



# **POLICY MANUAL**

## **Homeowner**

### **NY Rising Housing Recovery Program**

**(One and Two-Unit Occupied)**

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Housing Trust Fund Corporation  
Office of Community Renewal

The policies stated in this manual are current as of December 2020. 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](http://www.stormrecovery.ny.gov) or to contact [info@stormrecovery.ny.gov](mailto: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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# POLICY MANUAL

## NY Rising Housing Recovery Programs

### Version Control

Version Number	Date Revised	Description of Revisions
2.0	June 20, 2014	Clarifications to the Repair, Reconstruction, Elevation and Optional Mitigation activities. Clarification of Floodway, Floodplain and Flood Insurance Policies. Clarification of Uniform Relocation and Recapture Policies. Change to Eligible Counties list. Addition of Interim Mortgage Assistance Program and Transfer to NY Rising Acquisition Program Policies. Update to the final closeout Documentation.
2.1	June 25, 2014	Clarification to Interim Mortgage Assistance Program
2.2	September 24, 2014	Minor Clarifications and update on Receipt Review Policy.
3.0	April 2015	Transferred the following sections to the Procedure Manual: Submitting an Application, Intake Meeting, and the Environmental Review Process. Clarified the following policies: "Ownership of Subject Property", the Coop and Condo policy regarding Associations and Boards, Demonstrable Hardship, Appeals, the threshold requirements for transfer to Acquisition Program, the award allowances for reconstruction activity and the award calculation policy regarding the reclassification of a Property from repair to reconstruction and reconstruction to repair. GOSR modified the following: the policy for Applicants concurrently in the IMA program and Buyout program, the eligibility documents for proof of citizenship and immigrant status and the deadline for construction completion. Finally, this version indicated that Urgent Need National Objective may be determined with a Damage Assessment. Added contract purchase language.
3.1	May 2015	Clarification of transfer to Acquisition Program
4.0	January 2016	<ul style="list-style-type: none"> <li>• Removed Cooperatives and Condominiums to its own Program</li> </ul>

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5.0	August 2017	<ul style="list-style-type: none"> <li>• Edits to Outreach and Citizen Participation Plan section</li> <li>• Edits to Reimbursement Section</li> <li>• Edits to Repair Section</li> <li>• Edits to Reconstruction Section</li> <li>• Edits to Resiliency Measures Section</li> <li>• Edits to Construction Services Section</li> <li>• Edits to Applicant Eligibility Criteria Section</li> <li>• Edits to Property Eligibility Criteria Section</li> <li>• Edits to Verification of Benefits Process Section</li> <li>• Edits to Maximum Benefit Section</li> <li>• Edits to Award Calculations Section</li> <li>• Edits to Final Program Close-out Section</li> <li>• Edits to Clarification Review Section</li> <li>• Edits to Uniform Relocation and Real Property Acquisition Policies Act of 1970 (URA) Section</li> <li>• Edits to IMA Eligibility Requirements Section</li> <li>• Edits to IMA Award Calculation Methodology Section</li> <li>• Edits to IMA Method of Distribution Section</li> <li>• Added IMA Extension Payments Section</li> <li>• Edits to Construction Program Chapter</li> <li>• Edits to MH Award Payments Section</li> </ul>

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5.7	December 2020	<ul style="list-style-type: none"> <li>• Subrecipient Selection and Capacity</li> </ul>

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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](#) (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—from the submission of their applications, to the completion of the work required to repair or reconstruct their homes.

## 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 municipalities 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 New York State agencies and public benefit corporations involved in the provision of housing and community renewal. GOSR was formed to direct the administration of the Federal CDBG-DR 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. GOSR also administers a variety of programs related to housing recovery, economic development, and community reconstruction following the devastating impact of Superstorm Sandy, Hurricane Irene and Tropical Storm Lee.

### **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 NY Rising Housing Recovery Programs. This manual is intended to serve as a resource for New York State residents and other parties interested in details of how the different programs operate, including basic information on who are served by the programs, the types of assistance offered, and program recipient obligations. The manual serves as a general reference guide for administrative staff and other interested parties, including Applicant recipients, Contractors, units of general local government (city and county governments) that are engaged as "sub-grantees" to deliver assistance through the program, and any non-profit organizations that are involved as "sub-recipients" or consultants.

As outlined in the State's Action Plan and described in more detail throughout this manual, the programs are designed to provide grants for the repair, reconstruction, or elevation of one- to two-unit homes damaged by one of the three storms listed above. The purpose of this effort is to help individuals and families that were severely impacted by the storm, as well as to help ensure that communities suffering damage are repopulated and revitalized as quickly as possible.

Though the State's Action Plan contains details on all the NY Rising Programs, this manual only addresses one- and two-unit owner-occupied single-family properties (including those that may have a rental or income producing unit) as well as Condo/ Co-op owners who are responsible for the flood insurance on their own unit.

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 Housing Recovery Program Policy Manual and manuals for other programs are made available for public review and use at [www.stormrecovery.ny.gov](http://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 the storms of 2011 and 2012. As expressed in the Federal Housing and Community Development Act, the primary objective of the general CDBG program is “the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate- income.” CDBG funding appropriated in response to disasters must meet those general goals of the CDBG program.

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

- Benefit low- and moderate- income (LMI) persons;
- Aid in the prevention or elimination of slums or blight (Slum and Blight); and/or
- Meet a need having a particular urgency (Urgent Need).

As described in the GOSR’s policies, the activities funded through the NY Rising Housing Recovery Programs are required to meet either the 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 for those areas where there is a high risk of future flooding—revitalizing the vibrancy of New York State’s disaster-impacted communities and enhancing the quality of life; 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, New York 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 have been 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 GOSR website, along with a link to the online application for assistance for Applicants (<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 are 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, **1-844-9NYRISING**, 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 sub-recipient agreements and collaborate 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 **1-844-9NYRISING** 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 is available to download at <http://www.stormrecovery.ny.gov>, and are also be distributed by the State and its 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, appointment notifications, missing information, home evaluation notice, award, and 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 LMI 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 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 NY Rising Housing Recovery Program Activities, Homeowner Program

New York State has created a number of individual activities under the NY Rising Housing Recovery Homeowner Program (the Program). These activities provide assistance for repairing damaged properties, reconstructing damaged homes, mitigating damaged properties for future resilience, reimbursing Applicants who have already begun repairing their homes, and special provisions for two-unit owner-occupied homes. An overview of each activity is provided below. Many Applicants participate in more than one of these activities.

Applicants are responsible for completing activities in accordance with all federal, State and local laws and ordinances applicable to the project.

**Note:** Applicants disbursed first awards for Repair (2.2), Reconstruction (2.3), and Resiliency Measure (2.4) after December 19, 2016 must have their award reconciled against their actual cost of activities. Actual cost is evidenced by receipts and contracts associated with work outlined in the ECR.

### 2.1 Reimbursement

Applicants who sustained damage to their primary residential property (Property) as a result of an eligible storm event, and who have made repairs to their Property, may be eligible for assistance in the form of reimbursement funding. Reimbursement payments are provided in whole or in part for out-of-pocket funds spent by Applicants to repair their Property.

A home inspection (Damage Assessment) is conducted to determine the completed scope of work amount, and “Allowable Activities” (AA), upon which the award is based. If work remains to be done on the Property, the Applicant may be eligible to receive assistance through the Program to complete that repair work.

### 2.2 Repair

An “Estimated Cost to Repair” (ECR) is created at the time of the Damage Assessment and provides the Program’s estimate of the costs to repair the home to address storm damage and bring the home to a decent and safe condition. The ECR estimate is not intended to fund replacement of the property owner’s original pre-storm home. The ECR is created to address storm damaged and unsafe conditions and uses an estimating tool that calculates the industry standard costs and unit prices for repair items.

### 2.3 Reconstruction

Where a Property has substantial damage or cannot be feasibly repaired, the Program may provide assistance, within established caps, for reconstruction rather than repair. The Program uses a factor of \$160.00 per square foot for reconstruction based off square footage information

from the tax database or other third party verified square footage to calculate the ECR/AA. Additional funds may be provided if elevation is required and/or for extraordinary site conditions.

## 2.4 Resiliency Measures

Resiliency measures such as home elevation, bulkhead repairs, and other storm mitigating measures, which help minimize future flood damage to Properties, are eligible funding activities.

### 2.4.1 Mandatory Elevation

Applicants whose home is in the 100-Year Floodplain AND whose home was substantially damaged and/or substantially improved following the storm are required to elevate their home. The Program assists in covering the costs for elevated homes built to an elevation height dictated by State or local building code, or other federal laws within established caps. Applicants in this category are eligible for an increase in their maximum benefit cap (see Section 3.7). FEMA regulations (44 CFR 60.3) require new construction and substantially improved or substantially damaged structures within mapped flood hazard areas to meet specific floodplain development standards.

