



POLICY MANUAL

NY Rising Condominium and Cooperative Program

Andrew M. Cuomo, Governor of New York State
RuthAnne Visnaukas, Commissioner/CEO,
New York State Homes and Community Renewal

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Prepared by
Governor's Office of Storm Recovery of the
Housing Trust Fund Corporation
Office of Community Renewal

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 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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1.0 New York Rising Program Goals

1.1 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...”

Following Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee, the State of New York (the State) developed the NY Rising Housing Recovery Programs (the Program), along with several other disaster recovery initiatives as outlined in the [State of New York Action Plan for Community Development Block Grant Program Disaster Recovery](#) and subsequent amendments (Action Plan). The NY Rising Housing Recovery Programs are designed to help New Yorkers who were impacted by Superstorm Sandy, Hurricane Irene, and/or Tropical Storm Lee to recover and rebuild. Just as importantly, the Program helps to stimulate economic growth in storm-affected communities.

Applicants in eligible disaster-declared counties who sustained damage as a direct result of one of these storms are invited to submit an application for assistance. Eligible Applicants work with assigned Program representatives throughout the assistance process.

1.2 Oversight of Storm Recovery

Governor Cuomo established the Governor’s Office of Storm Recovery (GOSR) in June 2013 to maximize the coordination of recovery and rebuilding efforts in storm-affected counties throughout New York State. The Governor’s Office of Storm Recovery 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 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.

Working in close collaboration with local and community leaders, GOSR responds to communities' most urgent rebuilding needs while also identifying long-term and innovative solutions to strengthen the State's infrastructure and critical systems. Additionally, GOSR 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.

1.3 Program Manual Overview

This manual is designed to outline the major program policies that the State and its agents use to direct the operation of the Condominium and Cooperative Program ("Condo/Co-op Program" or "the Program"), which is a part of the NY Rising Housing Recovery Programs. This manual is a resource for New York State residents and other parties interested in details of how the different programs operate and includes information on who is served by the Program, the types of assistance offered, and Program participant obligations. The manual serves as a general reference guide for administrative staff and other interested parties.

As outlined in the State's Action Plan and described in more detail throughout this manual, the program is designed to provide grants for the repair, reconstruction, and increased resiliency of residential condominiums and cooperatives damaged by one of the three storms listed above.

Though the State's Action Plan contains details on all the NY Rising Programs, this manual only addresses the Condo/Coop Program.

This manual is not intended to be a full compilation of all internal Program procedures that must be put in place before the State and its agents can ensure the effective implementation of the policies contained in this manual. This NY Rising Condominium and Cooperative Program Policy Manual and manuals for other programs are made available for public review and use at www.stormrecovery.ny.gov

1.4 Meeting the CDBG-DR Program Goals

In support of the U.S. Department of Housing and Urban Development's (HUD) recovery objectives, New York State has specifically designed its programs to help impacted residents and communities to recover from the damage inflicted by Hurricane Irene, Tropical Storm Lee and Superstorm Sandy. 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.” 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 persons (LMI);
- Aid in the prevention or elimination of slums or blight (Slum and Blight);
- Meet a need having a particular urgency (Urgent Need);

As described in GOSR’s policies, the activities funded through the NY Rising Housing Recovery Programs are required to meet either LMI or Urgent Need National Objectives.

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

The NY Rising Housing Recovery Programs are expected to encourage investment in communities by ensuring that properties are not just rebuilt but also become safer—especially in those areas where there is a high risk of future flooding—revitalizing the vibrancy of the State’s disaster-impacted communities and enhancing the quality of life; 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 uses 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, the State invests 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 also extend to those communities still recovering from Hurricane Irene and Tropical Storm Lee.
4. ***Leveraging private dollars*** – New York State undertakes programs that 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 implements 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 are shaped to achieve the fastest delivery and best support possible, while working within the parameters of the HUD guidelines.

1.6 Outreach and Citizen Participation Plan

Outreach efforts are guided by the State and accomplished through a variety of resources and activities, including the following:

- **Online:** Promotion of recovery resources and the State Action Plan are available on the Governor's Office of Storm Recovery website and a link to the online application for assistance for Applicants can be accessed at <http://www.stormrecovery.ny.gov>
- **In Person:** Availability of trained members of the State's Storm Recovery Team to assist potentially eligible Applicants with the completion and submission of an application at the Housing Recovery Intake Centers in impacted regions; information on locations and hours of these centers is available at <http://www.stormrecovery.ny.gov>.
- **By Phone:** Outbound phone calls to impacted residents and potentially eligible Applicants, including those who have registered with the State since these storms to express an interest in receiving assistance, as well as to those known to have registered for disaster aid with the Federal Emergency Management Agency (FEMA), the Small Business Administration (SBA), and other sources.
- GOSR has provided access to a State-supported disaster recovery hotline, **(844) 969-7474**, and a dedicated Call Center, which provides trained representatives who can answer questions about the programs, guide potential Applicants through the application process, and provide updates on the status of applications.
- **Through Media:** Promote NY Rising Housing Recovery Programs' policies and achievements through a myriad of public relations strategies including print, television and digital media.
- **Through Partner organizations:** Partnership and coordination, both formally through subrecipient agreements and through collaboration with not-for-profit community-based organizations involved in disaster recovery efforts in the impacted regions.
- **By Events:** Coordinated engagement and participation by State Program staff and partner organization staff at community forums, town halls, and other locally-supported community-based events.

Additionally, GOSR creates professional signage, documentation, advertisements, and other materials to support and enhance the operation of the Program. Outreach efforts leverages alternative language delivery, including, but not limited to, Spanish, Russian, and Chinese.

Persons with disabilities, those with limited English proficiency, and others who may need these documents presented in a different format, are encouraged to contact the state Recovery Hotline at **(844) 969-7474** for assistance with obtaining information in an accessible format.

The State utilizes any and all currently available web-based and other electronic resources, including social networking media, to promote the Program and provide timely dissemination of information and notifications to affected Applicants.

Program-related materials are available to download at <http://www.stormrecovery.ny.gov>, and are also distributed by the State and Program partners to public officials, municipalities, relevant non-profit organizations, and others as necessary or upon request.

Direct mailings, calls, and emails are used to notify Applicants of their application status, appointments, missing information, building evaluation notices, awards, information regarding the construction process and timelines, and other program-related information as necessary.

1.7 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 to 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. In following HUD's guidance in the November 2013 Federal Register, substantial Action Plan Amendments now include a thirty-day (30) public comment process with at least one (1) public hearing. The State has and will continue to coordinate outreach meetings with State entities, local governments, non-profits, private sector and involved associations. The State also invites public comments to the Action Plan and Substantial Amendments for the duration required by HUD. They are posted prominently and accessed on the Governor's Office of Storm Recovery official website. The State uses 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 is attached as Exhibit 2 to this Policy Manual.

2.0 Summary of Program Activities

The NY Rising Condominium and Cooperative Program provides grant awards to eligible condominium, cooperative, and homeowner associations to assist with reimbursement for costs of repairs (“retrospective rehabilitation”), mandatory elevation of damaged residential structures, and environmental remediation required pursuant to Program environmental review. A structure is considered residential if it contains at least one designated living Unit regardless of whether the living Unit was damaged by a qualifying storm.

Applicants are condominiums, cooperatives, or homeowner associations in New York State (See Section 3.1). Applicants are responsible for completing activities in accordance with all federal, state and local laws and ordinances applicable to the project, including but not limited to compliance with Davis-Bacon and Related Acts (DBRA) and local floodplain regulations.

