



POLICY MANUAL

National Disaster Resilience NY Rising Housing Recovery Program

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The policies stated in this manual are current as of July 2019. This manual represents the current version of the Governor's Office of Storm Recovery's (GOSR) policy which shall provide general guidance for the operation of the GOSR program. All policy manuals will be reviewed periodically and will be updated. GOSR will use its best efforts to keep all of its Policy Manuals current. Therefore, you are strongly urged to visit our website www.stormrecovery.ny.gov or to contact the info@stormrecovery.ny.gov to ensure that you have the latest version of GOSR's policies. There may be times, however, when a policy will change before the manual can be revised.

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Table of Contents

- New York Rising Program Goals..... 5
 - Introduction..... 5
 - Oversight of Storm Recovery 6
 - Program Manual Overview..... 6
 - Meeting the CDBG-NDR Program goals 7
 - Fulfilling the Principles Established by New York State’s Action Plan 7
 - Outreach and Citizen Participation Plan..... 8
 - Citizen Participation Plan 9
- 1.0 Program Summary..... 9
 - 1.0.1 Role of GOSR.....10
 - 1.0.2 Role of Partners10
 - 1.1 Eligibility Criteria10
 - 1.2 CDBG National Objectives.....11
 - 1.3 Eligible Activities11
 - 1.3.1 Workforce Development11
 - 1.3.2 Repair, Reconstruction, New Construction.....12
 - 1.4 Award Determination13
 - 1.4.1 Award Amount13
 - 1.5 Duplication of Benefits13
 - 1.6 Project Funding and Disbursement.....14
 - 1.6.1 Subrogation15
 - 1.6.2 Green Building Standards.....15
 - 1.6.3 Floodplain, Floodway and Coastal High Hazard Area Policy.....15
 - 1.6.4 Flood Insurance Policy.....15
 - 1.7 Design Standards and Construction Specifications.....16
 - 1.8 Lease-up Monitoring16
 - 1.8.1 Determining Tenant Income.....16
 - 1.9 Environmental Review17
 - 1.10 Procurement and Conflicts of Interest.....17
 - 1.11 Closeout18
- 2.0 Acronyms and Definitions19
 - 2.1 Acronyms19
 - 2.2 Definitions.....20
- Exhibit 1 – Program Administrative Requirements and Cross-Cutting Federal Regulations25
- Exhibit 2 – Citizen Participation Plan.....26
 - Public Outreach26
 - Programmatic Outreach.....27
 - Outreach to Vulnerable Populations.....28
 - Public Notices, Public Hearings, and Comment Period29
 - Substantial Amendments to the Action Plan29
 - Performance Reports.....30

Technical Assistance31
Citizen Participation Requirements for Sub-recipients and Local Governments Participating
in CDBG-DR Programs31

New York Rising Program Goals

Introduction

In response to the damage caused by Superstorm Sandy and other natural disasters that occurred across the nation in 2011, 2012, and 2013, the U.S. Congress appropriated \$16 billion in Federal Fiscal Year 2013 funds for the Community Development Block Grant - Disaster Recovery (CDBG-DR) program through Public Law 113-2. Enacted on January 29, 2013, this law stipulates that these funds be used for the following recovery efforts:

“...necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to Hurricane Sandy and other eligible events in calendar years 2011, 2012, and 2013, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): Provided, that funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary of Housing and Urban Development...”

In 2015, the United States Department of Housing and Urban Development (HUD) created and sponsored the National Disaster Resilience (NDR) Competition to promote risk assessment, encourage planning, and fund innovative resiliency projects to help communities be better prepared for extreme weather events. Through this competitive process, HUD made \$1 billion available to communities that have been struck by natural disasters. The NDR Competition was structured with two phases: (1) the Phase 1 “Framing Phase” and (2) the Phase 2 “Implementation Phase.” The competition was structured to guide applicants in the framing phase through broad consideration of their disaster recovery needs, vulnerabilities, stakeholder interests, resilience, and other community development investment alternatives.

After review of Phase I applications, HUD invited the State of New York to submit a Phase 2 proposal. The Phase 2 application named specific public housing sites targeted for improvements and implementation partners. In 2017, HUD awarded GOSR \$35.8 million dollars in Community Development Block Grant – National Disaster Resilience (CDBG-NDR) funds to the State of New York to fund the Public Housing Resiliency Pilot Project (PHRPP), a program of public housing resilience improvements and workforce development. The program is designed to address the needs of highly vulnerable, low- and middle-income public housing residents located in coastal and riverine communities.

The State's Phase 1 and 2 submissions for the competition together constitute an Action Plan required under PL 113-2 and is posted on GOSR's website.

Oversight of Storm Recovery

Governor Cuomo established the Governor's Office of Storm Recovery (GOSR), a division of the Housing Trust Fund Corporation, in June 2013 to maximize the coordination of recovery and rebuilding efforts in storm-affected municipalities throughout New York State. GOSR operates within the New York State Housing Trust Fund Corporation (HTFC). HTFC is a component of New York State Homes and Community Renewal (HCR), a unified leadership platform, encompassing a variety of New York State agencies and public benefit corporations involved in the provision of housing and community renewal. GOSR was formed to direct the administration of the Federal Community Development Block Grant-Disaster Recovery Funds.

GOSR works in close collaboration with local and community leaders to respond to communities' most urgent rebuilding needs while also identifying long-term and innovative solutions to strengthen the State's infrastructure and critical systems. GOSR also administers a variety of programs related to housing recovery, economic development, and community reconstruction following the devastating impact of Superstorm Sandy, Hurricane Irene and Tropical Storm Lee.

Program Manual Overview

This manual is designed to outline the major program policies that the State and its agents will use to direct the operation of its NDR program. As the sole awarded project within the NDR application, the PHRPP and NDR will be referred to in this manual as the "Program" or the "Project". It is intended to serve as a resource for New York State residents and other parties interested in details of how the program will be operated, including eligibility requirements, the types of assistance offered, and program recipient obligations. It serves as a general reference guide for administrative staff and other interested parties, including Public Housing Partners, Contractors, Subrecipients, units of general local government (city and county governments) that are engaged as "sub-grantees" to deliver assistance through the program, and any non-profit organizations that are involved as "sub-recipients" or consultants.