It is the responsibility of local communities as participating communities in the National Flood Insurance Program, and as the enforcement agents for the Building Code of New York State, to determine if the structure has been substantially damaged.

### 2.4.2 Optional Elevation

Eligible Applicants whose Properties are in the 100-Year Floodplain, but who are not substantially damaged and/or substantially improved have the option of receiving funding from the Program for elevation. However, they are not eligible for an increase to their maximum benefit cap unless the AA and ECR exceed \$150,000 (see Section 3.7).

Applicants outside of the 100-Year Floodplain are not eligible for elevation funding with the exception of Applicants who have had repeated flood losses as evidenced by flood insurance payouts from at least two storms within a period of 10 years.

### 2.4.3 Optional Mitigation

Optional mitigation measures are available for Applicants who are eligible participants in the NY Rising Housing Recovery Program whether or not they are within the 100-Year Floodplain. Below is a list of possible mitigation measures:

- Elevation of electrical systems and components;
- Securing of fuel tanks;
- Use of flood resistant building materials below base flood elevation (retrofits to be limited in scope to be cost effective);
- Installation of flood vents;
- Installation of backflow valves; and

- Installation of roof strapping.

These optional mitigation measures are not available to Applicants whose homes are reconstructed rather than repaired. Additionally, if an Applicant is receiving funding for elevation, then only roof strapping and backflow valves are available for additional funding.

#### 2.4.4 Optional Bulkhead Repair/Reconstruction

The Program may fund bulkhead work for an applicant whose home was damaged in one of the qualified storms and where the repair of damage to the bulkhead on their property supports the investment made in that home. The Program will provide funding for eligible bulkheads based on current length and appropriate height using standard pricing for a navy-style bulkhead. However, applicants may repair/replace their bulkhead in a different construction model, in compliance with DEC permitting regulations, using other funds, should they choose to do so.

In addition, the home on their Property must also have sustained damage in a qualifying storm as evidenced by a program Damage Assessment. Reimbursement funding is only available for work contracted within 1 year of the storm for which DOB was applied.

### 2.5 Special Policies for Two-Unit Owner Occupied Properties

While the majority of Properties that are assisted through the Program are single-family owner-occupied homes, two-family homes, with the owner occupying one unit and a tenant occupying the other unit, may also be eligible for assistance. The State has developed a set of special provisions that apply to these two-unit properties, which are outlined in Section 4.

### 2.6 Interim Mortgage Assistance Program

Interim Mortgage Assistance (IMA) may be available for Applicants who are eligible participants in the Program and have had or are having financial difficulties in paying their mortgage notes due to additional housing payments incurred while displaced from their storm damaged home.

Policies regarding the eligibility of Applicants for the IMA Program are outlined in Section 5.

### 2.7 Construction Services

For Applicants who have difficulty completing the construction required to close out their project, GOSR will contract with qualified contractors for construction services to perform such work. Construction costs include work orders issued to construction contractors (general contractors, electrical contractors, plumbing contractors, etc.) or environmental remediation services.

Where the Program issues an applicant an Architectural and Engineering (AE) and the Applicant subsequently elects the Construction Program, the Applicant is entitled to an offset of AE fees if

Applicant secures a program acceptable pre-certification and plans or provides evidence of AE costs incurred. However, if the Applicant does not secure a program acceptable pre-certification and plans or evidence of costs incurred, then Program will require Applicant to pay back received funds before continuing with the Construction Program.

In cases where a material is damaged by a Program-sponsored contractor during repair activity, the Program may fund its replacement. Replacement work may be completed by the Program or through funding provided to the applicant.

## **2.8 Manufactured/Mobile Home Assistance Program**

Applicants whose damaged home was a mobile/manufactured home may be eligible to receive a new manufactured home. If the Applicant wishes to retain their current mobile/manufactured home and the work previously done meets Program standards, the Program may base an award on the estimated cost of work already done.

**Note:** The NY Rising Condominium and Cooperative Housing Program has evolved into its own program as outlined in Action Plan Amendment 11 and has its own Policy Manual.

## 3.0 Policies for NY Rising Housing Recovery Program

### 3.1 Applicant Eligibility Criteria

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

Applicant Eligibility Criteria Threshold – For First Payment
<ul style="list-style-type: none"><li>• The Applicant is the owner of the subject property (See Section 3.1.1)</li></ul>
<ul style="list-style-type: none"><li>• The Applicant meets one of the CDBG National Objectives (See Section 3.1.2)</li></ul>
<ul style="list-style-type: none"><li>• The Applicant AFWA check and is eligible to receive federal funds (See Section 3.1.3)</li></ul>
Applicant Eligibility Criteria Threshold – For Final Payment
<ul style="list-style-type: none"><li>• The Applicant is a U.S. Citizen or a qualified alien (See Section 3.1.4)</li></ul>
<ul style="list-style-type: none"><li>• The Property is the Primary Residence of the Applicant at the time of the affected-storm. (See Section 3.1.5)</li></ul>
<ul style="list-style-type: none"><li>• Applicant Identity has been verified (See Section 3.1.6)</li></ul>

#### 3.1.1 Ownership of Subject Property

In order to qualify for housing assistance at least one person on the deed must have occupied the Property at the time of damage from one of the qualifying storms. Ownership is defined as holding a fee simple title as evidenced by a warranty deed, bargain for sale deed, a quit claim deed to the Property or having an approved lease hold interest and improvement to be assisted. The deed must be recorded with the county, city, or appropriate local municipality. The repair/rebuilding project funded with Program funds must be completed by the Applicant prior to the Property's transfer to new ownership.

Applicants who owned and occupied a Property at the time of the storm that is located on land that they owned with other individuals (e.g., owned together with their family) are treated as separate Applicants.

Applicants who are owners of a residence who do not own the underlying land, may prove ownership of the residence with a Bill of Sale or equivalent documentation, or by signing an Ownership Affidavit attesting to having owned the residential structure, which occupies leased land at the time of affected-storm.

#### *Ownership by an entity rather than an individual:*

**LLC, LP, LLP and Corporation ownership:** Limited Liability Company (LLC), Limited Partnership (LP), Limited Liability Partnership (LLP) and Corporation ownership at the time of the storm are eligible forms of ownership if the Owner(s) of the entity are occupants of the Property. At least one Owner of the entity, owning not less than a 10%

share, must have been a primary resident at the time of the storm. Ownership stakes of less than 10% may be eligible at the discretion of the Program, upon individual review.

**Ownership by a Trust:** Property held in trust for the benefit of natural persons can be eligible as long as at least one of the occupants at the time of the storm was either a beneficiary of the trust; a grantor of the trust; or one who is granted a life use in the trust. If the Property was not serving as the primary residence for either a beneficiary of the trust; a grantor of the trust; or one who is granted a life use in the trust, the application is not eligible for assistance.

The trustee must sign the Grant Agreement and other program materials on behalf of the application, so long as the trustee's powers include the ability to encumber the Property with liens. If the trustee's powers do not include the ability to encumber the Property with liens, the beneficiaries or other individuals with an interest in the Property must sign the Grant Agreement along with the trustee. If the trust has already distributed the Property to a beneficiary, the beneficiary who received the Property must execute the applicable award Grant Agreement and/or declarations.

**Deceased Owners:** If the owner on the deed at the time of the storm passed away after the storm, the documentation of the deceased person must meet all eligibility requirements, such as primary residency. In these cases, the Duplication of Benefits (DOB) are those benefits received by the deceased or the estate of the deceased. If the estate has not completed probate, then the Applicant shall be the estate. The executor of the estate shall attend the appointment, complete paperwork, and make the recovery repair. In these cases, the DOB is those benefits received by the estate of the deceased. If the estate has completed probate, then the Applicant must be the heir and current owner of the property.

If the owner on the deed at the time of the storm passed away prior to the storm, the Program may assess such applications on a case-by-case basis.

**Gift of Property:** A Gift of Property is a form of property transfer without exchange of payment. A gift of Property made post-storm may be eligible at the discretion of the Program. The Program requires a statement from the Grantor or Grantee explaining the reason for the transfer. A Gift of Property must be in writing, notarized and recorded in the public record.

**Contract of Sale:** A contract of sale is a contract whereby the seller transfers or agrees to transfer the property to a buyer for monetary consideration. Applicants who entered into contract to purchase property prior to the storm are eligible so long as the Applicant converts their contract to full ownership prior to receiving funding assistance from the Program.

**Lost Ownership:** Applicants who lost ownership of their homes due to foreclosure judgment are ineligible for assistance.

### 3.1.2 Meeting CDBG National Objectives

All Applicants must meet one of the National Objectives required under the authorizing statute of the CDBG program.

