

**STATE OF NEW YORK  
COMMUNITY DEVELOPMENT BLOCK GRANT  
DISASTER RECOVERY (CDBG-DR) PROGRAM  
SUBSTANTIAL AMENDMENT NO. 24**

**Approved by HUD March 11, 2020**

**Additions to: New York State Action Plan Incorporating Amendments 8-23**

**In sections: Proposed Allocation of Funds; and Public Notices, Public Hearings, and Comment Period**

**Summary:**

Action Plan Amendment 24 (APA 24) will address the following items:

- A. *Proposed Allocation of Funds:* Table and references to allocation amounts updated to reflect the reallocation of funds between programs.
  
- B. *Public Notices, Public Hearings, and Comment Period:* Clarification of Substantial Amendment definition.

Changes are indicated in **red** text.

## **A. Proposed Allocation of Funds**

***Description of changes:*** All updates associated with the proposed APA 24 allocation of funds will be made to the tables at page 6 and page 57 of the State's Action Plan. Allocation amounts to reflect this proposed reallocation will also be updated throughout the Action Plan wherever referenced.

In Action Plan Amendment 12, approved by HUD on March 30, 2016, the State updated the Proposed Allocation of Funds to include an additional \$100 million which reflected an estimate of \$100 million of Program Income anticipated to be received by the State through the sale of Acquisition properties purchased with grant funds. In this Action Plan Amendment 24, the Proposed Allocation of Funds is being updated to reflect a revised Program Income estimate of \$84.5 million. As a result of this reduction in estimated Program Income, the Proposed Allocation of Funds Total is being reduced by \$15.5 million reflecting a \$15.5 million reduction in the program allocation for the Buyout and Acquisition Program.

*From Pages 6 and 57 of the New York State Action Plan:*

<b>Program</b>	<b>APA 23</b>	<b>APA 24 Change</b>	<b>Revised APA 24 Allocation</b>
<b>Total of All Programs</b>	<b>\$4,516,882,000</b>	<b>(\$15,500,000)</b>	<b>\$4,501,382,000</b>
<b>Housing</b>	<b>\$2,873,207,313</b>	<b>(\$15,500,000)</b>	<b>\$2,857,707,313</b>
<i>NY Rising Homeowner Recovery Program</i>	<b>\$1,823,277,424</b>		<b>\$1,823,277,424</b>
<i>NY Rising Condominium &amp; Cooperative Program</i>	<b>\$27,000,000</b>		<b>\$27,000,000</b>
<i>Interim Mortgage Assistance Program</i>	<b>\$74,000,000</b>		<b>\$74,000,000</b>
<i>NY Rising Buyout and Acquisition Program</i>	<b>\$680,207,682</b>	<b>(\$15,500,000)</b>	<b>\$664,707,682</b>
<i>NY Rising Rental Buildings Recovery Program</i>	<b>\$235,000,000</b>		<b>\$235,000,000</b>
<i>Rental Properties</i>	\$127,000,000		\$127,000,000
<i>Multi-Family Affordable Housing</i>	\$108,000,000		\$108,000,000
<i>Public Housing Assistance Relief Program</i>	<b>\$16,722,207</b>		<b>\$16,722,207</b>
<i>Manufactured Home Community Resiliency Program</i>	<b>\$17,000,000</b>		<b>\$17,000,000</b>
<b>Economic Development</b>	<b>\$124,277,793</b>		<b>\$124,277,793</b>
<i>Small Business Grants and Loans</i>	<b>\$94,600,000</b>		<b>\$94,600,000</b>
<i>Business Mentoring Program</i>	<b>\$400,000</b>		<b>\$400,000</b>
<i>Tourism and Marketing</i>	<b>\$29,277,793</b>		<b>\$29,277,793</b>
<b>Community Reconstruction</b>	<b>\$537,432,794</b>		<b>\$537,432,794</b>
<i>NY Rising Community Reconstruction Program</i>	<b>\$537,432,794</b>		<b>\$537,432,794</b>
<b>Infrastructure and Match</b>	<b>\$576,120,000</b>		<b>\$576,120,000</b>
<i>Local Government, Critical Infrastructure and Non-federal Share Match Program</i>	<b>\$573,420,000</b>		<b>\$573,420,000</b>
<i>Resiliency Institute for Storms and Emergencies</i>	<b>\$2,700,000</b>		<b>\$2,700,000</b>
<b>Rebuild by Design</b>	<b>\$185,000,000</b>		<b>\$185,000,000</b>
<i>Living with the Bay: Slow Streams</i>	<b>\$125,000,000</b>		<b>\$125,000,000</b>
<i>Living Breakwaters: Tottenville Pilot</i>	<b>\$60,000,000</b>		<b>\$60,000,000</b>
<b>Administration &amp; Planning</b>	<b>\$220,844,100</b>		<b>\$220,844,100</b>

## **B. Public Notices, Public Hearings and Comment Period**

**Description of changes:** The State is updating its criteria for Substantial Action Plan Amendments, as permitted by the February 19, 2019 Federal Register Notice (FR-84-N-33), to provide additional flexibility for minor budgetary adjustments while maintaining opportunities for public input on substantive changes to the State's Action Plan.

As the State nears the end of its recovery programs and the eventual closeout of its CDBG-DR grant, its programs transition from estimated budgets to actual costs. This transition may require the transfer of funds between activities and projects to ensure program funding matches applicant need. These transfers may exceed the current \$1 million threshold in the State's Action Plan, triggering a Substantial Amendment.

Adjusting the State's Substantial Amendment monetary threshold provides increased flexibility for the State in reallocating CDBG-DR funds to meet the needs of its programs and applicants.

The new definition will continue to provide opportunities for public input on substantive changes to the State's Action Plan, per HUD requirements and the State's commitment to citizen participation in the disaster recovery process.

*From page 171 of New York State's Action Plan*

### **Public Notices, Public Hearings, and Comment Period**

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

#### *Substantial Amendments to the Action Plan*

The State has defined Substantial Amendments to the Action Plan 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~~ A Program allocation change that is both greater than \$5 million and more than 10% of a Program allocation; and/or,
- Change in the planned beneficiaries.

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

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

## **Public Comments**

The Governor's Office of Storm Recovery (GOSR) posted Action Plan Amendment 24 (APA 24) for public comment on November 22, 2019. At that time, GOSR began accepting comments on the website [www.stormrecovery.ny.gov](http://www.stormrecovery.ny.gov), as well as through the mail. A Public Hearing was also held in New York County on December 4, 2019. The comment period officially ended at 5 p.m. on December 22, 2019.

The legal notices of these hearings and the comment period were published in the NY Post as well as in three local non-English newspapers, El Diario (Spanish), Russkaya Reklama (Russian) and Sing Tao (Simplified Chinese).

This Amendment was made accessible to persons with disabilities upon request (by telephone or in writing). Translations of APA 24 were available in Simplified Chinese, Russian and Spanish, the three most commonly used languages in the storm affected areas of New York State based on an analysis of Census data for households with members five years or older with limited English proficiency.

GOSR received no comments related to APA 24.