This manual is not intended to be a full compilation of all internal program procedures that the State and its agents follow to ensure effective implementation of the policies contained in this manual. This NDR Manual and manuals for other programs will be made available for public review and use at <http://www.stormrecovery.ny.gov>.

Meeting the CDBG-NDR Program goals

In support of the HUD recovery objectives, the State of New York has specifically designed its programs to help impacted residents and communities to recover from the damage inflicted by the storms of 2011 and 2012. As expressed in the Federal Housing and Community Development Act, the primary objective of the general CDBG program is “the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income (LMI).” CDBG funding appropriated in response to disasters must meet those general goals of the CDBG program.

All CDBG-DR funded housing activities must meet one of the three national objectives required under the authorizing statute of the CDBG program:

- Benefit Low and Moderate Income (LMI) persons
- Aid in the prevention or elimination of slums or blight (Slum and Blight)
- Meet a need having a particular urgency (Urgent Need)

This NDR Program will focus on increasing the environmental, economic, social and physical resilience of public housing and its residents. Because of the population served, the Program expects to meet the LMI national objective.

Fulfilling the Principles Established by New York State’s Action Plan

The NY Rising Housing Recovery Programs, including the NDR Program, are expected to encourage investment in communities by ensuring that properties are not just rebuilt but also become safer—especially for those areas where there is a high risk of future flooding—revitalizing the vibrancy of New York State’s disaster-impacted communities and enhancing the quality of life as well as the production of new affordable housing developments in storm-impacted areas; and helping communities develop and implement strategies that facilitate the coordination of the NY Rising Housing Recovery Programs funding with other federal, state, and local community development resources.

The NY Rising Housing Recovery Programs and the other activities outlined in the Action Plan are based on the foundation of six key principles:

1. ***Building back better and smarter*** – As New Yorkers work to repair the severe damage caused by Superstorm Sandy, the state will use the opportunity to ensure that damaged buildings are not simply restored to their pre-storm condition or replaced with the same kind of structures. Instead, New York State will invest in

additional mitigation measures to prevent similar damage from occurring in the future.

2. **State-led, community-driven recovery** – New York State is collaborating closely with local governments and other organizations to ensure a coordinated and holistic response, while looking to individual communities to develop forward-looking local recovery plans that meet their specific needs.
3. **Recovery from Irene and Lee** – The recovery efforts will also extend to those communities still recovering from Hurricane Irene and Tropical Storm Lee.
4. **Leveraging private dollars** – New York State will undertake programs that will help unlock capital markets and increase the amount of low-interest financing of key projects by reducing the risk for private sector lenders.
5. **Spending accountability and transparency** – New York State will implement rigorous controls and checks to ensure funds are spent responsibly and in compliance with federal and state guidelines.
6. **Urgency in action** – The recovery is a long-term endeavor, but people need immediate help. The projects and programs presented in the Action Plan have been shaped to achieve the fastest delivery and best support possible, while working within the parameters of the HUD guidelines.

Outreach and Citizen Participation Plan

The Phase I application process required extensive consultation with stakeholders, including required consultation with affected, local governments and public housing authorities.¹ Additional outreach efforts will be guided by the State and accomplished through a variety of resources and activities, including the following:

Online: Promotion of recovery resources, the State Action Plan and notices of funding available are available on the GOSR website at <http://www.stormrecovery.ny.gov>

In Person: GOSR and/or Homes and Community Renewal (HCR) staff present information on available Program funds and CDBG-DR requirements at outreach events

¹ FR-5396-N-01, Vol. 78, No. 43 requires grantees to 1) adopt a citizen participation plan for disaster recovery; and 2) show evidence of consultation with stakeholders, and states that the grantee's , including required consultation with affected, local governments and public housing authorities (as identified in section VI of the Federal Notice).

held with identified stakeholders associated with impacted public housing authorities and with other interested parties.

Citizen Participation Plan

The New York State Citizen Participation Plan provides New York citizens with an opportunity to participate in the planning, implementation, and assessment of the State's CDBG-DR Sandy, Irene, and Lee recovery program(s). The Plan sets forth policies and procedures for citizen participation, in accordance with federal regulations, which are designed to maximize the opportunity for citizen involvement in the community development process. The State has attempted to provide all citizens with the opportunity to participate, with emphasis on low- and moderate-income individuals, individuals with limited English proficiency, individuals requiring special accommodations due to disabilities, and individuals in CDBG-DR targeted communities.

The State's Citizen Participation Plan ensures that there is reasonable and timely access for public notice, appraisal, examination, and comment on the activities proposed for the use of CDBG-DR grant funds. Under Alternative Requirements governing CDBG-NDR, a grantee follows streamlined citizen participation requirements that mandate at least one (1) public hearing for each substantial amendment, and a public comment period of at least 15 days for any substantial amendment. Further, given the extensive stakeholder consultation required in the Phase I application process, the Phase I application is deemed to satisfy the Action Plan consultation requirement.

The State has and will continue to coordinate outreach meetings with state entities, local governments, non-profits, private sector and involved associations. The State will also invite public comments to the Action Plan and Substantial Amendments for the duration required by HUD. They will be posted prominently and accessed on GOSR's official website. The State will use means such as press releases, posting notices on the New York State Governor's website and/or GOSR's website, to maximize access of program information to the impacted citizens and businesses.

The New York Citizen Participation Plan for CDBG-DR Sandy, Irene, and Lee Recovery, revised to reflect the alternative requirements for CDBG-NDR, is attached in Exhibit 2.

1.0 Program Summary

The Program will focus on protecting and enhancing the lives of residents of storm-impacted public housing developments by providing replicable mitigation and resiliency interventions at the selected public housing sites, while also creating opportunities for public housing residents through workforce development training. All NDR Program activity will focus on the

environmental, economic, social and physical resilience of public housing and its residents. As described in the NDR Phase 2 application, GOSR engaged Enterprise Community Partners, residential construction engineers, building science professionals, developers, and housing finance experts to identify appropriate resilience measures for each site. In consultation with architects and engineers, GOSR crafted site-specific strategies.

1.0.1 Role of GOSR

GOSR retains day-to-day administrative management and oversight of CDBG-NDR activities. GOSR is responsible for establishing and maintaining financial accountability for CDBG-NDR funds, compliance with CDBG-NDR regulations, and establishing and maintaining project files and records. GOSR is responsible for ensuring compliance with CDBG-NDR statutory, regulatory, and programmatic requirements including those outlined in the Cross-Cutting Requirements manual.