2.1 Retrospective Rehabilitation

An Applicant who owns one or more damaged residential structures repaired prior to application to the Program may be eligible for retrospective rehabilitation funding through the Condo/Co-op Program. The Program defines ownership as an association established contractually by the owners of a residential property to maintain certain common elements. That contract typically is in the form of bylaws. These payments are provided for full or partial reimbursement of out-of-pocket funds spent by Applicants and/or their association members to repair the damaged residential structures.

The Program categorizes retrospective rehabilitation funding as Common Element or Damaged Unit awards based on the location of the eligible repairs. Repairs located within specific living Units or to components designated for the sole use and/or support of a specific living Unit are considered Damaged Unit repairs regardless of the Applicant’s ownership, occupancy, and responsibility definitions. All other eligible repairs are considered Common Element repairs. All available retrospective rehabilitation funds are paid to the Applicant and are intended for the Applicant’s sole use and benefit regardless of the classification as Common Element or Damaged Unit awards.

The Program Damage Estimate is based upon proof of loss statements (POL’s) used by the Applicant’s insurance companies or Applicant-provided equivalent line item documentation of losses. Adjustments are made to the provided documentation to account for Program eligible repairs. The Damage Estimate separately catalogues the line items attributed to each damaged Unit (“Unit Damage Estimate”) and to the Common Elements (“Common Elements Damage Estimate”). A property inspection is also conducted and supporting documentation is collected to determine the scope of work completed prior to date of application. Only work determined to have been completed

prior to the Applicant's date of application to New York Rising is included in the grant award.

Pursuant to CPD Notice 15-07, "Guidance for Charging Pre-Application Costs of Homeowners, Businesses, and Other Qualifying Entities to CDBG Disaster Recovery Grants," GOSR requested and received HUD approval to extend the reimbursement period on eligible pre-application costs beyond the current "one year after the storm" requirement.

2.2 Mandatory Elevation

Floodplain regulations require elevation of a structure located within the 100-year floodplain if the structure is substantially damaged and/or substantially improved. The local floodplain administrator and/or HTFC will determine whether or not elevation is required. An Applicant requesting assistance for a property subject to mandatory elevation requirement must elevate the structure(s) prior to receiving Program assistance. Elevation must be completed in accordance with local floodplain development standards and the Building Code of New York State as evidenced by submission of a Certificate of Occupancy, Certificate of Completion, or other equivalent document (collectively, a "COO"). The Program assists in covering the costs of building elevation completed prior to the Applicant's date of application to New York Rising. Applicants in this category are eligible for an increase in their maximum benefit cap (see Section 3.7).

2.3 Environmental Remediation

For Applicants who must perform environmental remediation to their damaged property in accordance with the Program Environmental Review, the Program offers additional assistance to complete remediation activities. There are two types of assistance available: (1) construction services; and (2) remediation grant funds.

For Applicants in this category requesting construction services, GOSR will contract with qualified contractors for environmental remediation to perform such work. Costs incurred in providing construction services are not subject to the Program's maximum benefit caps. GOSR will require and monitor compliance with Davis-Bacon and Related Acts as applicable.

Applicants in this category requesting remediation grant funds agree to contract with qualified contractors for environmental remediation. Additionally, Applicants must submit to GOSR all documentation required to establish and monitor compliance with Davis-Bacon and Related Acts throughout the remediation activities. The Program will establish the remediation scope eligible for grant funding.

3.0 Policies for the NY Rising Condominium and Cooperative Program

3.1 Applicant Eligibility Criteria

Applicants undergo a threshold eligibility review to determine eligibility for Program assistance. The threshold eligibility review verifies that the Applicant meets the following criteria:

Applicant and Property Eligibility Criteria Threshold
<ul style="list-style-type: none"> The Applicant is a condominium, cooperative, or homeowner association in good standing in New York State (See Section 3.1.1)
<ul style="list-style-type: none"> The property associated with the Applicant is located in an eligible county (See Section 3.1.2)
<ul style="list-style-type: none"> A defined eligible structure was damaged during a qualifying storm event (See Section 3.1.3)
<ul style="list-style-type: none"> The Applicant holds insurance and/or rehabilitation responsibilities for the eligible damaged structures (See Section 3.1.4)
<ul style="list-style-type: none"> The Applicant passes an AFWA check and is eligible to receive federal funds (See Section 3.1.5)
<ul style="list-style-type: none"> The Applicant appoints an individual Authorized Representative with authority to act on the Applicant's behalf with the Program (See Section 3.1.6)
<ul style="list-style-type: none"> The Applicant meets the Urgent Need CDBG National Objective (See Section 3.1.7)
Damaged Unit Award Criteria Threshold
<ul style="list-style-type: none"> Damaged Units satisfy Primary Residency requirements (See Section 3.1.8)

3.1.1 Association in Good Standing in New York State

In order to qualify for assistance, the Applicant must be a condominium, cooperative, or homeowner association recognized by and in good standing with New York State. Good standing is evidenced by recorded copies, bearing the stamp of the New York Department of State or local County Clerk, of association offering plans, declarations of condominium, or declarations of HOA, including all associated amendments relative to the offered property, association name, and managing board.

Affidavits accompanying non-recorded copies of the documents can be accepted on a case-by-case basis in the event recorded copies are not available or cannot be obtained in a timely manner.

3.1.2 Property Located in an Eligible County

Applicants must be located in one of the counties shown in the following table to be eligible for assistance, and the offered or declared property described in the Applicant's

recorded association documents must be located in a listed county. New York City administers CDBG-DR programs targeting the five New York City counties directly, and properties located in New York City’s counties are not eligible for Program assistance.

Eligible Counties			
Albany	Franklin	Otsego	Tioga
Broome	Fulton	Putnam	Tompkins
Chemung	Greene	Rensselaer	Ulster
Chenango	Hamilton	Rockland	Warren
Clinton	Herkimer	Saratoga	Washington
Columbia	Montgomery	Schenectady	Westchester
Delaware	Nassau	Schoharie	
Dutchess	Oneida	Suffolk	
Essex	Orange	Sullivan	

3.1.3 Eligible Structure Damage from Qualified Storm Event

The Program only assists structures that include at least one residential living Unit. Applicants may have one or more than one such eligible structure on the offered or declared property. Examples of eligible structures include, but are not limited to, the following:

- Structures including one or more Units offered for sale as condominiums or homes;
- Structures including one or more Units with occupancy rights granted through the purchase of shares of ownership in the association; and
- Structures including one or more Units reserved for residential occupancy by property management personnel.

At least one such eligible structure on the declared property must have sustained damage from Superstorm Sandy (October 29, 2012), Tropical Storm Lee (September 7, 2011), and/or Hurricane Irene (August 28, 2011) as documented through photographs, assistance received from other funding sources, a damage assessment conducted by the Program, and/or insurance estimates.

Applicants whose Properties were damaged by more than one qualifying storm may be eligible for assistance. See Section 3.6.1 for duplication of benefits calculations for Applicants affected by more than one qualifying storm.

Applicants whose Properties had previously received federal disaster assistance and were required to hold flood insurance are ineligible for assistance if adequate flood insurance was not in place at the time of the qualifying storm, regardless of structure type and damage.

The following structure types are ineligible for assistance regardless of the presence of other eligible damaged structures on the Property.

- Structures that are completely non-residential in character and are fully detached from any structure having a residential character as defined above;
- Water-based vessels regardless of residential character;
- Structures located in a Floodway; and
- Structures located in Coastal Barrier Areas.

3.1.4 Insurance and/or Rehabilitation Responsibilities

The Applicant must be responsible for maintaining primary property insurance on the damaged structures and/or must be responsible for repairs to the damaged residential structures in the event of a disaster. This responsibility is verified against the Applicant's offering plan documents and bylaws. The existence of insurance policies held by the Applicant without specific documentation requiring the Applicant to hold such insurance can also be used to verify compliance with this requirement.

