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# NY Rising Rental Properties Program

## Frequently Asked Questions

May 10, 2019

### NY Rising Rental Properties Program

#### Program Basics

##### **What type of Program is this? Who is running this Program?**

This is a State Program administered by New York State Homes and Community Renewal. It is federally funded through the Community Development Block Grant - Disaster Recovery Program (CDBG-DR), which is administered by the US Department of Housing and Urban Development (HUD).

##### **What types of assistance does this Program offer?**

The NY Rising Rental Property Program (Program) offers awards for Rehabilitation, Reconstruction, Resilience and/or Reimbursement Assistance for residential property damaged as a result of Hurricane Sandy, Hurricane Irene or Tropical Storm Lee (Covered Storms).

##### **Who is eligible for assistance?**

Owners of year-round residential rental properties at the time of the Covered Storm event are eligible to apply. Individuals who purchased storm-damaged properties after the storm event may also apply if he or she commits to rent the property to year-round tenants. Applicants in this Program may be eligible for the Affordable Rental Opportunity (ARO). See the ARO FAQ for more information.

##### **I live in one unit of my three-family building and rent out the other units to tenants on a year-round basis. Is this an eligible rental property?**

Yes.

##### **I own a unit in a condominium or cooperative which I rent out to a tenant on a permanent year-round basis. Is this an eligible rental property?**

Yes. However, if your condominium or cooperative is also applying for benefits pertaining to damage to the common elements of the property, you may also be asked to complete a brief "eligibility" or "CM" application.

##### **My property was rented out to tenants at the time of the storm and sustained damaged. After the storm, my tenants moved out and I now occupy the property as a primary residence. Which application should I apply to?**

The status of the property at the time of the storm (e.g. rented to tenants or occupied by homeowners) determines the application type for the property. If the property was rented out



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to tenants at the time of the storm, then this would qualify for the Rental Property or Affordable Rental Property Program, regardless of the current status of the property.

**May tenants (renters) apply?**

No, the Program does not provide direct benefits to tenants.

**How do I apply?**

The NY Rising Rental Property Program is no longer accepting applications. The application period ended February of 2016.

**What will the Program pay for?**

The goal of the NY Rising Rental Property Program and the Affordable Rental Opportunity is to help owners repair or reconstruct homes to a basic standard that meets minimum Federal, State and local building standards. In addition, the program may pay for improvements to increase the structure's resiliency in the face of future storms.

**Is there a limit to the number of units a building can have in order to be eligible for assistance?**

No. However, buildings with 8 or more units will be subject to federal Davis-Bacon wage rates and compliance.

**What do "duplication of benefits" and "verification of benefits" mean?**

According to the Stafford Act, the federal government cannot pay for repairs that were already paid for by a different source, this is a duplication of benefits. Verification of benefits is the process used to verify the sources of aid provided in response to Hurricane Sandy, Hurricane Irene and Tropical Storm Lee.

**What are the Optional Resiliency Measures available?**

The three types of optional resiliency items (Optional Measures) available are Optional Elevation; Optional Mitigation; and Repair/Replacement of Damaged Bulkheads. You must have applied to the Program prior to the deadline to participate in Optional Measures.

**Update:** Please note that the period to elect to participate in the Optional Measures ended for this Program on July 12, 2016.

**Will I have to pay taxes on the assistance received?**

Because tax consequences may vary with individual circumstances, you should contact a tax professional for advice concerning your particular circumstance.

**I am selling my property or sold my property and I haven't signed a Final Grant Agreement yet; what do I need to provide to the Program?**

You must complete the "closeout" process and sign your Final Grant Agreement before selling your home. To obtain a list of missing documents that you must submit in order to meet the closeout requirements and subsequently complete the sale of your home, please contact your Customer Representative.



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### **Are mobile/manufactured homes eligible for repair or replacement?**

The Program will provide mobile/manufactured home owners with the funds to purchase a new manufactured home which, in most cases, must be located on a site outside of the 100-year floodplain. The Manufactured Home Retailer/Installer Guide fact sheet describes the Program requirements for both the Applicant and the mobile/manufactured home retailer/installer. If you have any questions or concerns, please call the special **Manufactured Home Assistance Line at 844-212-9711**.

### **Awards and Payments**

#### **What requirements must I meet before the Program releases funds to me?**

Before the Program can release the first 50% payment of your Repair award to you, you must select a designer or contractor and provide their name and license number to the Program upon request. Your file must have also met certain basic eligibility criteria, including verification that you owned your home at the time of the storm; and a federally-required environmental review and approval of your project. Applicants who have ONLY a Reimbursement award (with no prospective repair work to be done) need to provide ALL required documentation necessary for the Program to review and to close out their file, in order to receive payment.