1.0.2 Role of Partners

As outlined in the NDR Phase 2 application, GOSR identified implementation partners to facilitate NDR Program activity. NDR partners are updated as needed in NYS' NDR Action Plan available at www.stormrecovery.ny.gov. Broadly, roles and activities can be summarized as a partnership with:

- Identified PHA partners;
- A principal agency responsible for funding affordable housing in the State;
- Entities which can construct resiliency-related improvements on behalf of GOSR and the respective PHA partner;
- A leading authority on resiliency measures for multi-family affordable housing;
- A practitioner that will contribute to the workforce development component of this project.

The NDR competition NOFA permitted a grantee to identify a partner in its application that the grantee would be otherwise required by program requirements to competitively procure. The August 7, 2017 Federal Register Notice (FRN) states that a grantee is not required to secure the services of any partner by competitive procurement if the partner is duly documented and identified in the initial approved Action Plan for CDBG-NDR grant. It further states that if a partner dissolves the partnership after award and before activities are complete, the grantee should make its best effort to replace the partner with a similarly skilled partner.

1.1 Eligibility Criteria

Eligible PHA sites are those identified and selected by GOSR for inclusion in the NDR Phase 2 application. The PHAs are Freeport, Long Beach, Town of Hempstead, and

Binghamton. These sites are in disaster-declared counties, are located within HUD-recognized Most Impacted and Distressed Areas and represent the highest remaining Unmet Recovery Needs for public housing, after accounting for assistance provided by GOSR's NY Rising Housing Recovery Programs and other sources. These sites are also located within coastal or riverine communities outside of New York City proper and located within the 100-year flood hazard area as identified by the Federal Emergency Management Agency (FEMA). The tie back to a qualified disaster for the PHAs are detailed in the NDR applications. Subrecipients and developers are reviewed by GOSR, as applicable, following the process outlined the Procurement Policies Manual.

1.2 CDBG National Objectives

The Program's mitigation and resiliency measures, as well as the workforce development training program, are intended to serve LMI residents of public housing. The Program uses the HUD CDBG Manual Chapter 3: National Objective to determine how beneficiaries meet LMI requirements. The beneficiaries associated with the new construction, reconstruction and rehabilitation scope will meet the Low Mod Housing (LMH) criteria outlined in Chapter 3 under Section 3.2.3. The new workforce development scope will meet the Low Mod Clientele (LMC) criteria outlined in Chapter 3 under Section 3.2.2. As such, the entire Program will meet an LMI national objective.

1.3 Eligible Activities

Eligible activities include repair and new construction of affordable housing, as well as job training for residents of the impacted public housing authorities.

1.3.1 Workforce Development

The proposed training program is a new service designed to educate, train, and connect residents of the impacted public housing authorities for both traditional construction trade and green collar opportunities. This service will offer direct placement into employment with the building trades, and provide participants with the opportunity to capitalize on both PHA construction employment opportunities and major infrastructure projects in the State's larger Sandy recovery effort. Thus, this service empowers and increases self-sufficiency opportunities for low-income residents of public housing by creating a pathway to sustainable, high-wage employment in construction trades and the emerging restoration economy.

1.3.2 Repair, Reconstruction, New Construction

All developments financed in whole or in part by the Program must meet the New York State Building Code or the New York State Residential Code and all locally adopted and approved building codes, standards and ordinances.

NDR funds may be used for acquisition, site preparation, construction and related soft costs (including environmental health hazard mitigation costs), required for the new construction or rehabilitation of affordable housing developments. Site work may be an allowable construction cost to the extent it is necessary to render the residential units decent, safe, and sanitary. Site work includes grading and excavation, as well as installation of the septic and infiltration systems, utilities, and other ancillary residential structures and improvements.

1.3.2.1 New Construction

As identified in the Phase 2 Application, the Program will provide site-specific resiliency interventions including resilient new development at Freeport Housing Authority. Program funds allocated for new development can include one to one replacement of substantially damaged, residential units that are not suitable for rehabilitation; or those units that are functionally obsolete, non-adaptable, non-accessible and non-ADA compliant.

1.3.2.2 Repair

As identified in the Phase 2 Application, the Program will provide site-specific resiliency interventions including repairs to damaged PHA sites that include resiliency retrofits, nature-based stormwater management features, nature-based coastal protection features, and resilient back-up power/power generation systems. .

1.3.2.3 Workforce Development

The proposed training program is a new service designed to educate, train, and connect residents of the impacted public housing authorities for both traditional construction trade and green collar opportunities. This service will offer direct placement into employment with the building trades, and provide participants with the opportunity to capitalize on both PHA construction employment opportunities and major infrastructure projects in the State's larger Sandy recovery effort. Thus, this service empowers and increases self-sufficiency opportunities for low-income residents of public housing by creating a pathway to sustainable, high-wage employment in construction trades and the emerging restoration economy.

1.4 Award Determination

As outlined in the Phase 2 Application, GOSR and Partners worked with each respective public housing partner to develop a preliminary scope of work and budget. The budget was developed using cost estimates from engineers and Project Worksheets prepared by FEMA. Engineers supplemented FEMA damage assessments with mitigation measures identified in the Enterprise Multifamily Resilience Strategies and industry standard resilience measures. The Enterprise Multifamily Resilience Strategies assessment tool was then utilized to guide the evaluation needs of each PHA partner's site. The data collected informed architecture and engineering design and the appropriate resiliency retrofits per site. The Program established relationships with architecture and engineering firms and subsequently through the bidding process, will identify contractors who will execute the approved resiliency strategies at each public housing partner site.

1.4.1 Award Amount

The Program estimated the cost of resilience improvements for each site during the Phase I and Phase II application process. These estimates are used to establish the funds available for each project.

1.5 Duplication of Benefits

Section 312 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (42 U.S.C. §5155) prohibits any person, business concern, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster for which he has received financial assistance under any other program or from insurance or any other source. In accordance with the Stafford Act, Disaster Recovery funds issued through the Department of Housing and Urban Development's CDBG-DR program may not be used for any costs for which other disaster recovery assistance was previously provided for the same purpose.

