, as well as supporting documents to confirm the dates that repairs were completed. The Association must also provide access to the damaged property (including common elements and units) for Program required inspections and complete any mandatory repairs or remediation identified by the Program. Please consult the Program Guidebook for additional information on the Program's current requirements for participation.

8) The Program forms for damaged units are similar to the forms required for the Association. Are both needed?

Yes. There are similar forms that need to be completed both on behalf of the Association and by damaged unit owners. NY Rising must verify all public and private benefits received directly by the Association and by each damaged unit owner. To do this, we must first collect information from the Association and unit owners about benefits received. We also require consent and release from the beneficiary – both the Association and the unit owner – in order to obtain verification of benefits paid from insurance. The consent and release provided by the Association does not extend to the unit owners and vice versa.

9) What if a unit owner will not or cannot meet Program requirements for participation?

The Program may deem certain units ineligible and exclude them from the Association's award. Associations also have the option to withdraw all or select damaged unit from their grant award. If the Association elects to withdraw units, no documents or inspections are required from those units. No grant funds are awarded for damages to units that are withdrawn. Please consult your Customer Representative for more information on withdrawing units from award consideration.



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10) What is Duplication of Benefits (DOB)?

The federal Robert T. Stafford Disaster Relief and Emergency Assistance Act prohibits NY Rising from paying for repairs that were already paid for by a different repair assistance source. This is referred to as a Duplication of Benefits (DOB). In order to comply with the Stafford Act, Associations and damaged unit owners are required to disclose all sources of disaster recovery assistance received. Common sources of assistance include insurance proceeds, FEMA, SBA loans, other government grants, and charitable contributions from non-profit or faith-based organizations. The Program is required to independently verify the amount of assistance received and whether the assistance is considered duplicative according to the requirements of the Stafford Act. Assistance is duplicative when offered with the stated purpose of structural repair as a result of the qualifying storm.

11) How are grant awards calculated?

Grant awards are calculated using the Program's damage estimate minus any public or private assistance provided for rebuilding, otherwise known as Duplication of Benefits or DOB. The result of this calculation is referred to as Unmet Need. The Program separately calculates Unmet Need for Association common elements and each individual damaged living unit. Both calculations are subject to maximum award caps. Please consult the Program Guidebook for more information on the award calculation.

12) What is the payment schedule?

Subject to meeting eligibility and participation requirements, grant awards are disbursed to Applicants in installments. The Program has defined four distinct payment installments as follows:

- First Common Elements Payment (40% of common elements award)
- First Units Payment (40% of unit award)
- Combined Second Payment (additional 40% of common elements and unit awards)
- Combined Final Payment (remaining 20% of common elements and unit awards)

Multiple installments may be combined into a single payment if all requirements are satisfied simultaneously. Applicants will receive at least two distinct payments. Please refer to the Program Guidebook for specific requirements to receive payments.

13) Who receives payments?

The Program only makes awards and issues payments to Condo Associations, Co-op Boards, and Home Owner Associations. Individual owners of damaged units do not receive direct payments from NY Rising. The Association retains full discretion over the dissemination of award determination reports and grant funds to the member owners.



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14) What on-site inspections of the property are required?

A minimum of two site inspections are required to receive a grant award. The Program must visually confirm the completion of all eligible repairs. As part of this inspection, the Program is also confirming the property is decent, safe, and sanitary for habitation. Any observed issues will need to be addressed by the Association and re-inspected prior to any grant award. The Program must also conduct an inspection to ensure there are no lead, asbestos, or radon hazards in the damaged areas of the property. If hazardous conditions are discovered, they must be remediated prior to grant close out, and a final inspection is required to confirm successful remediation. Please consult the Program Guidebook for more information on site inspection requirements.

15) NY Rising has already inspected my Association. Why do you need to inspect the property again?

The Program must be able to complete an environmental hazard inspection in every area of the property that had eligible repairs. It may require multiple appointments to be able to access all required areas. Also, the Program must ensure all observed hazards are remediated or repaired which can require multiple inspections. If the inspection completed previously did not fully capture the field information required by current Program policies, a new inspection is required.

16) What are my responsibilities as the Association's Authorized Representative during site inspections?

The Program expects the Authorized Representative to facilitate the scheduling of all site inspections including arranging access to all damaged living units. The Authorized Representative or another Association representative should also accompany the inspector at all times in order to guide them through the property. If common areas are locked, the Authorized Representative or another Association representative must have keys to allow the inspector access. Unit owners or tenants should accompany the inspector through their unit.

17) What are my requirements to respond to the results of the on-site inspections?

If the Program's inspectors find that the Association's property does not meet basic standards for decent and safe conditions for residency, the Association will have to make repairs to meet basic habitability standards at its own expense prior to receiving its first grant award. If lead or asbestos is found above government risk levels during an inspection, the Association will need to perform remediation to remove these hazards. The Program can perform such remediation at no cost to the Association. Please consult the Program Guidebook for more information on inspections and resulting requirements.

18) What if I don't agree with the Program's determination of my award?

Applicants may file a clarification to request an additional review of the Program's determination of Duplication of Benefits, the Program's determination of living unit residency, or the Program's determination of repair completion date. If you disagree with the results of the clarification review, you may file a formal appeal. The Program's decisions on allowable repairs cannot be appealed. Please consult the Program Guidebook or your Customer Representative for more information on filing a clarification or appeal.



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19) What is substantial damage and substantial improvement?

Properties are considered substantially damaged when the cost to repair storm damage exceeds 50% of the pre-storm value of the structure. Similarly, buildings are substantially improved when the total value of construction exceeds 50% of the structure value. Most jurisdictions require structures in the 100-Year floodplain to elevate in compliance with current floodplain maps when the structure has been substantially damaged or is being substantially improved. The Program must ensure all properties receiving grant funds are repaired in accordance with the local jurisdiction floodplain requirements. Please consult the Program Guidebook for more information on documenting compliance with substantial damage and substantial improvement regulations.