Because the National Flood Insurance Program (NFIP) does not offer policies excluding individual dwellings in multi-Unit buildings from structural coverage, the Program considers the Applicant responsible for insurance on and/or rehabilitation to the whole structure. Accordingly, the Program deems the Applicant eligible for assistance associated with all qualifying damages to that structure.

Owners of condominium Units, cooperative Units, or homes in homeowner associations where the association has no responsibility to hold property insurance on and/or rehabilitate any portion of the structure as defined in this section may be eligible for assistance under the NY Rising Housing Recovery Program, NY Rising Rental Property, or the Affordable Rental Opportunities Programs. Unit owners are not eligible Applicants in the NY Rising Condominium and Cooperative Program.

3.1.5 Anti-Fraud, Waste and Abuse (AFWA) Checks

The AFWA check is designed to identify discrepancies and risk-relevant issues in Applicant-provided information that may be indicative of fraud, waste, and/or abuse risk. If the AFWA check reveals a Federal tax lien, a United States judgment in any amount, or a State lien in which \$10,000 or more is owed, then the Applicant is not eligible for NY Rising Programs, unless the Applicant can prove that they are in a payment plan to remedy the situation.

3.1.6 Appointment of Authorized Representative

Applicants to the Program are corporations or unincorporated not-for-profit associations managed by a board of officers that report to the full association membership. To support efficient Application processing and communication, the Program requires Applicants to appoint an individual Authorized Representative having full authority to conduct all

transactions, including but not limited to signing grant agreements, with the Program on behalf of the Applicant. Applicants may also appoint alternate Authorized Representatives to assist the primary Authorized Representative in completing all matters associated with the Application. The Applicant may change the individual so authorized at any time without jeopardizing the viability of agreements and documents signed by any previously authorized individuals.

The Applicant must submit proof of a resolution of the board appointing the Authorized Representative and granting the Authorized Representative the required authorities. The Program additionally requires the Authorized Representative to pass an identity check, using government photo identification.

3.1.7 Meeting CDBG National Objectives

CDBG-DR funds must be used to address one of the CDBG program's three National Objectives: benefit to low- and moderate-income persons, prevention or elimination of slums and blight, or meeting a need of particular urgency ("urgent need"). An urgent need exists when existing conditions pose serious and immediate threats to the health/welfare of the community, the existing conditions are recent or recently became urgent, and the grantee or state cannot finance the activities on its own because other funding sources are not available. All Applicants in this program meet the Urgent Needs national objective category.

3.1.8 Primary Residency of Damaged Units

Per the March 5, 2013 Federal Register Notice, second homes are ineligible for assistance. Second homes, as defined by the IRS publication 936, are properties not used as the "main home" – i.e. not where the occupant lives most of the time. (Second homes are homes that are either not rented out or are rented out part of the time but where the owner also uses the property for 14 days or 10% of the time it is rented out.)

To ensure the Program is not assisting ineligible second homes, the Program distinguishes retroactive rehabilitation awards for Common Elements from Damaged Units. In order to receive a Damaged Units award, every living Unit included in the scope of work must be a current primary residence of at least one individual or have been a primary residence at the time of the qualifying storm.

Damaged Unit owners are not required to participate in order for their Association to meet the overall Program eligibility threshold. However, each damaged Unit owner must provide proof of primary residency for their Unit to be determined eligible for inclusion in the Applicant's award. The Applicant may also choose to withdraw specific, or all, storm-damaged living Units from grant award consideration. Once such an affidavit is submitted, the Association relinquishes all rights to have the specified Units considered for participation in their total grant.

The Program uses a multipronged approach to confirm primary residency for damaged Units. A number of types of documentation may be used to confirm primary residency, but in making its eligibility determination, the Program evaluates the file as a whole. No one document listed below is treated as dispositive if there is conflicting information in the file.

The Applicant may provide at least one of the following items to establish primary residency for an owner or tenant of a damaged Unit:

- Proof that a Unit owner received FEMA Individual Assistance (IA) for the damaged Unit address for the qualifying storm.
- Proof of School Tax Relief (STAR) exemption in the current year or the year of the qualifying storm.
- Government- issued identification (including driver's license) active on the date of the qualifying storm or currently active listing the Permanent Home Address as the damaged Unit address.
- Proof of school registration listing the damaged Unit address for the current school year or the school year of the qualifying storm.
- An executed year-round lease for the damaged Unit property currently in effect or in effect at the time of the qualifying storm.
- An employment agreement currently in effect or in effect at the time of the qualifying storm that grants occupancy of the damaged Unit address (such as a live-in superintendent).
- An individual Federal/NY State income tax return from the current reporting year or reporting year of the qualifying storm showing Permanent Home Address as the damaged Unit address. The entire return is not required.
- An IRS Form 1040 Schedule E from an individual Federal income tax return from the current reporting year or reporting year of the qualifying storm listing the damaged Unit address as a Single-Family Residence and showing total Fair Rental Days.

If none of the above are available, the Applicant may provide at least two of the following items to establish primary residency of a damaged Unit:

- Vehicle registration or renewal for current year or year of the qualifying storm or Certificate of Title issued for vehicle in current year or year of the qualifying storm that includes the damaged Unit address.
- Receipt of government benefits mailed to the damaged Unit address for at least one month the three months before or after the qualifying storm or within the prior three months, including but not limited to: Social security, TANF, Medicare, NY Child Health Plus, NY Head Start, LIHEAP, NY Medicaid, NY WIC, NY SAP, NY Temporary Assistance, NY Unemployment Insurance.

- Bills or correspondence from the provider mailed to the damaged Unit address documenting water, electric, gas, sewer services, or other utilities were provided to the damaged Unit address for 6 months immediately preceding the qualifying storm or for last 6 months.

3.1.9 Material Misrepresentation

At the State's sole discretion, any activities/information/documentation which indicates a material misrepresentation by an Applicant may result in an Applicant's entire application being deemed ineligible and/or subject to further investigation.

3.2 Environmental Review

Program assistance is contingent on compliance with the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQRA). The regulations set forth in 24 CFR Part 58, and related environmental and historic preservation legislation and executive orders, contain the environmental review requirements for responsible entities managing CDBG-DR funding. All environmental review activities are documented in the Environmental Review Record. GOSR, acting under the auspices of HCR and HTFC, serves as the Responsible Entity (RE), responsible for undertaking compliance efforts for the Program.

GOSR is using a tiered environmental review for the NY Rising Condominium and Cooperative Program. For tiered reviews, a countywide Tier 1 review is completed before HUD releases any Program funds. A site-specific Tier 2 review is completed prior to awarding funding to individual Program Applicants. Environmental staff additionally reviews documentation of compliance with the provisions in the Tier 2 prior to every Applicant's closeout from the Program.

Applicants cannot receive retrospective rehabilitation funding if the Property is eligible for, or listed on, the National Register of Historic Places unless work completed can receive clearance from the State Historic Preservation Office (SHPO). The State may support Applicants in becoming compliant if funds are available.

Similarly, properties in the Coastal High Hazard Area are required to follow certain design criteria. Applicants cannot receive retrospective rehabilitation funding for properties in Coastal High Hazard Areas unless the work completed adhered to these criteria. For more information, please see 24 CFR 55.1(c)(3).

3.2.1 Lead, Asbestos and Radon Requirements

All areas of the damaged property receiving assistance are subject to applicable federal and state regulations regarding environmental assessments and clearances. If an active risk hazard is present, Applicants can choose to receive Environmental Remediation assistance in the form of construction services or remediation grant funds as described in Section 2.3. The Program requires that the all damaged areas participating in the grant

award receive a clearance for lead, asbestos, and/or radon (as applicable) prior to closeout from the Program.