Generally, financial assistance received from another source that is provided for the same purpose as the CDBG-DR funds is considered a Duplication of Benefit (DOB). The State's policy is in accordance with HUD's guidance on duplication of benefits found in Federal Register Notice 5582-N-01 published in the *Federal Register/ Vol. 76, No. 221, page 71060/Wednesday, November 16, 2011*.

As mandated by law, all GOSR projects receiving CDBG-NDR funding must evidence an analysis of duplication of benefits, funds received for the same purpose as the intended CDBG-NDR grant. All PHA Partners must submit all funding sources, including FEMA

awards, to be analyzed. GOSR conducts an analysis to establish that there is no duplication of benefits.

1.5.1.1 New Construction - Analysis

With the exception of certain Federal Emergency Management Agency grants, FEMA, National Flood Insurance Program (NFIP), Private Flood Insurance proceeds, and Small Business Administration (SBA) Loans are generally not considered to be intended for the purpose of new construction of affordable housing. In instances of new construction, the Program follows standards set forth in the NY Rising Affordable Housing Fund Policy Manual (3.0)

1.5.1.2 Repair - Analysis

In instances where the Program identifies critical resiliency needs, information is requested from Program PHA partners to determine if funding was available for the same purpose.

1.5.1.3 Potential list of Duplicative benefits

The PHA must consider the total assistance available to them. This includes all benefits, including cash, insurance proceeds, grants from FEMA, SBA loans, as well as any other assistance received by the applicant from other local, State or federal programs, or private or nonprofit charities. Partners should pay special attention to the following potential sources of benefits and confirm that the below-mentioned sources of benefits have been exhausted or may be made available for the project:

- **National Flood Insurance Program (NFIP):** Insurance proceeds received must be disclosed by the PHA.
- **Private Insurance:** All insurance proceeds received must be disclosed by the PHA. Where necessary, the Program will look for “undeclared” insurance benefits as well as confirming those disclosed by the Sponsor.
- **FEMA:** FEMA proceeds received must be disclosed by the PHA
- **Other:** Funds received from other sources must be disclosed by the PHA and verified by the Program. Examples include nonprofits, other governmental agencies, and social groups.

1.6 Project Funding and Disbursement

CDBG-NDR funds may be available at the execution of the appropriate agreements, in which not only CDBG-NDR, but all funds needed to complete the project will be confirmed

as available. GOSR and its partners will collaborate to coordinate and execute resilience strategies at each of the PHA sites. GOSR, Project Partners and the respective PHA partners will utilize project management agreements to outline the relationship between all three entities during the project for repair activities or may use construction loan closing documents in instances of new construction. A workforce development partner will be contracted and paid to execute a workforce development training program for PHA residents. All other work will be facilitated through a selected partner. Payments are available to pay for prospective repair work as costs are incurred will be paid on a reimbursement basis based on costs incurred. Note: new construction may be facilitated through the AHF payment process outlined in the NY Rising Affordable Housing Policy Manual.

1.6.1 Subrogation

Subrogation is the process by which duplicative assistance paid to the PHA Partner after receiving an award is remitted to the Program in order to avoid a duplication of benefit, whereby the PHA Partner would be reimbursed twice for the same loss. By signing the grant agreement, the PHA Partner warrants that he/she will remit any excess funds to the Program, whenever received.

1.6.2 Green Building Standards

All reconstruction and new construction of residential buildings and substantially damaged homes must incorporate Energy Conservation Construction Code of New York State (ECCCNYS current edition) into construction and achieve certification. Repair of buildings must follow guidelines in the HUD CPD Green Building Retrofit Checklist. GOSR may accept a green building standard that it deems substantially equivalent to or in excess of the ECCCNYS or the HUD CPD Green Building Retrofit Checklist.

1.6.3 Floodplain, Floodway and Coastal High Hazard Area Policy

[Executive Order 11988 – Floodplain Management](#) requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. As outlined in our project management agreements, all PHAs and PHA Partners must comply with these federal regulations.. Definitions and regulations regarding the 100 Year Floodplain, Floodway, and the Coastal High Hazard Area can be found in Section 2.0 of this manual.

1.6.4 Flood Insurance Policy

If a Partner receives any assistance from the Program and the property is located within the “100-year” floodplain then the owner is required by federal regulation to maintain flood

insurance in perpetuity and, in the event of a transfer of property, the owner is required, on or before the date of transfer, to notify the transferee in writing in the documents evidencing the transfer of ownership of the property, of the requirements to obtain and maintain flood insurance in perpetuity. If a transferor fails to provide notice as described above, the transferor shall be held liable. The requirement to obtain and maintain flood insurance is included in the project management agreement documents executed at closing.

As per Federal regulations, if an owner previously received Federal Assistance for the subject property – personal, commercial, or residential – and failed to obtain and maintain flood insurance then the owner is ineligible to receive assistance from CDBG-DR and CDBG-NDR. For more information, refer to Section 582 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 5154a) and the HUD Exchange FAQ: <https://www.hudexchange.info/onecpd/assets/File/National-Disaster-Resilience-Competition-Grants-Management-FAQs.pdf>

1.7 Design Standards and Construction Specifications

PHA and PHA Partners should repair or reconstruct their properties in accordance with all State and locally adopted and approved building codes, standards and ordinances. Due to the highly regulated nature of construction activities in New York State, compliance with the aforementioned requirements is determined through inspection and approval by the local code official that is vested with the authority to determine compliance with local and State requirements. All substantially damaged and reconstructed residential units of affected public housing must incorporate Energy Conservation Construction Code of New York State (ECCCNYS 2010) into construction and receive a Certificate of Occupancy.

1.8 Lease-up Monitoring

1.8.1 Determining Tenant Income

The Program will confirm that each project is leased to the number of LMI units identified in a certification of LMI status at closeout as part of the project management agreement execution. The Program will rely on verification provided by the Developer or project partner for new construction projects as verified by HTFC or New York State Housing Finance Agency staff .

In submissions to HCR to determine tenant income, the program requires the developer or a subsequent owner to report the most recent signed federal income tax returns (e.g., IRS Forms, 1040, 1040A or 1040EZ).