**Low- and Moderate- Income Objective:** Applicants are determined to be low to moderate income if the total household income is less than or equal to 80 percent of median income. In determining income, the Program uses federal income tax returns (e.g., IRS Forms, 1040, 1040A or 1040EZ). Where tax returns are not available other forms of income documentation such as pay stubs, social security statements, etc. may be evaluated.

**Urgent Need Objective:** Under the disaster recovery federal regulations, HUD has determined that an urgent need exists within the Presidentially Declared counties. An urgent need exists because existing conditions pose serious and immediate threat to health/welfare of the community, the existing conditions are recent or recently became urgent (typically within 18 months), and CDBG-DR funds are needed to finance the activities. The Urgent Need objective is met with a Damage Assessment of the Property. The Program documents that the Applicant meets this requirement through a Damage Assessment and unmet need determination. To the extent allowed under federal regulation, all Applicants who cannot meet the LMI National Objective are placed into the Urgent Needs category.

The Program classifies all applications as meeting either the LMI or Urgent Need National Objectives as required by HUD. It is important to note that while household income is used to determine the National Objective of an application, no Applicant is deemed ineligible based on their household income.

### 3.1.3 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 or a United States judgment in any amount or State lien or a child support warrant 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 or are in negotiation for a payment plan to remedy the situation.

### 3.1.4 Citizenship and Qualified Aliens

At least one Applicant must be on the deed and must be a United States citizen or a qualified alien as defined in Public Law 104–193 *Personal Responsibility And Work Opportunity Reconciliation Act Of 1996*. Documents to prove United States Citizenship or qualified alien status include but may not be limited to the following:



- A U.S. Passport;
- A valid U. S. Birth Certificate;
- Certificate of Naturalization;
- Proof of FEMA assistance;
- Proof of SBA assistance; and/or
- Verification through the Systematic Alien Verification for Entitlement (SAVE) program, an online verification system to validate that Property owner is an immigrant eligible for federal benefits.

### 3.1.5 Primary Residency of Subject Property

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 applicant 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 Applicant also uses the property for 14 days or 10% of the time it is rented out.)

In order to ensure the Program is not assisting ineligible second homes, the Program requires that the damaged property have been the Applicant’s primary residence at the time of affected-storm, for at least one applicant who is also an Owner of the Property and listed as reflected in the deed.

The Program uses a multipronged approach to confirm primary residency. 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 Program may use information including, but not limited, to the following to prove primary residence:

- Proof of School Tax Relief (STAR) exemption;
- Federal income tax return showing Permanent Home Address as damaged property address;
- NY State income tax return showing Permanent Home Address as damaged property address; or,
- Government-issued identification (including driver’s license) issued prior to date of the affected-storm and expiring after date of the affected-storm.
- Vehicle registration or renewal for impacted year or Certificate of Title issued for vehicle in impacted year.
- Receipt of government benefits received for at least one month between the three months before or after the qualifying storm, 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.

- Verification, in the form of bills or a letter from the provider, that water, electric, gas, sewer services or other utilities were provided to the owner for 6 months immediately preceding the time of the affected-storm and were mailed to the damaged property address. Utility bills are only used to supplement other primary residency and are not, standing alone, relied upon to prove primary residency.
- Other qualified documents may be presented for consideration as proof of residency, including insurance documentation indicating the insured property is the insured’s primary residence.

**Primary residency for an entity rather than an individual:** At least one owner of the LLC, LP, LLP or Corporation, owning not less than a 10% share, must have been a primary resident at the time of the storm. Ownership stakes of less than 10% may be eligible at the discretion of the Program, upon individual review.

If an entity, rather than an individual owns the Property, the entity must be registered to do business in the State of New York.

**Primary residency for trusts:** At least one beneficiary of the trust, a grantor of the trust, or one who is granted a life use in the trust, must have been a primary resident at the time of the storm

### 3.1.6 Applicant Identity Verification

GOSR requires all eligible Applicants to pass an identity check, using photo government identification. The program developed this verification to comply with Federal and State of New York requirements.

### 3.1.7 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, as well as any other NY Rising application(s) associated with the applicant, being deemed ineligible and/or subject to further investigation.

## 3.2 Property Eligibility Criteria

Storm damaged properties undergo a threshold eligibility review to determine eligibility for the different recovery assistance types offered by the Program. Eligibility review includes:

Property Eligibility Criteria – For First Payment	
<input type="checkbox"/>	The Property is located in an eligible county (See Section 3.2.1)
<input type="checkbox"/>	The Property was damaged during a qualified storm event (See Section 3.2.2)
<input type="checkbox"/>	The Property matches one of the defined eligible structures (See Section 3.2.3)
<input type="checkbox"/>	The Property passes environmental review (See Section 3.2.4)

### 3.2.1 Property Located in an Eligible County

The counties shown in the following table are also eligible for assistance. The New York City counties (shown in grey text) are not eligible for assistance under the Program. NYC administers CDBG-DR funds directly.

Eligible Counties				
<b>Albany</b>	Dutchess	Montgomery	Rensselaer	Tioga
<b>Bronx</b>	Essex	Nassau	Richmond	Tompkins
<b>Broome</b>	Franklin	New York	Rockland	Ulster
<b>Chemung</b>	Fulton	Oneida	Saratoga	Warren
<b>Chenango</b>	Greene	Orange	Schenectady	Washington
<b>Clinton</b>	Hamilton	Otsego	Schoharie	Westchester
<b>Columbia</b>	Herkimer	Putnam	Suffolk	
<b>Delaware</b>	Kings	Queens	Sullivan	

### 3.2.2 Property Damage from Qualified Storm Event

The home 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, and/or a Damage Assessment conducted by the Program and/or insurance estimates.

Applicants whose Property was 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.

### 3.2.3 Eligible Structure Types

The assisted property must be wholly residential in character. Properties containing home-based businesses may be rehabilitated only where it can be clearly shown that program funds are not used to assist the business contained in or on the Property.

Examples of eligible structure types include, but are not limited to, the following:

- **Single Family Residences:** A single-unit family residence detached or attached to other housing structures.
- **Mobile/Manufactured Homes:** Mobile/Manufactured homes are built in a factory and installed on Applicant owned or leased land. If built before the 1976 HUD Code, they are commonly called mobile homes. Also eligible are house trailers owned by the Applicant, for which valid documentation can be shown. Please see Section 7.0 for details.

- **Condominiums:** Condominiums are a form of ownership in which the separate owners of the individual units jointly own or manage through a Condo Association the Property's common areas and facilities. If Condo owners are responsible for the flood insurance on their own unit then they may participate in this program. Otherwise, condominiums have been moved into the NY Rising Condominium and Cooperative Program unless the co-op is not responsible to unit-specific repairs.
- **Cooperatives:** Cooperatives, "Co-ops", are defined as housing in which each member shares in the ownership of the whole project with the exclusive right to occupy a specific unit and to participate in project operations through the purchase of stock. If Co-op owners are responsible for the flood insurance on their own unit then they may participate in this program. Otherwise, co-ops have been moved into the NY Rising Condominium and Cooperative Program unless the co-op is not responsible to unit-specific repairs.

Properties in the 100-Year Floodplain must obtain flood insurance as a condition of receiving funding. However, unless the Property had received prior Federal assistance in another disaster and was required to maintain flood insurance, it is not necessary for the Property to have been covered at the time of the affected-storm but is confirmed prior to close out of Applicant's file.

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

If the Property has an attached garage or other ancillary residential structures, the program may provide funding to rehab those structures to the extent that is necessary to make the residential structure decent, sanitary, and safe.

Properties with basements may receive funds to repair damaged basements to the extent necessary to make them safe. If the basement was used as a legally habitable space at the time of the storm (as confirmed by a Certificate of Occupancy issued prior to the storm, or other documentation issued by the municipality) then it can be rehabilitated for living space as necessary to meet minimum design standards.

**Note for Applicants interested in the Buyout/Acquisition Programs:** The acceptance of repair funds does not preclude the Applicant from the Buyout/Acquisition Program although the payments are treated as previously received funds for purposes of the Buyout/Acquisition award. If an Applicant accepts an offer from the Buyout or Acquisition Programs and has an executed repair Grant Agreement, the Grant Agreement is cancelled, and no additional repair payments are made.

### **Ineligible Property Types:**

- Non-residential structures that are not attached to a residential unit are ineligible for assistance;
- Water based vessels (e.g. house barges, marinas) are ineligible for assistance; and,
- Assistance for properties containing home-based businesses is limited to non-business uses.

#### **3.2.4 Environmental Review**

CDBG disaster grant funding is contingent on compliance with the National Environmental Policy Act (NEPA), as implemented through HUD's regulations set forth in 24 CFR Part 58, and related environmental and historic preservation legislation and executive orders. GOSR has a number of certifying officers on staff with authorization to sign Tier 1 programmatic environmental assessments.