3.3 Decent, Safe, and Sanitary (DSS) standards

In order to receive HUD grant funds for repair, all assisted areas must be decent, safe, sanitary, and in good repair in accordance with 24 CFR Part 5, Subpart G, Section 5.703. To ensure compliance, the Program conducts a site inspection of the damaged property prior to disbursing any grant awards. All observed deficiencies must be addressed at the Applicant's expense prior to receiving Program funding.

3.4 Flood Insurance

If an Applicant receives assistance from the Program and the property is located in the 100-Year Floodplain, then the Applicant must obtain and maintain in perpetuity flood insurance in the amount of the least of the total grant award, the total value of the assisted property, and the maximum insurance allowed by statute. In the event of a transfer of property, the Applicant 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.

GOSR developed its flood insurance policy in accordance with the March 5, 2013 Federal Register Notice (FR-5696-N-01).

3.5 Overall Assessment of Need

Program funds may only be used to address an Applicant's unmet disaster recovery needs. The Program assesses the total post-disaster need by compiling a Damage Estimate based on proof of loss statements (POL's) used by the Applicant's insurance companies and Applicant-provided equivalent line item documentation of losses. Documented losses that are not allowable under the Program's policies are either excluded entirely or substituted with a similar allowable item serving the same construction purpose. Incomplete repairs and repairs that were completed after the Applicant's date of application are excluded from the Program Damage Estimate.

The Program's Damage Estimate provides the basis for determining overall total post-disaster need. The Program takes all other benefits that the Applicant received, which were intended for the repair or reconstruction of the building, into account when calculating an Applicant's unmet disaster recovery need. Accordingly, the Applicant's total post-disaster need is reduced to account for any duplicative benefits that the Applicant received from other sources (See section 3.6). Funds for unmet need are not given in excess of Program award caps.

3.5.1 Retrospective Rehabilitation Allowable Items

The following items are covered by CDBG-DR funds:

- Environmental health hazard mitigation costs related to the repair of disaster-impacted property (i.e., lead based paint abatement, asbestos removal, mold remediation, or other health hazards) including testing and clearance costs;
- Accessibility modifications, including those that are completed on the Property if the Property was not accessible prior to the disaster;
- Repair/replacement of damage to real property, including, but not limited to:
 - Roof repair/replacement;
 - Window/door repair/replacement;
 - Siding repair/replacement;
 - Flooring repair/replacement;
 - Drywall/finishing;
 - Insulation;
 - Bathroom repair;
 - Foundation repairs;
 - Kitchen cabinet replacement;
 - Well/septic replacement or connection to municipal system;
 - Electrical system repair/replacement;
 - Lobbies;
 - Elevators;
 - HVAC systems;
 - Hot Water systems; and/or
 - Common elements, including but not limited to egresses, stairways, and corridors.
- Replacement of disaster-impacted non-luxury residential appliances, including but not limited to:
 - Stoves;
 - Refrigerators;
 - Water heaters;
 - Heating systems;
 - Fuel tanks (oil/propane but not actual fuel replacement);
 - Dishwashers (if energy efficient); and/or
 - Water filtration systems.
- Earth Movement: Shifts to land caused by landslide, slope failure, saturated soil mass moving by liquidity down a slope, or sinking of the earth. Earth movement damage to the structure of the home, as it relates to the named storms, is covered to protect the investment of CDBG-DR funds and allowable activities under HUD rules. Remediating earth movement related issues ensure the longevity of the CDBG investment. Applicants with earth movement damage are eligible for aid up to their programmatic cap, similar to any other Applicant in the Program. Only Applicants who are otherwise eligible for repair funding may be eligible for earth movement funds.

Note: Average grade standard materials according to the Program's Unit pricing tool is the non-luxury level that is covered by the Program, except where Energy Star Standard is applied. High grade and premium grade items are eligible at the Program's discretion when the subject materials are determined to be required by code for multi-Unit buildings and/or are industry-accepted average grade for commercial buildings.

3.5.2 Mandatory Elevation Allowable Items

The following items may be covered by CDBG-DR funds for eligible structures determined to be substantially damaged and/or substantially improved following the qualifying storm:

- Building lifting and cribbing;
- New decks and stairs allowing for egress to elevated structures and/or Units;
- Wet-floodproofing measures including, but not limited to, installation of water-proof materials and flood vents;
- Dry-floodproofing measures including, but not limited to, waterproof coatings, impenetrable membranes, flood gates and other similar barrier systems; and,
- Utility system relocation including structural reinforcement of the building or dependent out-building construction.

Note: Mandatory Elevation allowable activities are limited to the type and extent required by local floodplain regulations and building code to elevate the subject structure.

3.5.3 Ineligible Items

The following is a non-extensive list of items not covered by CDBG-DR funds:

- Landscaping;
- Swimming pools, hot tubs, saunas, etc. and associated equipment;
- Fences, including construction security fencing;
- Repairs to non-residential buildings: pool houses, sheds, chicken coops, dog houses/kennels, bee hives and similar non-residential appurtenances and detached garages;
- Deck/patio repair that does not affect entrance or exit from the Unit or structural integrity of the residential building;
- Swing sets/playground equipment;
- Personal property, such as vehicles, furniture, and household goods and clothing;
- General building improvements unrelated to damage directly resulting from the storm, unless necessary to meet minimum property standards;
- Heating or cooking fuel replacement;
- Sandbags;
- Generators or other similar backup systems unless required for post-storm clean-up of the residential structures and/or a pre-storm component of the building's utility systems;
- Most laundry equipment and portable appliances including, but not limited to:
 - Washing machines;

- Dryers;
- Window Unit air conditioners (some exceptions allowed);
- Portable heaters;
- Any small countertop appliances, including, but not limited to coffee pots, toasters, blenders, etc.; and/or
- Garage door openers;
- Alarm systems, excluding smoke, fire & CO alarm systems;
- Irrigation systems, fountains, ponds, etc.;
- Sound systems, wireless computer and communication systems;
- Lighting controls beyond standard one- and three-way switches;
- Exterior lighting beyond lights installed on the damaged structures;
- House vacuum systems;
- Built-in bookshelves, built-in closet systems beyond a rod and shelf, radiator covers, or any item requiring custom millwork or shop drawings;
- New fireplaces (wood, gas, or electric); repairs to storm damaged fireplace chimneys are allowed
- Central air conditioning systems unless existing at time of storm;
- Kitchen appliances and cabinetry in common areas outside of individual living Units;
- Showers in common areas outside of individual living Units;
- Flood mitigation measures except as part of Mandatory Elevation;
- Professional services expenses associated with property security and rehabilitation beyond contractor labor, overhead, and profit, and engineering and design fees allowed by the Applicant's insurance policies; and,
- Similar items as determined by the NY Rising Housing Recovery Program.

3.6 Verification of Benefits Process

Applicants are required to disclose all sources of disaster recovery assistance received by the Association and by owners of participating living Units, and the Program is required to verify the amount received.