**Note: Any applicant who received a first repair payment after December 19, 2016 must agree to provide proof of repair cost to receive a repair award.**

#### **Where can I understand what my award is for?**

The Program grant agreement comes with an award table. The award table will break detail your total award and what each part of your award is for. For example, the award associated with your ECR is to pay for ECR line items outlined in your inspection report. If you do not understand part of your ECR, you should contact your customer representative to discuss any questions you may have.

#### **How do you notify me that I have a check to be picked up?**

The Program will contact you either by telephone, email, or U.S. mail. If you have provided the Program an email address, then you will receive email notifications from [noreply@rebuild-recreate.org](mailto:noreply@rebuild-recreate.org), which will include an award calculation table and a Grant Agreement, that you can electronically sign and details the check amount to be picked up. If you do not have an email address, then the Program will mail the award calculation table and Grant Agreement to the mailing address you provided the Program at time of application.

#### **Are there any restrictions on how I can use my reimbursement award?**

The reimbursement funds are intended to repay you for repair costs you already incurred.

#### **Can I accept my reimbursement and decide not to finish the remaining work on my ECR?**



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No, you cannot accept reimbursement funds and decide not to complete repair work as identified in your ECR. To be in compliance with the Program requirements, it is required that you complete the repairs needed to bring your home to HUD's Decent, Safe and Sanitary standards. Any work that was identified in the your ECR but was not completed at the time of the final inspection will be deducted from your award; if the incomplete ECR repairs are needed to meet HUD standards, then you will not be able to close out until the work is completed.

**How do I get my award changed from a repair award (AA/ECR) to a reconstruction award?**

The Program can convert your Repair Award to a Reconstruction Award if you either submit a Substantial Damage Letter (SDL) issued by the municipality dated prior to 02.20.14 with damages stated in excess of 80%, or an accepted Feasibility Analysis Report (FAR), prepared by your Design Professional.

**I spent more money on my repairs than what is being funded in my AA estimate. Does the Program fund based on actual dollars spent?**

No, the Program provides funding to Reimburse Applicants for repairs completed after the storm based on Program guidelines for eligible items utilizing Program pricing for the New York area. If you do not see in the AA estimate actual items that have been completed, the Program can conduct a Desktop Review, to determine if the items are eligible for funding.

**Who is eligible to receive a Midpoint or Interim Payment?**

If you have received your first fifty percent of the repair/reconstruction payment, and/or the optional elevation payment, and you have made substantial progress in completing the scope of work detailed in your ECR, you may receive a Midpoint Repair Payment and an Interim Optional Elevation Payment. In order to receive a Midpoint and/or Interim payment, you must resolve any outstanding program questions about your application or must complete any requires environmental requirements.

## Inspections, Contractors and Design Professionals

**In order to repair my dwelling what do I have to do?**

1. ***Stop work! Repair work should not commence on your property until environmental review has been completed and you receive your first award payment.***
2. *Submit to a program damage assessment and environmental testing*
3. Read and sign the Grant Agreement
4. Deposit check into bank account
5. Hire a design professional
6. Hire a general contractor



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7. Read and comply with the URA Fact Sheet if you are a landlord to a tenant in the damaged property
8. Complete the work and receive required environmental clearances

### **How are repairs and damages to my property estimated?**

Once you submit a completed application, an inspector will contact you to schedule an appointment. Inspectors survey the damaged property, review any repairs that have already been made and summarize this information into an Allowable Activity (AA) estimate and an Estimated Cost of Repair (ECR) estimate. The AA reflects the value of repairs already completed as of the time of the inspection. The ECR is an estimate for repairs yet to be done as of the time of the inspection. Applicants will receive both an AA and an ECR if some work has been done and there is also more to do to complete the project. The program may also provide an elevation estimate, bulkhead and environmental estimate, as applicable.

### **How many times will my house have to be inspected?**

Approximately three to five times; it depends on the level of work done already, work to be completed and environmental inspections. Typically, there will be an initial inspection, an environmental inspection (with follow up as required), if applicable, a midpoint/interim inspection and a final inspection.

### **If I am only requesting reimbursement, does my home have to be inspected?**

Yes, the Program will verify the work done previously passes all Program inspections and environmental clearances.

### **Construction is in progress on my property. Should I stop construction until I hear from NY Rising?**

Construction should stop as of the date your application is submitted and should not recommence until the required environmental review is complete.

### **Who pays the design professional and general contractor?**

You, the applicant, will pay your design professional and general contractor directly. If the scope of work is \$10,000 or greater, your Estimated Cost of Repairs (ECR) will include a design professional fee in an amount equal to 10% of the ECR total, to be used to hire your design professional to develop the plans and specifications required to apply for a permit.