When appropriate, a tiered environmental review is utilized. For tiered reviews, a countywide Tier 1 review is completed before HUD releases funds and a site-specific, or Tier 2, review is completed for a site before funds can be committed to that particular site. If the Applicant opts in for elevation after the signature of the Tier 2, Program works with environmental staff to ensure that the requirements of the Tier 2 are adhered to during the elevation. Furthermore, for every home in the Program, environmental staff reviews documentation of compliance with the provisions in the Tier 2 prior to the Applicant's closeout from the Program.

#### *Floodplain, Floodway and Coastal High Hazard Area Policy*

The Program requires that Applicants submit a copy of the Certificate of Occupancy or equivalent before closeout in order to document and verify that substantially damaged or substantially improved structures in the 100-Year Floodplain are properly elevated in accordance with local, State and federal elevation requirements.

However, if one of the following conditions exists, the Program does not require Applicants to provide a copy of the Certificate of Occupancy or equivalent as a condition of closeout:

- The Property is not in the 100-Year Floodplain or Special Flood Hazard Area (SFHA);
- The Applicant has provided a letter from their local building official stating that the Property was not substantially damaged or substantially improved; and,
- The Property was not substantially damaged, and the repairs completed did not likely result in a substantial improvement in home value, as assessed by the Program by determining the estimate of the ratio of storm damage cost to pre-

storm home value. This analysis also includes a conservative buffer to further enable the identification of homes with potential substantial improvements.

The Federal Government has developed specific definitions and regulations regarding the 100-Year Floodplain, Floodway, the Coastal High Hazard Area and the Coastal Barrier Resource Area.

Structures located in a Floodway are ineligible for assistance.

Under the Coastal Barrier Resources Act (CBRA, Public Law 97-348), coastal barrier areas are ineligible to receive federal assistance for repairs or reconstruction.

Properties in the Coastal High Hazard Area are required to follow certain design criteria. For more information please see 24 CFR 55.1(c)(3).

### *Flood Insurance Requirement*

If an Applicant receives assistance from the Program and the Home is located in the 100-Year Floodplain then the Applicant is required by federal regulation to maintain flood insurance in perpetuity and, 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..

If an Applicant previously received federal flood disaster assistance for the Property and was required to carry flood insurance but failed to obtain and maintain flood insurance then, under federal regulations, they are ineligible for the Program.

GOSR developed its flood insurance policy in accordance with HUD notice (CFR-5696-N-01).

### LMI Flood Insurance Program

The NY Rising Homeowners Program may provide assistance in the form of payment for one year of flood insurance premiums. This assistance will cover the costs of initial flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973, as amended, pursuant to 24 CFR 570.605. Applicants must meet the following criteria to obtain the benefit:

- Applicants determined by the program to meet the LMI national objective.
- Applicant must be recipient of CDBG-DR grant funds in the NY Rising Homeownership Program, NY Rising Rental Property Program.
- Applicant must have received 100% of funding for eligible expenses outlined in an inspection report and completed all repairs identified on the Estimated Cost to Repair (ECR) report.

- Flood insurance assistance will be included in the eligible applicant's award amount and cannot exceed program caps.
- Applicants who have never obtained insurance coverage in the amount to be covered by the CDBGDR investment.

Payments are paid based on evidence of cost incurred.

### 3.3 Lead, Asbestos and Radon Requirements

Applicants and their contractors are responsible for performing work in accordance with applicable federal and State regulations regarding environmental assessments and clearances. Properties built before 1978 must adhere to the lead-safe practices detailed in the US Environmental Protection Agency (EPA), US Department of Housing and Urban Development (HUD) and the US Consumer Product Safety Commission, *Protect Your Family From Lead in Your Home* pamphlet. The Program provides the pamphlet to applicants and requires all applicants to acknowledge receipt. The Program offers technical assistance, as well as lead, radon, and asbestos risk assessments and clearances at no cost to the Applicant. The Program requires that all homes receive a clearance for lead, asbestos, and/or radon (as applicable) prior to closeout from the Program.

### 3.4 Repair, Reconstruction, and Reimbursement Allowable Items

#### 3.4.1 Eligible 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; and/or



- Bulkheads (Please note: in order to receive funds for bulkhead the home must be eligible under repair or reconstruction).
- Fire Sprinklers (if required by code)
- 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);
  - Water filtration system; and/or
  - Optional mitigation items.
- 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 already eligible for repair funding may be eligible for earth movement funds.

**Note:** Average grade standard 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.



### *Eligible Items, Receipt Review Process*

Applicants have the right to request a receipt review in connection with their grant award. Applicants can provide receipts for actual work, labor, materials and supplies in connection with the repair/rebuilding of their home. A receipt-based review of funds actually spent on eligible pre-Damage Assessment work can be used to offset (reduce) the amount of duplication of benefits (DOB) applied to the Estimated Cost of Repair (ECR) to calculate the Repair award. However, in no circumstance does receipt review result in an increased Reimbursement award – even if the total of the Applicant’s receipts for eligible items exceeds his/her AA estimate.

Applicants requesting receipt review for the purpose of DOB offset, to potentially increase the amount of the Repair award, must present receipts and proofs of payment for all eligible items completed prior to the Damage Assessment.

Applicants who made repairs to their home prior to learning that the home was not salvageable, or who could not feasibly elevate (for substantially-damaged homes only) and therefore needed to demolish and reconstruct, may request that the Program offset DOB funds by the amount spent on repairs, as documented by detailed receipts, as set forth below:

- For Applicants who had demolished their home by the time of the Program’s damage assessment inspection, receipts from after the storm, but before the demolition permit is pulled are acceptable.
- For Applicants who had not demolished their home by the time of the Program’s damage assessment inspection and were categorized as a Reconstruction Award by the Program during the inspection, receipts from after the storm, but before the damage assessment inspection date are acceptable.
- For Applicants who received a repair ECR after the Program’s damage assessment inspection and who later converted to a Reconstruction award after submitting a Feasibility Analysis Report (FAR) showing that reconstruction is more cost-reasonable than repair, receipts from after the storm but before the date of their designer’s initial FAR submission to the Program are acceptable.

Applicants who were damaged by more than one of the three eligible storms (*Sandy, Irene and Lee*) have their award calculated based only on the most recent storm, unless they specifically request a prior-storm review. Applicants who have repaired items from multiple storms may request a prior-storm review in order to determine if they may be eligible for Reimbursement payment for items repaired as a result of the prior storm. Applicants requesting a prior-storm review must present all eligible receipts and proofs of payment for the earlier storm. The Program creates a scope and cost of AA work (work done) from the earlier storm, using these eligible receipts. The Program then applies any benefits (DOB) received for the earlier storm to the receipt-based AA for the earlier storm. Applicants requesting a prior-storm review will have their award calculated based only on the prior storm.

Receipt review may not necessarily result in an increase in the Award amount. If the total amount actually expended on work done prior to the Damage Assessment is less than the Program's AA cost estimate, then the award is re-calculated (lowered), using the actual costs. The total award amount, (including payments made for prior storms) as a result of receipt review, cannot exceed Program caps.

### 3.4.2 Ineligible Items

Below are items not covered by CDBG-DR funds:

- Landscaping;
- Pools
- Fences
- Repairs to non-attached buildings: pool houses, sheds, chicken coops, dog houses/kennels, beehives and similar non-residential appurtenances and detached garages;
- Deck/patio repair that does not affect entrance or exit from the home;
- Swing sets/playground equipment;
- Personal property, such as vehicles, furniture, and household goods and clothing;
- General home improvements unrelated to damage directly resulting from the storm, unless necessary for the home to meet minimum property standards;
- Heating or cooking fuel replacement;
- Sandbags;
- Generators or other similar backup systems;
- Most 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
- Detached garages (attached garages only allowable when repairing a home with an existing attached and damaged garage);
- 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 at entry doors;
- Out buildings (i.e. sheds, gazebos, trash enclosures, and pool houses);
- House vacuum systems;
- Swimming pools, hot tubs, saunas, etc. and associated equipment;

- Laundry equipment (i.e. washers and dryers);
- Portable appliances (i.e. air conditioners, electric heaters, etc.);
- Luxury countertops (i.e. no stone or composite stone);
- Built-in bookshelves, radiator covers, or any item requiring custom millwork or shop drawings;
- Stone tile floors and walls;
- Luxury carpet;
- Wallpaper;
- Built-in closet systems – only rod and shelf allowed;
- New fireplaces (wood, gas, or electric); repairs to storm damaged fireplace chimneys are allowed
- Exterior decks, unless to allow for egress on homes being elevated; materials limited to builder's grade composite decking and rail systems;
- Covered porches, unless replacing an existing covered porch;
- Carports;
- Solar Panels;
- Microwave ovens;
- Deep freezers;
- Built-in dual ovens;
- Garbage disposals;
- Multi-head showers;
- Sound systems, wireless computer & communication systems;
- Central air conditioning systems unless existing at time of storm; and,
- Similar items as determined by the NY Rising Housing Recovery Program.
- Ineligible Optional Mitigation Items:
  - Sandbags or other temporary barriers; and,
  - Generators or similar backup power systems.