If one or all household members do not have an IRS tax return, or the income situation has changed since the tax return(s) was filed, any of the following applicable documents may be presented for every household member that is 18 or older:

- Minimum of three current and consecutive months of check stubs (if the household member is paid monthly)
- Minimum of four current and consecutive check stubs (if the household member is paid weekly, bi-weekly or bi-monthly)
- Pension statement showing current monthly or yearly gross amount
- Social Security statement or IRS Form 1099
- Unemployment statement
- Certification of Zero Income Form
- Completed Household Income Worksheet and Certification, verified by information received from the New York State Department of Tax and Finance.

1.9 Environmental Review

CDBG disaster grant funding from HUD is contingent on compliance with the National Environmental Policy Act (NEPA) and related environmental and historic preservation legislation and executive orders. Projects are also subject to State Environmental Quality Review (SEQR). All projects which involve new construction, change of use (as in adaptive reuse projects), or increase the floor area of an existing residential structure by 20% or more must successfully complete an Environmental Assessment (EA) prior to entering into a funding commitment for projects. For projects which involve substantial rehabilitation of existing residential structures, an abbreviated environmental review may be applicable. Pre-application technical assistance is available to discuss these matters further. All awards will be considered conditional until the environmental review is complete.

1.10 Procurement and Conflicts of Interest

Closing may not take place until title clearance has been obtained, to the satisfaction of GOSR counsel. Prior to closing, all Vendor Responsibility clearance must have been obtained for all applicable entities in the ownership chain as well as the general contractor. Any required flood and other applicable insurance will be confirmed at the closing.

1.11 Closeout

Closeout is undertaken by the Program once the final project closeout checklist(s) are completed. Closeout activities, a closeout letter sent to partners, a closeout notice sent to GOSR staff, and closeout in Elation.

The project closeout is the process by which GOSR determines all requirements of the agreement between GOSR and the Partner for a specific project have been completed in accordance with the terms and conditions of the agreement. Project closeout begins when:

- All project expenses (including non-CDBG-NDR funds) to be paid have been completed and payment requested;
- Approved work has been finished;
- Any other responsibilities detailed in the partner agreement have been fulfilled; and
- All monitoring or audit findings have been cleared.

Project closeout consists of:

- A closeout request, with applicable project documents attached, submitted to GOSR by the partner;
- A project closeout checklist completed and approved by the Program and other departments within GOSR; and
- A project closeout letter sent to the partner and to GOSR departments.

In addition, the project's status must be updated in HUD's Disaster Recovery Grant Reporting (DRGR) system, and a final HUD quarterly narrative report must be submitted to reflect the project's status. For projects comprised of GOSR's CDBG-NDR funds as well as other funds, project closeout occurs when all funds are spent.

2.0 Acronyms and Definitions

2.1 Acronyms

Acronym	Name
AMI	Area Median Income
BERA	Bureau of Environmental Review and Assessment
BFE	Base Flood Elevation
CBDG-DR	Community Development Block Grant-Disaster Recovery
CDBG-NDR	Community Development Block Grant – National Disaster Resilience
CDOL	Community Development Online (system)
DOB	Duplication of Benefits
EA	Environmental Assessment
ECP	Enterprise Community Partners
EPA	Environmental Protection Agency
ERR	Environmental Review Records
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
GOSR	Governor’s Office of Storm Recovery
HCR	New York State Homes and Community Renewal
HFA	New York State Housing Finance Agency
HTFC	Housing Trust Fund Corporation
HUD	U.S. Department of Housing and Urban Development
LIHC	Low-Income Housing Tax Credit Program
LMI	Low- and Moderate-Income
MWBE	Minority and Women Owned Businesses
NDR	National Disaster Resilience Competition
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NYS	New York State
NYSERDA	New York State Energy and Research Development Authority
PAB	Private Activity Bond
QAP	Qualified Allocation Plan
RFP	Request for Proposals
SAM	System for Award Management
SBA	Small Business Administration
SEQR	State Environmental Quality Review

SFHA	Special Flood Hazard Area
TOD	Transit Oriented Development
UFA	Unified Funding Application
URA	Uniform Relocation Act
USGBC LEED	United States Green Building Council Leadership in Energy and Environmental Design

2.2 Definitions

NDR Public Housing Resiliency Pilot Project: The National Disaster Resilience Competition (NDR) Public Housing Resiliency Pilot Project is a housing development program that provides financing assistance for resiliency improvements to public housing facilities identified as Most Impacted and Distressed in the NDRC in areas damaged by one or more Covered Storms.

Area Median Income: Average household income, before taxes, adjusted for family size. For NYS AMI's refer to [this chart](#). Income guidelines are calculated annually and therefore subject to change on a yearly basis.

Base Flood Elevation (BFE): The BFE is the regulatory requirement for the elevation or flood-proofing of structures. It is the computed elevation to which floodwater is anticipated to rise during the base flood. Base Flood Elevations (BFEs) are shown on Flood Insurance Rate Maps (FIRMs) and on the flood profiles.

Change Orders: Modifications to the Scope of Work required due to unforeseen circumstances.

Coastal High Hazard Areas: are the areas subject to high velocity waters, including but not limited to hurricane wave wash or tsunami as designated by the Flood Insurance Rate Map (FIRM) under FEMA regulations as Zone V 1-30, VE or V (V Zones).

Community Development Block Grant (CDBG): A federal program administered by the US Department of Housing & Urban Development (HUD) which provides grant funds to local and state governments. The CDBG program works to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses.

Covered Storm: Hurricane Irene, Tropical Storm Lee, and/or Superstorm Sandy.

Developer: Developer is defined by the HUD Neighborhood Stabilization Program as “[a] for-profit or private nonprofit individual or entity that the grantee provides NSP assistance

to for the purpose of (1) acquiring homes and residential properties to rehabilitate for use or resale for residential purposes and (2) constructing new housing in connection with the redevelopment of demolished or vacant properties.”. PHA or PHA Partners are distinct from sub-recipients, grantee employees, and contractors. PHA or PHA Partners are end-user beneficiaries.

Duplication of Benefit (DOB): Financial assistance received from another source that is provided for the same purpose as the CDBG-DR funds.

Environmental Review Record (ERR): A permanent set of files containing all documentation pertaining to the environmental review compliance procedures conducted and environmental clearance documents.