### **How do I select a design professional or a general contractor?**

You may hire a design professional or general contractor of your choice. Guides to selecting a design professional or general contractor are posted in the guidance *Hiring a General Contractor* [here](#). Contractors need to be licensed to do work in your community and meet all other municipality requirements to perform work on the property and not be on a debarment list. Designers need to have all required New York State Licenses and certifications.

### **Can I be my own GC (General Contractor)?**



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For repairs costing less than \$10,000, Applicants are not required to use a GC. For repairs at or exceeding \$10,000, an Applicant would have to meet the same minimum standards for general contractors in order to act as his/her own GC. Please contact your local building official to confirm requirements.

**My design professional and/or general contractor wants me to sign a contract with them, should I?**

New York State law requires design professionals and general contractors to provide a written contract for home improvement work. Contracts must be in writing, legible and in plain English. If requested, a copy must be given to the customer before any work is done.

**I have signed contracts with the design professional and general contractor, now what?**

Your design professional will work with you to develop a scope of work that will address all of the items in the Estimated Cost of Repairs (ECR). They will also make sure that all work is designed to be in compliance with the Program's required building and energy codes. They will also hire other specialty consultants, such as a soil engineer and a surveyor, if you are elevating your dwelling.

**There is work that I want to be done that is not in the ECR. How do I handle this?**

The ECR prepared by the Program damage assessor includes only items of work that the Program will pay for in order to provide you with decent, safe and sanitary housing. Any items of work that are not in the ECR would be considered an upgrade. Applicants must pay for upgrades with their own funds.

**What is "Davis Bacon"?**

"Davis Bacon" is the federal wage structure and reporting system which is required for any construction contract that applies to 8 or more residential units. It applies to any construction work to be undertaken after applying to the Program and receiving environmental approval ("repair"). Davis Bacon does not apply to construction undertaken prior to applying to the program ("reimbursement").

**Clarifications and Appeals**

**What should I do if I do not agree with the Program's determination of my eligibility or the amount of my award?**

The first thing you should do is ask for an explanation from your Customer Representative or Call Center Representative, but if you think the decision was made in error you should ask for a Clarification and provide supporting documentation, which will prompt a review of your case. After the Clarification is completed you will receive a Clarification Determination, after which you may request an Appeal, if you disagree.

**How do I file an appeal?**





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You can only appeal a resolved (completed) clarification, for which the Program has issued a Clarification Determination Letter; in your appeal form you should reference the completed clarification that you are appealing. You should clearly explain the reason for your appeal on the form and submit any additional material you have that supports your claim. You must obtain an appeals form from your Customer Representative and you may: Email it to [housingappeals@stormrecovery.ny.gov](mailto:housingappeals@stormrecovery.ny.gov) or, contact your Customer Representative to email it on your behalf.

### **How long do I have to file an appeal?**

Filing a clarification stops the clock on the 30-day deadline to appeal as specified in the Grant Agreement. You must appeal within 30 days of the date of the Clarification Determination letter.

## **Elevation**

### **My rental property is situated in the 100-year floodplain. May I receive assistance to elevate the structure?**

If it is feasible, you may be eligible to receive elevation and/or mitigation assistance. If the property received a substantial damage letter and is located within the 100-year floodplain, you must elevate the structure to be eligible to receive any type of Program assistance

### **If I received funds from the Program, am I required to elevate?**

If you live in the 100-year floodplain AND have a substantial damage letter (SDL) issued no later than February 20, 2014 by your local municipality then you will be required to elevate your home.

### **How do I know if my rental property is Substantially Damaged?**

You should contact your local building official to determine if they have designated your home as Substantially Damaged. A home that is designated Substantially Damaged is typically located in the 100-year floodplain and has received damages of any origin, whereby the cost of restoring the home would equal or exceed 50% of the value of the home. If a Substantial Damage Letter has been issued by the local building official, then you will be required to follow the conditions of the letter.

### **If I am required to elevate but do not want to, am I able to complete just the repair of my rental property?**

No, you must follow the Program requirements. If you live in the 100-year floodplain and have a substantial damage letter, you must elevate your home to complete the project. Failure to complete all necessary work will require repayment of all award funds to the Program. Please contact your municipality for elevation requirements.

### **If I live in the 100-year floodplain but am not substantially damaged, can I elevate my rental property?**



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If you live in the 100-year floodplain and are NOT substantially damaged, you are still eligible for optional elevation funding but you will not receive an increase in the maximum benefit cap. You may also be eligible to elevate if just a portion of your land is in the 100-year floodplain or if you have had repeated losses from flooding, as documented by multiple flood insurance payouts.

**At what point in the Program will I receive funds for Optional Elevation?**

If you are eligible for optional elevation and completed the necessary Opt-In Form for Optional Measures, the Program has a specific process and documentation requirements that you and your Design Professional must provide for disbursement of payments.