### **3.5 Overall Assessment of Need**

Program funds may only be used to address an Applicant's unmet disaster recovery need. The Program assesses the total post-disaster need by performing a Damage Assessment on the Property. The Damage Assessment's ECR and AA provide 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 award from the Program is reduced to account for any duplicative benefits that the Applicant received from other sources (see Section 3.6.1). Funds for unmet needs are not given in excess of program caps.

## 3.6 Verification of Benefits Process

Applicants are required to disclose all sources of disaster recovery assistance received, 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 CDBG-DR program may not be used for any costs for which other disaster recovery assistance was previously provided for the same purpose.

Generally, financial assistance received from another source that is provided **for the same purpose** as the CDBG-DR funds is considered a DOB. The State's policy is in accordance with HUD's guidance on DOB 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, as well as any other assistance received by the Applicant from other local, State or Federal programs, or private or nonprofit charities. 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 verified by the Program.
  - With regard to NFIP claims, the Program will account for a HUD allowable \$20,000 duplication of benefits offset, cost of recovery, and other costs associated with the claim prior to determining the final NFIP attributed as DOB.
- **Federal Emergency Management Agency (FEMA):** FEMA proceeds received must be disclosed by the Applicant and must be verified by the Program.
- **Small Business Administration (SBA):** SBA proceeds received must be disclosed by the Applicant and verified by the Program.
- **Private Insurance:** All insurance proceeds received must be disclosed by the Applicant 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 insurance amounts verified with insurance providers before the Applicant closeout of the Program.
- **Other:** Funds received from other sources that were intended solely for the repair or reconstruction must be disclosed by the Applicant and verified by the Program. Examples include nonprofits, other governmental agencies, and social groups.

Applicants are required to report all assistance reasonably anticipated. Reasonably anticipated funds include assistance that has been awarded, but has not yet been received, but do 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 government assistance to repair items multiple times. Since the Damage Assessment can only document damage from the most recent storm, only the funds received after the most recent affected-storm are applied as a DOB to the Applicant's award. However, Applicants may choose to be considered for reimbursement award for funds expended subsequent to prior storms if they present receipts and proof of payment for eligible items.

For Repair and Reimbursement activities only, DOB is separately determined for elevation costs, so that the elevation portion of the award is based on the estimated cost of elevation minus benefits received solely for the purposes of elevation (examples include NFIP Increased Cost of Compliance (NFIP-ICC) and SBA mitigation loans).

### *3.6.2 Non-Duplicative Assistance and DOB Offsets*

Funds that have been received in 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 purpose. For example, insurance payments or other benefits may include funds for detached garages, landscaping, or other items not eligible for Program funds. If this can be documented, then those funds are not considered a DOB;
- 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;
- Funds received for content manipulation expenses (i.e. moving costs of furniture and other household goods);

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.

### 3.6.2 Permissible Uses of Funds Received For Repair or Reconstruction

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) may request that the Program offset the benefit by the actual amount of legal costs incurred, not to exceed one third of the total amount of the benefit.

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/or
- Insurance premiums.
- The Program does not provide assistance to applicants for the purpose of securing a change in zoning or site plan approval.

### 3.6.3 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.

The Program conducted a final review of SBA DOB calculations for applicants who canceled their SBA loans or did not receive disbursements for the full amount of their SBA loan, against SBA-provided data as of November 20, 2019, to confirm whether applicants took additional SBA funds that should be counted 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	
<b>Base Cap</b>	The base cap amount for single-family repair and/or reconstruction coverage is <b>\$300,000</b> .
<b>LMI Allowance</b>	Applicants who are determined to be low or moderate income (total household income is less than or equal to 80 percent of area median income) qualify for an <b>increase of \$50,000 in the cap</b> amount. (\$300,000 Base + \$50,000 LMI = \$350,000 maximum allowed cap).
<b>Elevation Allowance</b>	Applicants with Properties substantially damaged (greater than 50 percent damage against pre-storm value), substantially improved (greater than 50% improvement) or if the AA and ECR exceed \$150,000 AND is within the 100-Year Floodplain are eligible for a <b>\$50,000 increase</b> in the cap amount to facilitate elevation (\$300,000 Base + \$50,000 Elevation = \$350,000 maximum allowed cap).
<b>Both Elevation &amp; LMI Allowances</b>	Applicants that qualify for both the LMI cap increase and the elevation increase are eligible for both cap increases. (\$300,000 Base + \$50,000 Elevation \$50,000 LMI = \$400,000 maximum allowed cap)
<b>Optional Elevation Allowance</b>	Properties, within the 100 Year Floodplain, <b>that are</b> not substantially damaged or substantially improved are qualified to apply for funds to elevate; however, the \$50,000 cap increase does not apply unless the AA and ECR exceed \$150,000.

Environmental remediation costs are calculated separately and will not count towards the award cap.

**Note:** The Program will not fund remediation of identified environmental site hazards where there is zero unmet need and zero previous funds received by the applicant. The Program may fund remediation of identified environmental site hazards for applicants previously determined to be a positive award who received funds from the Program and who proceeded with environmental site hazard remediation at the instruction of the Program or previously signed up for the Program-sponsored environmental program as long as they are not overpaid and have a zero-applicant balance.

Any other repair or reconstruction costs in excess of the allowed cap amount are the responsibility of the Applicant.



## 3.8 Award Calculations

### 3.8.1 Award Calculations for Repair and Reimbursement Activities

Award calculations take the amount of the ECR and AA and then deduct duplicative benefits received. Funds received from other sources that were intended for repair or reconstruction are a duplication of benefits and are deducted from the award amount. The result is the Unmet Need amount.

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

Repair Example: (non LMI and not eligible for elevation)	
1. <b>Total Eligible Cost of Repair (ECR) and/or Allowable Activities (AA)</b>	\$250,000
2. <b>Deduct Duplication of Benefit (DOB)</b>	\$30,000
3. <b>Unmet Need/Estimated Award Amount (item 1 less item 2)</b>	\$220,000
4. <b>Base Cap</b>	\$300,000
5. <b>Maximum Award Amount (lesser of items 3 and 4)</b>	\$220,000

Unmet Need payments for Reimbursement activities are disbursed upon meeting the first payment eligibility threshold criteria (see Sections 3.1.1 – 3.1.3), unless the applicant has only Reimbursement, with no Repair or Optional component in the award; in this case, the Reimbursement payment is not issued until the applicant has satisfied all the conditions necessary to close out his file.

Unmet Need payments for Repairs activities are disbursed in increments: half upon completion of the first payment eligibility threshold criteria (see Sections 3.1.1 – 3.1.3) and half upon completion of construction and eligibility closeout criteria (see Sections 3.1.4 – 3.1.6). Applicants may request an interim payment if they have made significant progress in their repair project. Interim payment requests may be approved at the discretion of Program.

### 3.8.2 Award Calculations for Reconstruction Activities

The Reconstruction award calculation is based upon the pre-storm taxable square footage of the home as determined through a review of property tax records. The pre-storm taxable square footage is multiplied by \$160 per square foot, which represents the necessary and reasonable cost of reconstruction throughout New York State.

The reconstruction award calculation also includes a \$25,000 allowance for extraordinary site conditions and a \$5,000 allowance for demolition that is automatically included in all Reconstruction awards. The Program will grant reconstruction applicants an award



allowance of up to \$2,800 to complete Home Energy Rating Systems (HERS) testing, as required by the Energy Conservation Construction Code of New York State. There is also an allowance of up to \$2,600 for reconstruction/elevation applicants to conduct topographical survey where required by local ordinances. The \$160 per square foot cost includes the cost of designing the reconstructed home and elevating the reconstructed home to the New York State required minimum elevation if the reconstructed home is located in a 100-year floodplain. The \$160 per square foot cost does not include the cost of mitigating or remediating environmental hazards such as lead based paint or asbestos. The \$160 per square foot cost does not include the cost of repairing or replacing bulkheads. In addition, the \$160 per square foot cost does not include the cost of a ramp or lift that may be needed to make the home accessible due to a medical condition of an occupant. Applicants may seek additional funds for activities such as environmental mitigation or remediation or the repair of bulkheads, or a ramp or lift necessary to provide accessibility for an elevated home.