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 HUD's CBDG-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 CBDG-DR funds is considered a 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.*

3.6.1 Duplicative Assistance

The Program must consider the total assistance available to Applicants when calculating an award. This includes all benefits, including cash, insurance proceeds, grants from FEMA, SBA loans, and any other assistance received by the Applicant from other local, state or federal programs, or private or nonprofit charities. It also includes all benefits, including cash, insurance proceeds, grants from FEMA, SBA loans, and any other assistance from other local, state or federal programs, or private or nonprofit charities received by owners of participating living Units as those funds were available to the Applicant via assessment charges or reassignment of repair responsibilities. This includes, but is not limited to, the following benefits:

- **National Flood Insurance Program (NFIP):** Insurance proceeds received must be disclosed by the Applicant and owners of participating living Units and verified by the Program.
- **Federal Emergency Management Agency (FEMA):** FEMA proceeds received must be disclosed by the Applicant and owners of participating living Units and verified by the Program.
- **Small Business Administration (SBA):** SBA proceeds available to the Applicant must be disclosed by the Applicant and owners of participating living Units and verified by the Program.
- **Private Insurance:** All insurance proceeds received must be disclosed by the Applicant and owners of participating living Units and verified by the Program by contacting the insurance companies. For the purposes of calculating awards, the Program uses the best available DOB data, which includes Applicant-certified and current Unit owner-certified insurance amounts verified with insurance providers before the Applicant closes out of the Program.
- **Other:** Funds received from other sources that were intended solely for the repair or reconstruction of the Property must be disclosed by the Applicant and owners of participating living Units and verified by the Program. Examples include funds provided by nonprofit entities, other governmental agencies, and social groups.

Applicants and owners of participating living Units are required to report all assistance reasonably anticipated. Reasonably anticipated funds include assistance that has been awarded, but has not yet been received, but does not include a situation where the funding source and/or the amount is in question.

Applicants whose Property was damaged by more than one qualifying storm may have spent funds received from their insurance company and/or other government assistance

to repair items multiple times. Only the funds received after the most recent affected-storm are applied as a DOB to the Applicant's award.

3.6.2 Non-Duplicative Assistance and DOB Offsets

Funds that have been received from other federal programs or other sources may not always be determined as a DOB. In some cases, when the Program determines that other funds received are unavailable to the Applicant; were intended for different purposes; or were intended for the same purpose but were used for separate eligible purposes, then an offset, or reduction of DOB applied to the Program award calculation may be made.

Examples of non-duplicative benefits include, but are not limited to:

- Funds provided for a different eligible purpose. For example, certain types of FEMA or insurance funds received may have been intended to pay for temporary housing and would therefore not be duplicative of a repair award.
- Funds not available to the Applicant. For example, when insurance funds received must be used for a forced mortgage payoff based on the terms of the mortgage.
- Funds received from a private loan and not guaranteed by SBA.

Assets or line of credit available to the Applicant, e.g., checking or savings accounts, stocks, bonds, mutual funds, pension or retirement benefits, credit cards, mortgages, lines of credit or life insurance are not duplicative.

3.6.3 Permissible Uses of Funds Received for Repair

If Applicants receive assistance for generally the same purpose, but use the funds for separate eligible purposes, the funds may not be duplicative. Applicants must document their use of the funds to evidence that it was used for different purposes.

Examples of allowable expenditures:

- Applicants who have incurred legal costs in the course of obtaining a repair/rebuilding benefit (such as costs incurred in the course of legal action against Applicant's insurance company to obtain a settlement and public adjuster's fees) may request that the Program offset the benefit by the actual amount of legal costs incurred.

Examples of unallowable expenditures that are not considered eligible uses of funds received for repair or reconstruction include, but are not limited to:

- Non-essential appliances (washer/dryer);
- Food, clothes, household goods;
- Sheds, fences (any structure not under common roof);
- Funeral costs; and,
- Insurance premiums.

3.6.4 Applying Small Business Administration Loans as Duplication of Benefits

Loans from the SBA are a major source of disaster recovery assistance, and many Applicants find that SBA loans meet all their uninsured disaster recovery assistance requirements. If an Applicant has assistance available from another source such as the SBA, the State must determine whether program assistance is necessary and reasonable with Federal financial standards.

Per SBA's own standard operating procedures, once six months or more have elapsed from the time that an SBA loan was cancelled or last partially disbursed, the approved loan amount is considered no longer available to the Applicant. In this circumstance only the disbursed amount of the loan will be considered a duplication of benefits for the purpose of determining program assistance.

Prior to closeout, the Program verifies that more than six months have elapsed since the cancellation or last partial disbursement of an SBA loan. If less than six months have elapsed, then the Applicant may avail himself of the Program's demonstrable hardship procedure to request that the approved, undisbursed portion of the loan not be treated as DOB. If the Applicant is unable to prove hardship, then the approved loan amount will be applied as DOB.

3.7 Maximum Benefit

The Program has analyzed the needs of the affected communities and the availability of funding and derived the following cap amount and allowance:

Program Award Caps	
Overall Base Cap	The overall base cap amount for Condo/Co-op property repair coverage is \$5,000,000. The combined value of all common elements and Unit awards cannot exceed \$5,000,000.
Unit Base Cap	The base cap amount for individual Condo/Co-op Unit repair is \$300,000.
Mandatory Elevation Allowance	Associations with damaged properties within the 100-year floodplain that are found to be substantially damaged/improved are required to elevate. Any Association required to elevate is eligible for up to a \$1,000,000 increase in the overall base cap amount.

Any rehabilitation costs in excess of the allowed cap amount are the responsibility of the Applicant.

3.8 Award Calculations and Disbursements

3.8.1 Award Calculations for Retrospective Rehabilitation

To calculate an Applicant's award for reimbursement for repair, the Program begins with the eligible damage detailed in the Damage Estimate. The Damage Estimate establishes the cost of the repairs. No documentation beyond the Damage Estimate is needed to support the award calculation. After preparing the Damage Estimate, the Program then deducts duplicative benefits received. The resulting amount is the Applicant's Unmet Need. The Program separately calculates an Unmet Need amount for common elements and for each damaged living Unit. Combined, these constitute the Applicant's total Unmet Need.

The Unmet Need for a damaged Unit is calculated using the Unit's Damage Estimate of eligible retrospective rehabilitation activities as defined in Section 2.1. Funds received by both the Applicant and by that Unit's owner for the repair or reconstruction of that Unit are considered Damaged Unit DOB and are deducted from its eligible damage (see Section 3.6). Awards are not calculated for withdrawn or otherwise non-participating Units; and neither their damage estimates nor attributed DOB are included in the Applicant's award calculation. An award cap is applied to each Unit's Unmet Need, and the smaller of either the award cap or the Unmet Need are considered the Unit Award Amount. The Award Amounts for all participating Units combined constitute the Applicant's total Unit Award. If no damaged Units are participating in the Applicant's award, then no Unit award calculation is conducted.

All eligible retrospective rehabilitation activities included in the Damage Estimate that are not assigned to a damaged Unit are considered Common Element Damage. Funds received by the Applicant from other sources for repair or reconstruction of its Common Elements as defined in Section 3.6 are considered Common Element DOB and are deducted from its eligible damage. The remaining amount is the Applicant's Common Element Unmet Need.

The Applicant's total award, inclusive of both Units and Common Elements, is subject to the Overall Base Cap. Where the total award exceeds the Overall Base Cap amount, the Unit award is prioritized over the Common Elements award.

3.8.2 Award Calculations for Mandatory Elevation Activities

If an Applicant is required to elevate and elevation is deemed feasible, the award calculation begins with an estimated cost to elevate the building(s). This estimate is prepared in the same fashion as the Damage Estimate for retrospective rehabilitation but only considers allowable Mandatory Elevation activities that were completed prior to the date of application to the Program.

Funds received from other sources that were intended for elevation are a duplication of benefits (see Section 3.6.1) and are deducted from the estimated cost to elevate the

structure unless the Applicant can demonstrate that the funds received have already been expended on eligible costs. The result is added to the Retrospective Rehabilitation Common Element Unmet Need amount.

If the combined Common Element Unmet Need does not exceed the applicable cap, it becomes the Maximum Award Amount. If the Unmet Need exceeds the applicable cap, the cap amount becomes the Maximum Award Amount.