Floodplain: (also known as the “Base Flood”): is the low, flat, periodically flooded lands adjacent to rivers, lakes and oceans and subject to geomorphic (land-shaping) and hydrologic (water flow) processes.

The 100-year Floodplain is the land that is predicted to flood during a 100-year storm, which has a 1% chance of occurring in any given year. Areas within the 100-year floodplain may flood in much smaller storms as well. The 100-year Floodplain is used by FEMA to administer the National Flood Insurance Program. (NFIP)

Floodway: (also known as the “Regulatory Floodway”) is the portion of the Floodplain effective in carrying flow where flood hazard is generally the greatest, and water velocity is the highest. In the Floodway, fill or other development is likely to divert flow and contribute to increased water depths during a flood. Ideally, Floodways should be undeveloped areas that can accommodate flood flows with minimal risk.

Grantee: The term “grantee” refers to any jurisdiction receiving a direct award from HUD under Notice FR-5696-N-01.

Housing Trust Fund Corporation (HTFC): New York State agency through which Program funds are administered to applicants and other sub-recipients.

Department of Housing and Urban Development (HUD): Federal department through which the Program funds are distributed to grantees.

Limited English Proficiency (LEP): A designation for person that are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language. A person with Limited English Proficiency may have difficulty speaking or reading English. An LEP person will benefit

from an interpreter who will translate to and from the person's primary language. An LEP person may also need documents written in English translated into his or her primary language so that person can understand important documents related to health and human services.

Low-to-Moderate Income (LMI): Low to moderate income people are those having incomes not more than the "moderate-income" level (80% Area Median Family Income) set by the federal government for the HUD assisted Housing Programs. This income standard changes from year to year and varies by household size, county and the metropolitan statistical area.

Low Income Housing Tax Credits (LIHTC): The LIHTC Program is an indirect Federal subsidy used to finance the development of affordable rental housing for low-income households.

National Environmental Policy Act (NEPA): Establishes a broad national framework for protecting the environment. NEPA's basic policy is to assure that all branches of government consider the environment prior to undertaking any major federal action that could significantly affect the environment.

National Flood Insurance Program (NFIP): Created by Congress in 1968 to reduce future flood damage through floodplain management and to provide people with flood insurance through individual agents and insurance companies. FEMA manages the NFIP.

Partner: Various entities will be responsible for implementing program activities. The term Partner is used throughout to denote the relationship between GOSR and entities like subrecipients and developers.

Person with Disabilities: [24 CFR 5.403]. A person with disabilities for purposes of program eligibility:
Means a person who: Has a disability, as defined in 42 U.S.C. 423; Inability to engage in any substantial gainful activity due to any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or In the case of an individual who has attained the age of 55 and is blind, inability due to such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time. For the purposes of this definition, the term blindness means

central vision acuity of 20/200 or less in the better eye with use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purposes of this paragraph as having a central visual acuity of 20/200 or less.

- (ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - (A) Is expected to be of long-continued and indefinite duration,
 - (B) Substantially impedes his or her ability to live independently, and
 - (C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- (iii) Has a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8))

Private Activity Bond (PAB): In general, a private activity bond is a bond issued by or on behalf of local or state government for financing the project of a private user.

Project Sponsor: Project applicant, or if an application is completed on the sponsor's behalf, the sponsor as identified in the application

Repair: The labor, materials, tools, and other costs of improving buildings, other than minor or routine repairs.

Request for Proposal (RFP): A procurement document designed to solicit proposal services where cost is considered as a factor.

Site Specific Checklist (SSC): The environmental compliance checklist that is required to document environmental clearance before Federal funds are permitted to be awarded.

Slum and Blight: "Blighted area" and "slum" mean an area in which at least seventy per cent of the parcels are blighted parcels and those blighted parcels substantially impair or arrest the sound growth of the state or a political subdivision of the state, retard the provision of housing accommodations, constitute an economic or social liability, or are a menace to the public health, safety, morals, or welfare in their present condition and use

Small Business Administration (SBA): SBA's Office of Disaster Assistance (ODA) provides affordable, timely and accessible financial assistance to homeowners, renters,

and businesses. The SBA low-interest, long-term loans are the primary form of federal assistance for the repair and rebuilding of non-farm, private sector disaster losses.

Subrogation: The process by which duplicative assistance paid to the Partner after receiving an award are remitted to the Program to rectify a duplication of benefit.

Substantial Damage: Occurs when a property sustains damages that equal or exceed 50 percent of its Fair Market Value (FMV) prior to the event, as determined by a local authorized official (e.g., a code officer) and is sent a Substantial Damage Letter, or if the ECR/AA value (minus elevation and bulkheads costs) meets or exceeds 50 percent of the Program cap.

Systematic Alien Verification for Entitlements (SAVE): Is a web-based service that helps federal, state and local benefit-issuing agencies, institutions, and licensing agencies determine the immigration status of benefit homeowners so only those entitled to benefits receive them.

Uniform Relocation Act (URA): A federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms.

Urgent Need Objective: Under the disaster recovery federal regulations, HUD has determined that an urgent need exists within the Presidentially Declared counties. An urgent need exists because existing conditions pose serious and immediate threat to health/welfare of community, the existing conditions are recent or recently became urgent (typically within 18 months), and the sub-grantee or state cannot finance the activities on its own because other funding sources are not available.

Exhibit 1 – Program Administrative Requirements and Cross-Cutting Federal Regulations

The NY Rising Housing Recovery Programs and its beneficiaries, subrecipients and contractors must adhere to federal and state requirements as applicable and provide confirmation of compliance upon request. It is incumbent upon grant recipients to determine which requirements apply to them. A general reference to all requirements may be found in the NY Rising Housing Recovery Program Cross-Cutting Manual available upon request and located on the Program website.

Exhibit 2 – Citizen Participation Plan

Community Development Block Grant Disaster Recovery Hurricane Irene, Tropical Storm Lee, and Superstorm Sandy

The primary goal of the New York Citizen Participation Plan is to provide all New York citizens with an opportunity to participate in the planning, implementation, and assessment of the State’s CDBG-DR Sandy recovery program(s). The Plan sets forth policies and procedures for citizen participation, which are designed to maximize the opportunity for citizen involvement in the community redevelopment process. New York State developed the Citizen Participation Plan to meet the requirements of the CDBG Disaster Recovery (CDBG-DR) funding for Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee. The Plan reflects the alternative requirements as specified by the U.S. Department of Housing and Urban Development (HUD) in the Federal Register (FR-5696-N-01), Federal Register (FR-5696-N-06), Federal Register (FR-5696-N-11), and notice of specific waivers.