In order to retain the \$25,000 for extraordinary site conditions award, Applicants must have their designer or contractor complete and submit an Extraordinary Site Condition Form. Applicants may retain the award if extraordinary site conditions must be addressed during construction. Acceptable extraordinary site conditions include:

- Sites which are sloped more than a 7.0% grade;
- Sites which require preparation such as excavation and trenching;
- Sites which require additional access to the building;
- Sites which require protection of adjacent elements;
- Where local building code requires sprinklers;
- Sites with soil conditions that require non-typical foundation systems; and or,
- Unusually long and/or difficult utility connections exceeding 100 feet, including new connections to municipal sewer systems.

If an Applicant has been classified for a Reconstruction award, but wants to Repair their home instead, they may do so and at the discretion of the Program and may receive the lesser of the two award calculation methods after DOB has been deducted: either the \$160 per square foot calculation or an itemized repair calculation, which is computed at the Final Site Inspection. In either case, Applicant would still be required to elevate and/or produce a Certificate of Occupancy.

In order for the Property to be considered for a reclassification from a Repair award to a Reconstruction award, the Applicant must submit either:

- A Substantial Damage Letter issued by the municipality showing that the extent of damage to the home was greater than 80%; or
- A Feasibility Analysis Report (FAR) prepared by a design professional assessing the most suitable, feasible, and cost-effective solution to restoring the structure to its pre-storm condition.

If an Applicant has been given a Repair award but wishes to Reconstruct their home instead, and cannot provide one of the aforementioned documents, they may do so and at the discretion of the Program may receive the lesser of the two award calculation methods after DOB has been deducted: either the \$160 per square foot calculation, including the extraordinary site conditions and demolition funds if applicable, or the original repair award.

### 3.8.3 Award Calculations for Elevation Activities

For elevation projects, the Program pays for base flood elevation (BFE) plus 2 feet additional height. If a local municipal code, enacted prior to December 31, 2014, requires elevation to a height above BFE plus 2 feet, the Program will adjust the elevation estimate and award accordingly.

Funds received from other sources that were intended for elevation are a duplication of benefits and are deducted from the Elevation Estimate.

If the Applicant is required to elevate pursuant to local code, because the home was substantially damaged, because the home will be substantially improved, or due to a program policy decision, then the home must be elevated to be eligible for program funding of any type (AA or ECR). For houses already completed and elevated, a Certificate of Occupancy must be provided for reimbursement under the Program. The Applicant may apply to the Program for elevating after work was completed.

Applicants who opt into elevation first receive 10% of the estimated elevation cost as a design fee, but do not receive the 50% of the construction cost for elevation until the required construction documents have been submitted to the Program.

If at the Final Inspection, and upon analysis of a pre- and post-construction elevation certificate (see Section 3.15.1), the elevation is lower than that contemplated in the ECR, the ECR award is reduced by the difference. Applicants who need to elevate fewer than 3 feet to meet the minimum BFE requirement have their award computed on a 3 ft. elevation, in order to account for mobilization and fixed costs.

### 3.8.4 Award Calculations for Bulkhead Activities

For bulkhead projects, the Program provides funding based on the linear square footage. Program will not revise the linear footage for bulkhead estimates based on contract/invoice linear footage if the linear footage is within +/-5 linear feet of the original program bulkhead estimate. Program does not fund non-eligible bulkhead items such as floating docks.

### 3.9 Architects, Engineers and Contractors

Local building departments may require a design professional. If the scope of work is \$10,000 or more, Applicants will be funded to consult with an architect and/or engineer for the project.

The Program has included a 10% allowance for design costs, construction management services, provided either by a dedicated design professional, or by the contractor as part of the construction scope. Ancillary design expenses incurred for surveys, soil tests, foundation investigations, and/or elevation certificates prepared by an engineer are also eligible for funding.

The Program does not select a Contractor for the Applicant. Applicants should hire a Contractor who is legally allowed to work in the jurisdiction of the Property. General construction contractors should meet the requirements of the locality in which they are working. The Applicant is responsible for negotiating the final costs of construction with their Contractor.

### 3.10 Design Standards and Construction Specifications

Applicants should repair their properties in accordance with all State and locally adopted and approved building codes, standards and ordinances as well as HUD CPD Green Building Retrofit Checklist. Due to the highly regulated nature of construction activities in New York State, compliance with the aforementioned requirements is determined through inspection and approval by the local code official that is vested with the authority to determine compliance with local and State requirements.

All reconstructed homes and substantially damaged or substantially improved homes **must** incorporate Energy Conservation Construction Code of New York State (ECCCNYS 2010) into construction and receive a Certificate of Occupancy. The Program will require a copy of the COO or equivalent document prior to closeout to confirm compliance.

#### 3.10.1 HUD CPD Green Building Retrofit Checklist

Per the Green Building requirements of the March 5, 2013 Federal Register Notice (FR-5696-N-01), applicants should repair their properties in accordance with all State and locally adopted and approved building codes, standards and ordinances.

The Program requires non-substantially damaged residential buildings to follow the guidelines specified in the HUD CPD Green Building Retrofit Checklist available on the CPD Disaster Recovery Website, and on the Program's website for home rehabilitation projects, where applicable. The Program provides funding beyond builder's grade where applicable to fund line items on the Green Building Retrofit Checklist.

### **3.11 Construction Change Orders**

Change orders are granted for conditions that were not incorporated into the ECR and which materially affect the price or scope of work's price and are required to complete the work in a safe and sanitary manner and in compliance with federal and State guidelines. If approved, the award allocation is adjusted to reflect the increase or decrease.

The Contractor, Design Professional or the Applicant may request the change order. Documentation required in support of the change order request is the following:

- A description of the specific work items to be added with quantities and units of measure
- An explanation as to how and why the additional work is necessary; and,
- Photos or any other relevant documentation that may be used to support or document the request.

### **3.12 Grant Agreement and Disbursement of Grant Awards**

Before the Applicant receives proceeds from the Program, all Owners of the Property are required to sign, either electronically or in person, a Grant Agreement. The funds are then disbursed directly to all Owners of the Property.

If the award is for reimbursement only, the entire amount of the grant award, as indicated on the Allowable Activities (AA) less the duplication of benefits, may be disbursed after the Applicant's file has been verified to contain all documentation necessary for program compliance and closeout.

If the award is for construction work to be done, either repair or reconstruction, 50% of the grant award for prospective work, as identified in the Program's ECR less the DOB, is paid to the Applicant once a Grant Agreement has been signed. If Applicants have made substantial progress in the repairs and/or optional elevation of their damaged property as detailed in their ECR and need additional funds to complete the remaining scope of work, they may request an interim payment. Interim payments are intended to bring award disbursements to 75%. Where warranted, and as indicated by the level of work performed, the program may release up to 90% award in an interim payment. At Construction Completion and Project Closeout the remainder 50% or 25% of the ECR, less DOB plus any additional optional mitigation award amount is paid to the Applicant.

If the award is for reconstruction only, an Extraordinary Site Conditions Award in the amount of \$25,000.00 is included in addition to the first payment. If the Program later determines that no Extraordinary Site Conditions exist on the property, the \$25,000.00 amount will be deducted from the award.

The initial payment of fifty percent of the CDBG-DR grant for Mandatory Prospective Work is released upon execution of the Grant Agreement and engagement of the services of either a design professional and/or a construction contractor.

### 3.13 Final Program Close-out

Applicants who complete the repair/reconstruction of their home, but who have not yet completed optional elevation work may still close out their repair/reconstruction and / or bulkhead award. Funds advanced for optional elevation and bulkhead work, (including design fees) are accounted for in a separate Optional Measures Grant Agreement and may be closed out separately when that work is complete. Applicants who have opted in for optional elevation or bulkhead work which is still in progress, but who have complied with all the requirements to close out their home repair/reconstruction work, can go through the closeout process. When Applicants finish the work associated with their optional elevation and/or bulkhead, their file will go through an optional measure closeout process and applicants will be asked to sign a Final Optional Measures Grant Agreement at that time.

#### 3.13.1 Final Inspection

At the end of construction, the Applicant may request a Final Inspection from the Program in order to receive final payment. The purpose of the Final Inspection is to document that all work called for in the ECR scope and if applicable, mandatory elevation estimate scope and as of August 15, 2015, Optional Mitigation activities have been completed. ECR work not completed at final inspection may be redlined out so long as it does not result in code non-compliance or failure to meet decent, safe, sanitary standards. Awards will be adjusted accordingly.

Applicants who complete their ECR scope of work but who have not yet completed optional elevation and/or optional bulkhead repair/replacement may still request a final inspection. When the work associated with their optional elevation and/or optional bulkhead scope is complete, the Applicant must request an Optional Final Inspection for the specific optional component.