If the Applicant is required to elevate pursuant to local code, because the building(s) was substantially damaged or substantially improved, then the building(s) must be elevated in order to be eligible for program funding of any type. For buildings already completed and elevated, a pre-elevation certificate signed and sealed by a land surveyor, an engineer or an architect authorized by law to certify elevation information must accompany a Certificate of Occupancy in order to receive payment under the Program. The Applicant may receive assistance for elevation work already completed.

3.9 Grant Agreement and Disbursement of Grant Awards

Before the Applicant receives proceeds from the Program, the appointed Authorized Representative is required to sign a Grant Agreement. All available funds are then disbursed directly to the Authorized Representative for transfer to the Applicant.

Awards both for Retrospective Rehabilitation and Mandatory Elevation are disbursed according to the following schedule. Applicants who satisfy multiple requirements simultaneously will receive all funds available simultaneously.

- 40% of the Common Element Award Amount is paid to the Applicant once the Applicant has satisfied the eligibility requirements of Sections 3.1.1 through 3.1.6. In addition, the property must pass a Decent, Safe, and Sanitary inspection (see Section 3.3) and have completed elevation if substantially damaged/improved. (see Section 2.2). The Program may make this payment prior to completing verification of benefits paid to damaged Unit owners.
- 40% of the Damaged Unit Award Amount is paid to the Applicant once all eligibility requirements have been satisfied and all sources of benefits verified (see Section 3.1 and 3.6). In addition, the Property must pass a Decent, Safe, and Sanitary inspection and have completed elevation if substantially damaged/improved.
- 80% of the Maximum Award Amount is paid to the Applicant once all areas of the damaged property receiving assistance have been inspected for lead, asbestos, and/or radon hazards as required (see Section 3.2.1). If remediation is required prior to closeout from the Program, the Applicant must have additionally committed in writing to an acceptable remediation plan.
- 100% of the Maximum Award Amount is paid to the Applicant one all Program requirements described in Section 3 of this document are satisfied.

When the total award is paid in multiple installments, a Grant Agreement must be signed each time a disbursement is made.

3.10 Final Program Closeout

All files must go through a closeout file review. During this time, all required Program documents must be reviewed for completeness. The Program additionally reviews sources of disaster recovery assistance received by the Applicant and participating Unit owners. If it is discovered that the Applicant's file is missing documents, they are notified of the outstanding materials.

3.10.1 Final Payments

The final payment is contingent upon receipt of required closeout documents. Specific circumstances may not require all Applicants to submit all documents.

3.11 Program Withdrawal

Applicants who wish to withdraw from the Program and who signed the Grant Agreement must:

- Submit a formal request of withdrawal; and
- Repay Program funds before withdrawing.

The Program has the right to withdraw Applicants who have not signed a Grant Agreement for lack of responsiveness or unwillingness to comply with any of the requirements of this section.

3.12 Subrogation

Subrogation is the process by which duplicative assistance paid to the Applicant after receiving an award, which reimburses the Applicant twice for the same loss, must be remitted to the Program. By signing the Grant Agreement, the Applicant warrants that they will remit any excess funds to the Program, whenever received.

3.13 Clarification Review

Applicants who are seeking further guidance on the **amount** in their award letter, any **calculation** included in the award letter, or their **eligibility** should contact their Customer Representative to request a clarification review.

An Applicant will receive a Clarified Determination Form (CLDF), which indicates the outcome of the Program's review. If the Applicant is unsatisfied with the Program's clarification determination, and they wish to appeal they must appeal by completing an appeal form and emailing it to the Program's dedicated appeal email address within 60 days of receipt of the CLDF. The appeal form can be obtained from a Customer Representative. Once the 60-day appeals window has passed, the Applicant has waived their right to appeal.

3.14 Appeals

If the Applicant believes that the Program's determination of their funding award calculation or eligibility status is incorrect after a clarification Review is completed, the Applicant can request a Formal State Appeals Form from their Customer Representative.

An Applicant has a right to appeal the following:

- Eligibility Determination
- One of the inputs that influences the Award Determination, such as DOB and/or Program Damage Estimate.

In order to appeal, an Applicant must submit a Formal State Appeals Form within 60 days from either the CLDF or CLDF Ineligible Letter to the e-mail address: housingappeals@stormrecovery.ny.gov

After the Appeal Committee reviews the case, a letter with the Final Determination is issued to the Applicant. If the determination is in their favor and an award has been increased, then a Grant Agreement and a new Award Calculation Table is sent to the Applicant.

3.15 Unmet Needs

In limited circumstances, the demonstrable hardship policy may not be sufficient to cover gaps in funding for circumstances outside of the applicant's legal control. In these instances, the Program developed an Unmet Needs policy providing a work-out option to support Applicants who do not have sufficient funds to repair or rebuild their properties despite receiving other federal resources for this purpose.

Potential Eligible reasons:

- Theft/vandalism; and/or
- Damage from a subsequent event (i.e. storm, fire, flood) which caused damages to the structure.

Ineligible reasons include, but are not limited to:

- Funds used to live outside the property while property being repaired; and/or
- Work by contractor is poor quality, but property is habitable.

The list above is not intended to be comprehensive. The State reserves the right to request any and all forms of documentation that may be required to substantiate an Applicant's claims of having encountered a circumstance that has prevented them from fulfilling the obligations detailed in the documents executed at closing.

4.0 Uniform Relocation and Real Property Acquisition Policies Act of 1970 (URA)

URA assistance may be available to Tenant(s) who must relocate during construction on their rental unit and are legal U.S. residents occupying a legal rental unit. URA is not available to property owners; however, property owners may be eligible for Interim Mortgage Assistance (IMA) if they are displaced from their unit during construction. Refer to the NY Rising URA Policy and Plan guidance for more information on URA policy and refer to the NY Rising Homeowners Policy Manual on more information on IMA.

5.0 Acronyms and Definitions

5.1 Acronyms

Acronym	Name
BFE	Base Flood Elevation
CDBG	Community Development Block Grant
DHAP	Disaster Housing Assistance Program
DHCR	Division of Housing and Community Renewal
DRGR	Disaster Recovery Grant Reporting System
DOB	Duplication of Benefit
FMV	Fair Market Value
FEMA	Federal Emergency Management Agency
HTFC	Housing Trust Fund Corporation
HUD	Department of Housing and Urban Development
IRS	Internal Revenue Service
LEP	Limited English Proficiency
LIHEAP	Low Income Home Energy Assistance Program
LMI	Low to Moderate Income
LP	Limited Partnership
MBE	Minority Business Enterprise
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
HCR	New York State Homes and Community Renewal
OIA	Office of Internal Audit
OIG	HUD Office of Inspector General
QA	Quality Assurance
QC	Quality Control
QPR	Quarterly Performance Report
RE	Responsible Entity
SAVE	Systematic Alien Verification for Entitlements
SBA	Small Business Administration
SEQR	State Environmental Quality Review
SFHA	Special Flood Hazard Area
SOW	Scope of Work
STAR	School Tax Assessment Relief
TANF	Temporary Assistance for Needy Children
URA	Uniform Relocation Act

5.2 Definitions

100-Year Floodplain: Also referred to as the 'base flood.' This term, adopted by the NFIP as the basis for mapping, insurance rating, and regulating new construction, is the floodplain that would be inundated in the event of a 100-year flood. The 100-year flood has a one percent chance of being equaled or exceeded during any given year.

Applicant: a condominium, cooperative, or homeowner association entity that makes a formal application for a GOSR Program.