The State ensures that any Units of General Local Government (UGLGs) or sub-recipients who receive funds have a Citizen Participation Plan that meets the CDBG-DR regulations and takes into consideration the waivers and alternatives made available under CDBG-DR funding.

In order to facilitate citizen participation requirements and to maximize citizen interaction in the development of the New York Disaster Recovery Action Plan, substantial amendments to the Action Plan, and the Quarterly Performance Reports (QPR), the State has laid out targeted actions to encourage participation and allow equal access to information about programs by all citizens, including those of low and moderate income, persons with disabilities, the elderly population, persons receiving Disaster Housing Assistance Program (DHAP) funding, and persons with limited English proficiency.

Public Outreach

GOSR is committed to ensuring that all populations impacted by the storms are aware of the programs available to assist in the recovery from Hurricane Irene, Tropical Storm Lee, and Superstorm Sandy. Through in person meetings, outreach events, online and traditional media, GOSR has publicized programs and conducted outreach efforts throughout the storm impacted areas. In addition, the Governor initiated the NYRCR Program, a grass-roots community driven process that engages the public as a key stakeholder in the planning and rebuilding process. Through 61 cross-jurisdictional Planning Committees representing 119 communities, the NYRCR stakeholders helped to inform their communities about the available recovery programs as they came online.

Programmatic Outreach

Through the NYRCR Program, there have been over 650 Planning Committee Meetings to construct a vision statement; to conduct an inventory of critical assets and an assessment of risks; and then ultimately to craft the strategies, and proposed projects or actions to address these risks. All meetings were open to the public and were publicized by media advisories, flyers, and posters hung in public buildings; radio announcements; and through social media. Where necessary, meetings were advertised in various languages to ensure the immigrant population was informed. Translators were also present at meetings so that information was clearly understood. For the hearing impaired, sign language interpreters were also available.

More than 250 Public Engagement Events attracted thousands of community members, who provided feedback on the NYRCR planning process and proposals and made additional suggestions. Planning Committees members were instrumental in representing communities that are traditionally underrepresented in disaster recovery, from engaging immigrant populations to working with high school students. Committee members made presentations at senior housing complexes, religious gatherings, schools, and at Chambers of Commerce.

For the Small Business program, GOSR worked in coordination with the Empire State Development Corporation (ESD) as well as its sub-recipient, the Small Business Development Center (SBDC) to create a multi-pronged approach to reach out to more than 3,000 businesses in the impacted communities. This has included paid advertising, door-to-door visits, press releases and other public relations efforts, and collaboration with various constituents and community organizations.

Early in the NY Rising Homeowner Program, the State partnered with the Long Island Housing Partners to target community outreach including but not limited to, persons with disabilities and other special needs, and senior households, with a focus on low- and moderate- income minority communities; outreach to and coordination with civic associations, religious and advocacy groups (racial equity), social service agencies, emergency aid not-for profits, educational institutions, and outreach to residences impacted by the disaster.

The State's vendors on the project also held numerous meetings to inform the public about the availability of grants for home repairs. This outreach consisted of a variety of methods: media announcements, online updates on the Storm Recovery website and through Storm Recovery profiles on social media platforms including Facebook, Twitter, and Instagram, community meetings, and partnerships with sub-recipients. Additionally, staff frequently made presentations to community groups, specifically in Long Island, to

provide updated program information. A similar effort has been conducted in counties in upstate New York to make sure that all impacted homeowners have the most up to date information about the program. In addition, frequent technical assistance meetings were held with applicants to assist homeowners in better understanding the program and completing the rebuilding process successfully.

Further the State also engaged the Welfare Council of Long Island/Long Island Long-Term Recovery Group (LTRG) to conduct targeted outreach to low- and moderate-income individuals that were affected by the Superstorm Sandy, in order to encourage these individuals to apply to the NY Rising Housing Recovery Assistance Program before the April 11, 2014 deadline.

For its rental programs, the State conducted outreach to potential landlords throughout the impacted areas that may be eligible for the program. As part of its implementation, the State also conducted outreach to previous tenants of the damaged rental units to make them aware of potential repaired and newly built units as they were completed.

Outreach to Vulnerable Populations

The State also conducted outreach to residents with more acute needs, particularly low- and moderate- income household and households headed by non-English speaking persons. As noted above, within the NYRCR program, where necessary, meetings were advertised in various languages to ensure the immigrant population was informed. Translators were also present at meetings so that information was clearly understood. For the hearing impaired, sign language interpreters were also available.

As the State continues to implement programs and work with communities to recover from Hurricane Irene, Tropical Storm Lee and Superstorm Sandy, GOSR is committed to continued outreach and program accessibility to vulnerable populations and ensuring that program information is accessible to populations with language barriers. For example, the APA is translated into Spanish, Russian and Chinese, which are the three languages most needed for persons with language barriers in impacted counties (based on the 2008-2012 ACS 5-Year Estimates, Table B16001, Populations 5 Years and Over Who Speak English less than “very well”). The State continues to translate programmatic materials within its Programs. The State also continues to provide translation services as needed in case management and public meetings.

The State’s website (www.stormrecovery.ny.gov) includes language translation functionality. The State also provides translation of any document into additional languages, braille, or any other formats for persons with visual impairments upon request.

The State continues to further these efforts to reach out to all populations and ensure that the community is educated and aware of all of the recovery programs. As programs adjust and move into new phases, the State will continue to adjust their public outreach to ensure comprehensive outreach to all populations.

Public Notices, Public Hearings, and Comment Period

The State Citizen Participation Plan ensures that there is reasonable and timely access for public notice and comment on the activities proposed for the use of CDBG-DR grant funds. In the Notices for the Second and Third Allocation HUD revised the requirements for public hearings. The State always holds one public hearing, at minimum, for each substantial amendment, starting with APA6. Written minutes of the hearings and attendance rosters are kept for review by State officials. The State continues to coordinate outreach meetings with State entities, local governments, non-profits, private sector, and involved associations. The State invited public comment to the New York Disaster Recovery Action Plan and will continue to invite public comment for any future Substantial Amendments for a minimum thirty days, posted prominently and accessed on GOSR's official website.