Applicants that only have an AE-Only award are not subject to environmental inspections, DSS inspections, or final inspections for closeout.

The Program relies on municipal code enforcement to confirm that projects comply with Federal, State and Local building codes. This practice will continue at the sunset of the Program. The Program will carry out a final inspection to verify scope and to the extent feasible, compliance with New York State and local building codes, as well as DSS standards, and fire/life/safety compliance, and provide a letter to the building department detailing outstanding program-scope.

#### 3.13.2 Closeout

All files must go through a closeout file review. During this time, all required Program documents must be re-reviewed for completeness. If it is discovered that the Applicant's file is missing documents, they are notified of the outstanding materials.

### 3.13.3 Final Payments

The final payment is contingent upon receipt of required closeout documents. See Exhibits 4, 5 and 6 for a list of final documents needed for closeout. Specific circumstances may not require all Applicants to submit all documents.

## 3.14 Program Withdrawal

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

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

## 3.15 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 he/she remits any excess funds to the Program, whenever received.

### 3.15.1 Cooperation and Further Documentation

The Applicant agrees to assist and cooperate with the Program should it elect to pursue any of the claims the Applicant has against the insurers for reimbursement under any such Policies and any application to FEMA, SBA or any other applicable government program. The Applicant's assistance and cooperation shall include allowing suit to be brought in the Applicant's name(s), giving depositions, providing documents, producing records and other evidence, testifying at trial and any other form of assistance and cooperation reasonably requested by the Program.

### 3.15.2 Authorization for Program to Contact Third Parties

The Applicant explicitly allows HTFC to request of any company with which the Applicant held Policies or FEMA or the SBA any non-public or confidential information needed by the program to monitor/enforce its interest in the rights assigned to it under this Agreement and to give the Applicant's consent to such company to release said information to the NY Rising Housing Recovery Programs.

## 3.16 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.

Once a passing Final Site Visit (FSV) is conducted, an applicant may not file a clarification to increase their home-repair related scope of work. This also applies to optional mitigation measures. Elevation applicants that have passed a FSV may only file for a clarification if one has not yet been completed.

### **3.17 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 AA/ECR cost 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](mailto: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.

### **3.18 Demonstrable Hardship**

A demonstrable hardship is a substantial change in an Applicant's situation that prohibits or severely affects their ability to provide a minimal standard of living or the basic necessities of life including food, housing, clothing, and transportation without causing economic distress well beyond mere inconvenience as shown by objective evidence. A demonstrable hardship must occur after the named storms.

The demonstrable hardship must be of a severe, involuntary, and unexpected nature. It must not be one that is generally shared by other Applicants affected by the named storms or within the impacted counties. Examples of a demonstrable hardships may include job loss, failure of a business, divorce, severe medical illness, injury, death of a family member or spouse, unexpected and extraordinary medical bills, disability, substantial income reduction, unusual and excessive amount of debt due to a natural disaster, contractor fraud, etc. None of the listed examples above, individually or taken together, automatically establish a demonstrable hardship nor is the listing above exhaustive as there may be other factors relevant to the issue of demonstrable hardship in a particular

case. The Demonstrable Hardship Committee (DHC) will consider evidence on a case-by-case basis to determine what constitutes a Demonstrable Hardship for the purposes of this Program.

If an Applicant believes that they are in the state of demonstrable hardship and that the demonstrable hardship causes them to not comply with any of the program policies, they may present their existence of a demonstrable hardship to their Customer Representative and the Program evaluates on a case-by-case basis after review of all of the circumstances. In considering each individual case, the Program's review includes, but may not be limited to, the following considerations:

- whether the applicant encountered a unique, unforeseen, extenuating circumstance,
- whether an extenuating circumstance impacted the applicant's ability to comply with Program policy;
- whether the applicant attempted to comply with program policy despite extenuating circumstances.

Applicants claiming a Demonstrable Hardship are required to provide evidence of such claimed Demonstrable Hardship to Customer Representative. The State determines what a Demonstrable Hardship is for purposes of this program and its decision is final.

**Note:** After December 31, 2017, the Program will no longer consider Demonstrable Hardship requests for extensions to program deadlines or reactivation of an application.

### **3.19 Special Needs / Reasonable Accommodation**

Where necessary, the Program may provide additional funding for Applicants who have special needs and/or require a reasonable accommodation for elevation-related items (ramp/lift and/or other related ADA items (e.g. bathrooms, kitchens) due to medical necessity to accommodate these needs. Such requests must be submitted to a Demonstrable Hardship Committee with a supporting doctor's note.

However, if a special needs accommodation for elevation-related items (ramp/lift) and/or other ADA items (e.g. bathrooms, kitchens) existed in the home prior to the storm, a doctor's note does not need to be submitted to the Demonstrable Hardship Committee.

Also, applicants with special needs estimates uploaded in the program database prior to 2/17/15 for elevation-related items (ramp/lift) and/or other ADA items (e.g. bathrooms, kitchens) are grandfathered in and will not need to go to the Demonstrable Hardship Committee.

### **3.20 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 homes despite receiving other federal resources for this purpose.

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 home while home being repaired; and/or
- Work by contractor not 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 him or her from fulfilling the obligations detailed in the documents executed at closing.

## 4.0 Two-Unit Owner Occupied Properties

Most of the Properties that are assisted through the Program are single-family owner-occupied homes. However, two-unit homes, in which the owner occupies one unit and a tenant (Tenant) occupies the other, may be eligible to receive assistance. If construction renders a Property temporarily uninhabitable, the tenant occupying the two-unit home may be eligible for Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970 (URA) protections and relocation benefits. The Applicant, however, is voluntarily accepting rehabilitation/reconstruction assistance and would therefore not be eligible for URA assistance but may be eligible for IMA assistance (see Section 5). Consequently, the State has developed this Tenant Relocation Policy.

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 IMA assistance 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. Refer to Section 5.0 for more information on IMA.

## 5.0 Subrecipient Selection and Capacity

GOSR selects suitable subrecipients by direct, discretionary selection. GOSR analyzes potential subrecipients to examine their capacity for implementation of scope. Program Managers may review subrecipients' Single Audits and audits from the State Comptroller's Office, as well as complete a risk assessment, initial assessment report and subrecipient capacity analysis.

### 5.1 Direct Selection

Under the direct selection method, Program staff identifies an appropriate subrecipient by considering: (1) opportunities to build capacity at the most local levels of government, (2) jurisdiction over any assets that are essential to the project, (3) existing project, (4) financial management capacity, and (5) any other considerations specific to the project being implemented. GOSR directly selects subrecipients under the following scenarios:

- When an entity is uniquely qualified to implement a project because the entity has sole jurisdiction over the project or complete control/ownership over a project site;
- When it is likely that an award to any other source would burden the entity with full site control or jurisdiction of the Program project area;
- When there is a reasonable basis to conclude that the minimum needs of the Program project can only be satisfied by the selected subrecipient; and
- When an entity is uniquely qualified to implement a project due to that entity's execution of a program which meets the same vision and goals as required by the project.

The direct selection process is documented for each subrecipient in an Approval Memo. GOSR's ability to directly select a qualified subrecipient is allowed under 24 CFR 570.500(c).

### 5.2 Selection Criteria Considerations

Potential subrecipients are examined on the following considerations:

- Prior experience with executing CDBG or other federal funded projects.
- Staff capacity to effectively manage CDBG-DR grants
- Knowledge and experience in financial management of federal grant funds, specifically of CDBG funds; and the ability of financial systems to meet all State and federal requirements
- In good standing with the State of New York (for entities other than public entities).
- Experience, knowledge, and compliance with all Federal regulations outside of direct CDBG requirements, as it applies to the grant
- Other factors including relationship to the community, relationship to other government entities, and specialized skills, knowledge, or capacity that would make an entity suitable as a subrecipient.

### 5.3 Subrecipient Agreements

GOSR executes a subrecipient agreement (SRA) with each selected subrecipient. The SRA serves as the mechanism for transfer of funds to the subrecipient, and requires compliance with all federal, State, and local laws, as applicable. For some projects where the subrecipient is another state agency, a memorandum of understanding (MOU), rather than an SRA, is executed. For projects where Dormitory Authority of the State of New York (DASNY) is the subrecipient,

projects are initiated through a Work Order (WO), rather than an amendment to the SRA or MOU. SRAs may be amended throughout a project's lifecycle.

## 6.0 Interim Mortgage Assistance Program

Interim Mortgage Assistance (IMA) may be available for Applicants who are eligible participants in the NY Rising Housing Recovery Program and have had or are having financial difficulties in paying their mortgage notes due to additional housing payments.

Participation in the IMA Program requires compliance with flood insurance requirements. If the damaged property is located in the 100-year floodplain, IMA recipients are required to purchase and maintain flood insurance, in accordance with federal law, and to provide documentation of same.