Advisory Base Flood Elevations (ABFE): Provide a better picture of current flood risk than the existing Flood Insurance Rate Maps (FIRMs), which in some cases are more than 25 years old. The new ABFEs are the recommended elevation of the lowest floor of a building. State law, some communities, and the Residential Building Code may require that the lowest floor be built above the ABFE. The ABFEs are based on Federal Emergency Management Association's (FEMA) coastal studies that were completed before Superstorm Sandy. The studies include data that has been collected and analyzed over a number of years. Though advisory now, eventually information used to develop the ABFEs will be incorporated into official FIRMs.

Base Cap: The base cap amount that an Applicant can get in a particular program.

Base Flood Elevation (BFE): The elevation that waters from a 100-year flood will reach.

Coastal Barrier Resource Act (CBRA): In 1982, Congress enacted the Coastal Barrier Resources Act (CBRA, Public Law 97-348; 96 Stat. 1653; 16 U.S.C. 3501 et seq.), which was later amended in 1990 by the Coastal Barrier Improvement Act (CBIA, P.L. 101-591; 104 Stat. 2931). The legislation was implemented as part of a Department of Interior (DOI) initiative to preserve the ecological integrity of areas that serve to buffer the U.S. mainland from storms and provide important habitats for fish and wildlife. In order to discourage further development in certain un-developed portions of barrier islands, the law prohibits the availability of new Federal financial assistance, including Federal flood insurance, in areas DOI designates as part of the Coastal Barrier Resources System.

Coastal Barrier Resource System (CBRS): The CBRS is a system of protected coastal areas that includes oceanfront land, the Great Lakes and Other Protected Areas (OPAs). Coastal barriers serve as important buffers between coastal storms and inland areas, often protecting properties on land from serious flood damage. Also, coastal barriers provide a protective habitat for aquatic plants and animals. The Coastal Barrier Resources Act (CBRA) of 1982 restricted development on the CBRS, in an effort to protect the barrier system and prevent future flood damage. If you live in a CBRS area, you are eligible for federally regulated flood insurance only if your property was built before 1982 and your community participates in the NFIP.

Coastal High Hazard Areas (V Zones): 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.

Community Development Block Grant Disaster Recovery (CDBG-DR): Similar in many ways to the CDBG program, these federal funds are administered by the US Department of Housing & Urban Development (HUD) but are specifically dedicated to assist with disaster recovery in areas impacted by presidentially declared events. The grant funds differ from the traditional CDBG program by providing added flexibility for grantees to enact projects. However, all work must comply with HUD requirements.

Condominium: A building or complex in which Units of property, such as apartments, are owned by individuals and common parts of the property, such as the grounds and building structure, are owned jointly by the Unit owners.

Condominium Association: The entity made up of the Unit owners responsible for the maintenance and operation of:

- Common elements owned in undivided shares by Unit owners
- Other real property in which the Unit owners have use rights

Cooperative apartments (Co-ops): Shareholders hold stock in the corporation that owns the apartment building. The building then “leases” the cooperative apartment to the buyer under a long-term proprietary lease. Co-op shareholders pay monthly maintenance to the building corporation for items such as the expenses of maintaining and operating the building property, property taxes and the underlying mortgage on the building (if any).

Disaster Housing Assistance Program (DHAP): A rental assistance program that provides temporary rental payments directly to landlords to help families displaced by disasters. DHAP-Sandy helps families find intermediate housing as they rebuild their lives.

Disaster Recovery Grant Reporting System (DRGR): The Disaster Recovery Grant Reporting system was developed by HUD's Office of Community Planning and Development for the Disaster Recovery CDBG program and other special appropriations. Data from the system is used by HUD staff to review activities funded under these programs and for required quarterly reports to Congress.

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

Earth Movement: A FEMA term where there are shifts to land caused by landslide, slope failure, saturated soil mass moving by liquidity down a slope, or sinking of the earth.

Encroachment: Any floodplain development that could obstruct flood flows, such as fill, a bridge, or a building. A driveway, road, or parking lot at grade (without any filling) would not cause an obstruction. Development of lakeshore floodplains, where there is no flow, is not considered an encroachment.

Energy Star Standard: Energy Star is a U.S. Environmental Protection Agency voluntary program that helps businesses and individuals save money and protect the climate through superior energy efficiency.

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

Environmental Code: Properties located where federal assistance is not permitted are ineligible for Program assistance. Properties must be in compliance with Environmental Code 24 CFR Part 58.

Federal Emergency Management Agency (FEMA): An agency of the United States Department of Homeland Security. The agency's primary purpose is to coordinate the response to a disaster that has occurred in the United States and that overwhelms the resources of local and state authorities.

Fair Market Value: The hypothetical price that a willing buyer and seller agrees upon when they are acting freely, carefully, and with complete knowledge of the situation.

Floodplain: (also known as the "Base Flood") The low, flat, periodically flooded lands adjacent to rivers, lakes and oceans and subject to geomorphic (land-shaping) and hydrologic (water flow) process. 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 federal flood insurance program.

Floodplain fringe: the portion of the floodplain outside of the floodway, which is covered by floodwater during the 100-year Flood. The term, "flood-fringe" is generally associated with standing rather than flowing water. It is also that part of the floodplain wherein development is subject to a community's floodplain ordinance.

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.

Flood Zones: The land areas identified by the Federal Emergency Management Agency (FEMA). Each flood zone describes that land area in terms of its risk of flooding. Everyone lives in a flood zone; it's just a question of whether you live in a low, moderate, or high-risk area.

General Contractor: The use of the term does not necessarily require that a registered/licensed GC be the prime. A licensed specialty trade can subcontract and act as the GC for the intent of this program and subcontract out those portions of the work as necessary.

Governor’s Office of Storm Recovery: An office for maximizing the coordination of recovery and rebuilding efforts in storm-affected municipalities throughout New York State, which operates within New York State Housing Trust Fund Corporation.

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 subrecipients.

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

IntelliGrants: The central electronic grants management system that the State has chosen to use for the Program.

Internal Revenue Service (IRS): Federal department responsible for tax collection and tax law enforcement.

Limited English Proficiency (LEP): A designation for persons 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 benefits from an interpreter who translates 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.

Minimum Property Standards (MPS): Established certain minimum standards for buildings constructed under HUD housing programs. This includes new single-family homes, multi-family housing and health care type facilities.

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 give proper consideration to 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.

Office of Community Renewal (OCR): A department of New York State Homes and Community Renewal that oversees the New York Action Plan for disaster recovery programs.

HUD Office of Inspector General (OIG): OIG's mission is independent and objective reporting to the Secretary and the Congress for the purpose of bringing about positive change in the integrity, efficiency, and effectiveness of HUD operations. The Office of Inspector General became statutory with the signing of the Inspector General Act of 1978 (Public Law 95-452).

Owner: A person or persons who are listed on the deed as owning that property. In the context of the Condominium and Cooperative Program, Owner may also refer to a person or persons who own shares in a cooperative corporation.

Person with Disabilities: [24 CFR 5.403]. A person with disabilities for purposes of program eligibility:

(1) Means a person who:

- (i) Has a disability, as defined in 42 U.S.C. 423;

- (A) Inability to engage in any substantial gainful activity by reason of 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
 - (B) In the case of an individual who has attained the age of 55 and is blind, inability by reason of 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))

Program Eligible Expenses: Replacement or repair of “non-luxury” items within the spending cap.

Property: The storm-damaged residential structures and surrounding land, of which the Applicant is applying for assistance to repair or reconstruct.

Quality Assurance (QA): Planned and systematic production processes that provide confidence that the policy and procedures of the Program are being executed as planned.

Quality Control (QC): Testing to ensure that the policy and procedures of the Program are being executed as planned.