Substantial Amendments to the Action Plan

The State has defined Substantial Amendments to the Action Plan for CDBG-DR grants as those proposed changes that require the following decisions:

- Addition or deletion of any allowable activity described in the approved application;
- The allocation or re-allocation of more than \$1 million; and/or,
- Change in the planned beneficiaries.

For CDBG-NDR grants, Substantial Amendments to the Action Plan are:

- Any change to the funded portions of the application that HUD determines would present a significant change to the grantee's capacity to carry out the grant, or would undermine the grantee's soundness of approach;
- Any change to the Most Impacted and Distressed target area(s);
- Any changes in program benefit, beneficiaries, or eligibility criteria, and the allocation or reallocation of more than 10 percent of the grant award;
- Any change to the leverage that was pledged and approved in the grantee's grant agreement; or
- The addition or deletion of an eligible activity.

Those amendments which meet the definition of a Substantial Amendment are subject to public notification, public hearings and public comment procedures. Citizens and units of local government are provided with reasonable notice and an opportunity to comment on proposed Substantial Amendments to the Action Plan. A notice and copy of the proposed Substantial Amendment is posted on the agency's official website. The review and comment period on proposed amendments is 30 days for CDBG-DR grants and 15 days for CDBG-NDR grants. Citizens are provided with no less than thirty days to review and comment on the proposed amendment.

A summary of all comments received and responses are included in the submission to HUD and posted to GOSR's official website. A summary of the comments and responses can be found in the relevant Action Plan Amendment on GOSR's website.

Non-substantial Amendments to the Action Plan are posted on GOSR's official website after notification is sent to HUD and the amendment becomes effective. Every Amendment to the Action Plan (substantial and non-substantial) is numbered sequentially and posted on the website.

Performance Reports

The State must submit a Quarterly Performance Report through HUD's Disaster Recovery Grant Reporting (DRGR) system no later than thirty (30) days following the end of each calendar quarter. Within three (3) days of submission to HUD, each QPR must be posted on GOSR's official website. The State's first QPR is due after the first full calendar quarter after the grant award. QPR's will be posted on a quarterly basis until all funds have been expended and all expenditures have been reported. Each QPR is available at <https://stormrecovery.ny.gov/funding/quarterly-reports>.

Each QPR includes information about the uses of funds in activities identified in the Action Plan as entered in the DRGR reporting system. This includes, but is not limited to: project name, activity, location, and National Objective; funds budgeted, obligated, drawn down, and expended; the funding source and total amount of any non-CDBG-DR funds to be expended on each activity; beginning and actual completion dates of completed activities; achieved performance outcomes such as number of housing units complete or number of low- and moderate- income persons benefiting; and the race and ethnicity of persons assisted under direct-benefit activities. The State must also record the amount of funding expended for each Contractor identified in the Action Plan. Efforts made by the State to affirmatively further fair housing are included in the QPR.

During the term of the grant, the grantee provides citizens, affected local governments, and other interested parties with reasonable and timely access to information and records relating to the approved program and to the grantee's use of grant funds as well as

contracts procured with CDBG-DR funding. This information is posted on the grantee's official website and provided on request.

Technical Assistance

The State provides technical assistance to facilitate citizen participation where requested, particularly to groups representative of persons of low- and moderate- income and vulnerable populations. The level and type of technical assistance is determined by the applicant/recipient based upon the specific need of the community's citizens.

Citizen Participation Requirements for Sub-recipients and Local Governments Participating in CDBG-DR Programs

To ensure applicant compliance with Section 508 of the Housing and Community Development Act of 1974, as amended, the citizen participation requirements for Units of General Local Government (UGLG) applying for or receiving Disaster Recovery funds from the State are as follows:

Each applicant shall provide citizens with adequate opportunity to participate in the planning, implementation, and assessment of the CDBG program. The applicant shall provide adequate information to citizens, obtain views and proposals of citizens, and provide opportunity to comment on the applicant's previous community development performance.

UGLGs that receive CDBG-DR funds must have a written and adopted Citizen Participation Plan which:

- Provides for and encourages citizen participation, with particular emphasis on participation by persons of low- and moderate- income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
- Provides citizens with reasonable and timely access to local meetings, information, and records relating to the State's proposed method of distribution, as required by regulations of the Secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended, and the unit of local government's proposed and actual use of CDBG funds;
- Provides for technical assistance to groups representative of persons of low- and moderate- income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;
- Provides for the review of proposed activities and program performance by potential or actual beneficiaries, and with accommodations for the disabled;
- Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable;
- Identifies how the needs of non-English speaking residents will be met where a

significant number of non-English speaking residents can be reasonably expected to be involved;

- Establishes procedures and policies to ensure non-discrimination, based on disabilities, in programs, and activities receiving federal financial assistance as required by Section 504 of the Rehabilitation Act of 1973, as amended.

The plan must be made available to the public and must include procedures that meet the following requirements:

- **Performance Hearings:** Prior to close out of the disaster recovery program, the Program, the UGLG and State sub-recipients may be required to hold a public hearing to obtain citizen views and to respond to questions relative to the performance of the program. This hearing is held after adequate notice, at times and locations convenient to actual beneficiaries and with accommodations for the disabled and non-English speaking persons provided. Written minutes of the hearings and attendance rosters are kept for review by State officials. Nothing in these requirements shall be construed to restrict the responsibility and authority of the applicant for the development of the application.
- **Complaint Procedures:** The State ensures that each UGLG, or sub-recipient funded with CDBG-DR funds has written citizen and administrative complaint procedures. The written Citizen Participation Plan provides citizens with information relative to these procedures or, at a minimum, provides citizens with the information relative to the location and hours at which they may obtain a copy of these written procedures. All written citizen complaints which identify deficiencies relative to the UGLG, sub-recipient's community development program merit careful and prompt consideration. All good faith attempts are made to satisfactorily resolve the complaints at the local level. Complaints are filed with the Executive Director or Chief Elected Official of the entity who is receiving the funds and who is investigating and reviewing the complaint. A written response from the Chief Elected Official, Agency Head, or Executive Director to the complainant is made within 15 working days, where practicable.