**If I opt out of elevation, mitigation or bulkhead repair after receiving design funds and I have used those funds to pay a designer, do I have to pay back the funds?**

Applicants who were advanced design funds and subsequently decide to opt out can keep the funds if they can document that the funds were spent on design services (and/or, in the case of elevation, on pre-design investigative services such as soil boring, elevation certificate and survey). Documentation can be in the form of a certification from your design professional (see Design Professional Certification of Payment for Optional Measures) regarding how much they were paid; as well as receipts. Any design funds received by the applicant over and above the amount actually spent will need to be paid back, or will be deducted from the applicant's remaining award amount. Applicants will not be reimbursed for design funds spent in an amount greater than the amount advanced to them by the Program. Applicants must still closeout of the Program and sign a Final Optional Grant Agreement.

**Will storage of my household goods be paid for during the elevation of my home?**

No, storage expenses are not an eligible expense.

**How do I get additional funding for repairing and/or elevating my existing home, if I believe the Program's estimate did not include all necessary items?**

Your design professional must prepare a *Request for Scope of Work Change form/ 6100* to identify the additional material and labor required to complete the storm damaged repairs to local building code requirements.

**What is Elevation Maximum Design Criteria?**

The Program has established a maximum level of construction elements, material types, and finishes related to structural elevation design that is eligible for funding. You may design and build a foundation that varies from these criteria, but the Program is only going to fund your design based on these criteria.

**Why do I need a pre-elevation certificate?**

When the Program did its original elevation estimate it was based on preliminary information, but State code requires a minimum height for elevation in order to meet current building





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codes; and Program policy is to fund elevation only to the height required by State code. The pre-elevation certificate will provide the Program with the information necessary to align the Program Elevation Estimate with the building code height requirement.

### **What environmental hazards are covered by the Program?**

The Program may provide funding to abate or remediate identified environmental hazards identified in a Lead Based Paint, Asbestos, or Radon (in counties where required) environmental inspections. All contractors performing the remediation of lead and asbestos must be certified as required by Federal or NY State guidelines.

## **Closeout**

### **What does closeout mean?**

Closeout means that the essential work on the repair/reconstruction of your home is complete and that you are approaching the conclusion of your participation in the NY Rising Housing Recovery Program. If you are undertaking optional elevation and/or bulkhead work, you may still closeout your essential repair/reconstruction work while you complete these optional measures; they may be closed out at a later date.

### **How long does the closeout process take?**

The Closeout Review is comprehensive and can vary in duration, based on the scope and complexity of each individual case. During this time, all required program documents, must be reviewed for completeness both by the Closeout Team and the Program Quality Assurance Team. If it is discovered that your file is missing documents, you will be notified of the outstanding materials. After your file is complete and passes the closeout review, you will receive your closing documents to review and sign. After all owners listed on the deed sign these documents, your final award payment will be made available (if you have one pending).

### **What is a final inspection?**

The Program considers repair/reconstruction complete when all storm-damaged items identified in the Program's Estimated Cost of Repair (ECR) have been completed. This includes all repair/reconstruction work plus mandatory elevation. If you elected to do optional mitigation (work including roof strapping, backflow valves, flood vents, elevation of mechanicals, or flood resist materials), you must complete both the ECR work and the optional mitigation work before scheduling your final inspection. Please be aware that if the completed work differs from that which was priced in the estimate, your award amount will be adjusted.

### **Can I still closeout and receive my repair final payment if I elected optional measure activities?**

Yes, except if you opted in for optional mitigation work. Applicants who complete the repair/reconstruction of their home, but who have not yet completed optional elevation or bulkhead work may still closeout their repair/reconstruction. Funds advanced for optional elevation and bulkhead work, (including design fees) are accounted for in a separate Optional Measures Grant Agreement and may be closed out separately when that work is complete. Applicants who have opted in for optional elevation or bulkhead work which is still in progress,



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but who have complied with all the requirements to close out their home repair/reconstruction work, can go through the closeout process. When Applicants finish the work associated with their optional elevation and/or bulkhead, their file will go through an "Optional Measure Closeout" and applicants will be asked to sign a Final Optional Measures Grant Agreement at that time.

### **Are all cases required to submit a signed Flood Insurance Covenant?**

It is not required but strongly suggested that Applicants allow the Program to file and record a covenant on their behalf. If Applicants sell their property without notifying the purchaser of the obligation to obtain and maintain flood insurance, and (1) the purchaser fails to secure flood insurance, (2) the property is later storm damaged, and (3) the purchaser of the property receives federal disaster assistance, then the applicant will be required to reimburse the Federal Government in the amount of assistance provided to the purchaser.