Quarterly Performance Report (QPR): Each grantee must submit a QPR through the DRGR system no later than 30 days following the end of each calendar quarter. Within 3 days of submission to HUD, each QPR must be posted on the grantee’s official web site.

Reconstruction: The labor, materials, tools and other costs of rebuilding.

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.

Request for Qualifications (RFQ): A procurement document designed to solicit a quote for services defined.

Responsible Entity (RE): Under 24 CFR Part 58, the term “responsible entity” (RE) means the grantee receiving CDBG assistance. The responsible entity must complete the environmental review process. The RE is responsible for ensuring compliance with NEPA and the Federal laws and authorities, for issuing the public notification, for submitting the request for release of funds and certification, when required, and for ensuring the Environmental Review Record (ERR) is complete.

Reverse Mortgage: A special type of loan that lets an Owner convert the equity in his/her Property into cash. To qualify, the Applicant must be at least 62 years of age, must occupy the Property as their principal residence, and must have sufficient equity in the Property.

Second Home: If a second home is not rented out at any time during the year, it is a second home regardless of if it is used by the household or not. If a home is rented out part of the year and the Owner uses the home more than 14 days or more than 10 percent of the number of days during the year that the home is rented, then it is a second home. If a home is rented out for part or all of the year and the Owner does not use the home long enough then it is rental property and not a second home.

Slum and Blight: “Blighted area” and “slum” mean an area in which at least seventy percent 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 Applicants, 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.

Subordination Agreement: A written contract in which a lender who has secured a loan by a mortgage or deed of trust agrees with the Property Owner to subordinate the earlier loan to a new loan (thus giving the new loan priority in any foreclosure or payoff).

Subrogation: The process by which duplicative assistance paid to the Applicant after receiving an award, is remitted to the Program in order to rectify a duplication of benefit.

Substantial Damage: Occurs when a property sustains damages that equals or exceeds 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.

Systematic Alien Verification for Entitlements (SAVE): A web-based service that helps federal, state and local benefit-issuing agencies, institutions, and licensing agencies determine the immigration status of benefit Applicants 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 threats to the health/welfare of the 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. All Applicants who cannot meet the LMI National Objective are placed into the Urgent Needs category.

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

State of New York

Citizen Participation Plan

Community Development Block Grant Disaster Recovery Hurricane Irene, Tropical Storm Lee, & 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 will ensure that any Units of General Local Government (UGLG) or subrecipients who receive funds will 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 Committee 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 subrecipient, 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 included through paid advertising, door-to-door visits, press releases and other public relations efforts, and collaboration with various constituents and community organizations.

For the NY Rising Housing Recovery Program, early on 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 subrecipients. 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 owners have the most up to date information about the program. In addition, frequent technical assistance meetings were held with Applicants to assist owners 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 Superstorm Sandy, in order to encourage these individuals to apply to the NY Rising Housing Recovery 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 conducted outreach to residents with more acute needs, particularly low- and moderate-income households 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 will also provide 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 will ensure 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 will always hold a minimum of one public hearing for each substantial amendment, which started with APA6. Written minutes of the hearings and attendance rosters will be kept for review by State officials. The State will continue 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 of 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 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,
- Change in the planned beneficiaries.

Those amendments that meet the definition of a Substantial Amendment are subject to public notification, public hearings and public comment procedures. Citizens and Units of local government will be 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 will be posted on the agency's official website. Citizens will be 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 will include 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 will also be included in the QPR.

During the term of the grant, the grantee will provide 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 shall be posted on the grantee's official website and provided on request.

Technical Assistance

The State will provide technical assistance (TA) 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 shall be determined by the Applicant/recipient based upon the specific need of the community's citizens.

Citizen Participation Requirements for Subrecipients 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 DR 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 receiving 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 closeout of the disaster recovery program, the Program, the UGLG and State subrecipients 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 shall be 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 will be 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 will ensure that each UGLG, or Subrecipient funded with CDBG-DR funds will have written citizen and administrative complaint procedures. The written Citizen Participation Plan shall provide citizens with

information relative to these procedures or, at a minimum, provide 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, Subrecipient's community development program will merit careful and prompt consideration. All good faith attempts will be made to satisfactorily resolve the complaints at the local level. Complaints will be filed with the Executive director or chief elected official of the entity who is receiving the funds and who will investigate and review the complaint. A written response from the Chief Elected Official, Agency Head, or Executive Director to the complainant will be made within 15 working days, where practicable.

Exhibit 3 – Program Closeout Document List

No	Closeout Review	Document
1	Application Signature	Current or former Authorized Representative must have electronically or paper signed the application.
2	Authorization Resolution of the Board	A written resolution of the Association Board of Managers signed by an officer or clerk of the Association who is not the Authorized Representative. The resolution must authorize and direct the current Authorized Representative to execute any and all documents necessary to facilitate the filing of an application and effect the granting of an award from NY Rising.
3	Government Issued ID for Authorized Representative	At least one of the following documents for the current Authorized Representative: <ul style="list-style-type: none"> ▪ Passport ▪ Driver's license ▪ Other government-issued photo ID
4	Intake Documents	The following forms completed and signed by the current or a former Authorized Representative: <ul style="list-style-type: none"> ▪ Program Eligibility Certification ▪ Consent and Release ▪ Insurance Certification ▪ Right of Entry to the property common areas
5	Full Unit Roster	A current roster listing the owners of all residential units on the property
6	Association By-Laws	The complete association bylaws including all amendments
7	Department of State/County Filings	All documents recorded with the New York Department of State and/or the local municipality to establish and alter the condominium or cooperative ownership of the damaged property.
8	Proof of Loss Statement	At least one document listing detailed repairs required or made to the property due to storm damage
9	Work Completion Analysis Report	Work Completion Analysis Report documenting repairs completed prior to date of application submitted to the Program
10	Damage Estimate Report	Damage Estimate report dated on or after the Work Completion Analysis report
11	Tier 2 Document	Signed Tier 2
12	DSS Inspection Checklist	Passing inspection checklists for all assisted areas of the property
13	Substantial Improvement Evidence	<ul style="list-style-type: none"> ▪ If the property was substantially damaged (50% or more of pre-storm value), there should be a substantial damage letter from the local municipality with the correct damaged property address. ▪ If the property was substantially damaged or estimated to have been substantially improved based on the Program's estimate of post-storm construction in lieu of a determination by the municipality, a Post-Construction Elevation Certificate is required. A Post-Construction Elevation Certificate is not required IF there is a post-storm Certificate of Occupancy referencing the elevation on file.
14	Damaged Unit Documentation	For every damaged unit included in the grant award: <ul style="list-style-type: none"> ▪ Benefit Certification signed by a current unit owner ▪ Consent and Release signed by a current unit owner ▪ Right of Entry to the unit either signed by a current unit owner or granted by authority of the Association bylaws ▪ Documentation of residency in compliance with the requirements of Section 3.1.8

		Damaged units may be withdrawn from the grant award by signature of the current or former Authorized Representative
15	Proof of Current Flood Insurance	If the property is located in the 100-year floodplain, a copy of a current flood insurance policy is required for every assisted structure.
16	Environmental Clearance	<ul style="list-style-type: none"> ▪ Lead clearance for structures built before 1978 ▪ Asbestos clearance ▪ Radon clearance in required counties
17	Clarification completeness review	<ul style="list-style-type: none"> ▪ Confirm that all open clarifications, appeals, and demonstrable hardship requests have been reviewed and completed. ▪ If applicable, confirm the clarification, appeal, or demonstrable hardship results have been reflected in the final damage estimate and award calculation.
18	Applicant withdrawal documentation	<p>If applicable, confirm:</p> <ul style="list-style-type: none"> ▪ All funds disbursed have been repaid ▪ Withdraw Tracking page in Program Database is populated