The award is calculated based on the Monthly Mortgage Amount (interest, principal, taxes, and escrow) of an Applicant's primary residence damaged by a qualifying storm. Applicants must show proof of Additional Housing Expenses paid to an independent third party (including but not limited to hotel receipts, rental payments + utilities gas, electric, oil, water), and must be displaced from their primary residence for a full month to be eligible for reimbursement.

### 6.1 Eligibility Requirements

- Applicant has applied for and is an eligible participant in the NY Rising Housing Recovery Program or the NY Rising Buyout & Acquisition Program.
- Applicant has an outstanding mortgage loan on their primary residence which was damaged by either Hurricane Sandy, Hurricane Irene or Tropical Storm Lee
- Payments cover obligations on first mortgages, including seller-financed mortgages, in place at the time of the storm, which impacted the Applicant applying to the IMA Program.
- Applicant's primary residence is or was uninhabitable during the months that IMA is requested for as a result of one of the qualifying storms and therefore the Applicant is experiencing or has experienced increased monthly housing expenses (e.g., rent) for a minimum of one month.
- Applicants with arrears may be eligible for the IMA Program. IMA payments may still be made so long as the foreclosure action has not reached the judgment stage. However, Applicants with more than three months of pre-storm arrears are not eligible. In order to receive continued IMA payments, Applicants must show proof that the grant funds have been used towards paying off their arrears.
- NY Rising participants in the Buyout and Acquisition Programs may be eligible for the IMA Program. IMA payments are applied as a DOB at the time that the State acquires the Property.
- Applicants who receive IMA – including those who receive no funds for home repair - must provide proof that their home has been restored to DSS and code-complaint condition at the time of closeout.
- Applicant are eligible to receive up to 20 months IMA until December 31, 2019. After the December 31, 2018 sunset date, the program will extend the IMA deadline to June

30, 2019 for vulnerable applicants up to 20 months. Vulnerable populations include applicants with approved demonstrable hardship for contractor fraud, senior citizens (65+), disabled persons, low- and moderate-income households, and mandatory elevation cases.

## 6.2 Award Calculation Methodology

- Assistance covers past, current and future debt service obligations of the mortgage.
- Monthly IMA payments are capped at \$3,000 per month for 20 months or \$60,000 (whichever comes first).
- Reimbursement can be provided going back to the date of the storm, for a maximum of 6 months prior to the Applicant's application date to the IMA program. If there are more than 6 months of retroactive payments requested the award is calculated beginning with the most recent mortgage statement.
- Temporary housing assistance from other sources such as FEMA rental assistance, Temporary Shelter Assistance, or mortgage assistance from insurance providers, is deducted as a DOB from the total amount spent on rent while displaced.
- An Applicant who participated in the Federal Emergency Management Agency (FEMA) DHAP (Disaster Housing Assistance Program) may be eligible for mortgage assistance payments provided they meet all the other eligibility requirements. However, IMA reimbursements are not made for months that an Applicant participated in DHAP.
- If an Applicant in the IMA program withdraws from or is found ineligible for the NY Rising Housing Recovery Program, Applicant may be subject to the Recapture Policy in Exhibit 1, Program Administrative Policies.
- IMA assistance ends when the Applicant's scope of work is complete, when the Applicant returns home, or when they reach the IMA award cap, whichever occurs first.
- If an applicant is unable to secure a single rental property to accommodate a household, multiple rental properties can be used toward the depletion of their DOB. Both rental properties are subject to the same level of review for IMA.

## 6.3 Method of Distribution

- IMA participants execute a single grant agreement before receiving the first payment.
- Payments are paid as direct reimbursement to Applicants for payments they made to their mortgage lenders. All mortgage payments are by reimbursement only. Applicants shall provide a statement showing the mortgage payment, e.g. mortgage statements or mortgage transaction history from their Mortgage Company confirming payment, a lease agreement and proof of rent payment for the rental unit.
- For continued eligibility, Applicants need to provide proof of mortgage payment and rental payment for every month they are seeking assistance.

## **6.4 Extension Payments**

The NY Rising Program provides IMA extension benefits in accordance with Federal Register Notice / Vol. 81, No. 29 / Friday, February 12, 2016 (FR-5696-N-18). IMA applicants who have reached the 20 months and/or \$60,000 cap and are still displaced due to on-going construction in their storm damaged home, may be eligible to receive an IMA extension upon passing an interim inspection and/or joining program sponsored construction services. Applicants approved for IMA extension will receive up to 36 months or \$108,000 in overall benefits, capped at \$3,000 monthly until December 31, 2017. IMA extension benefits ended on December 31, 2017 in accordance with Federal guidelines.



## 7.0 Construction Program

The Governor's Office of Storm Recovery created Construction Program to assist applicants to complete Program activities and reach closeout. There are two major types of services available; (1) intensive technical assistance and (2) construction services. Program services are customized based on each applicant's circumstances and needs. In general, the applicant must be in good standing with the Program and there must be funds available to cover construction project costs.

### 7.1 Construction Program Eligibility Requirements

All Applicants undergo an eligibility review before Enhanced Services may be provided. The threshold eligibility review verifies that the Applicant has applied for and is an eligible participant under the NY Rising Housing Recovery Program and **must** have property damage from a Covered Storm **and** one or more of the following criteria:

Enhanced Services Eligibility Criteria
<input type="checkbox"/> Household is determined to require elevation.
<input type="checkbox"/> Household is determined to require reconstruction.
<input type="checkbox"/> Household is determined to require a small scale repair to complete work.
<input type="checkbox"/> Damaged property is a manufactured (mobile) home

### 7.2 Applicant Outreach

Construction Program eligible applicants are provided a description of available services the Program offers via direct mailings, calls, and emails.

#### 7.2.1 Documentation

Communications with applicants and all supporting documents are logged within the Program Database.

### 7.3 Technical Assistance

The Construction Program provides technical assistance and construction management services necessary to achieve project completion, program compliance, and final program closeout.

Applicants with incomplete limited general construction work as indicated in their ECR that is preventing closeout completion; or who have conditions that have been deemed not decent, safe and sanitary during a final inspection, may receive assistance to complete the work. The Program assesses construction barriers. Applicants are informed of these services through a consultation with their Customer Representative.

### 7.3.1 Enhanced Design and Construction Management Services

Enhanced Design and Construction Management Services are available to Applicants who need additional assistance above and beyond the 10% allowance for design costs and construction management services as indicated in Section 3.9. Additional services may include requests for scope changes, permit expediting and additional construction management services. Applicants with duplicative benefits exceeding their award amount are not eligible for Program funded construction services. Design services are limited to design associated with minor repairs, code compliance issues, and permitting. No design work will be performed related to elevation, major repairs or full reconstruction scope.

Where the Program issues Applicants Architectural and Engineering (AE) funds prior to applicant electing for construction services, the Applicant will be permitted to offset the AE fees if Applicant secures a program acceptable pre-cert and plans or provides evidence of AE costs incurred. Otherwise, the Program will require Applicant to pay back received funds before continuing with the Construction Program.

## 7.4 Construction Services

For those Applicants who have difficulty completing the construction required to close out their project, GOSR will contract with qualified contractors for construction services to perform the incomplete limited construction work. Construction costs include work orders issued to construction contractors (general contractors, electrical contractors, plumbing contractors, etc.) or environmental remediation contractors.

Direct contracting with contractors in order to provide:

- Corrective action on minor storm damage as defined in the ECR (Estimated Cost of Repair)
- Corrective action on properties in which the applicant has already completed repairs but requires assistance to finalize the work or remove deficiencies which are preventing a final inspection from passing
- Environmental remediation of lead-based paint, asbestos, and radon

### 7.4.1 Pricing

When an Applicant requests that work listed in their Estimated Cost to Repair (ECR) report be completed by the Program, a Construction Services Representative is assigned to the case and an appointment is scheduled to discuss the ECR, noting which work is still required by the Program. At this time, the Applicant is verbally notified that the performance of this work by the Program's contractor will affect their award balance by their award being reduced by the amount of work listed in the ECR.

Technical Assistance pricing is valued by utilizing the ECR that uses an estimating tool that calculates the industry standard costs and unit prices for repair items. Upon completion, the Enhanced Services Construction Team verifies that the work is done to

Program standards, and in compliance with HUD and State regulations. The cost of construction items which are completed in this manner are deducted from an applicant's award. Applicants with duplicative benefits exceeding their award amount are not eligible for program funded construction services.

#### 7.4.2 Program Approved Contractors

Contractors are qualified through a vetting process which includes a response to a Request for Services (RFS), interview and execution of a Master Services Agreement (MSA) incorporating the requirements of the Governor's Office of Storm Recovery's Contract Guidelines and Appendices to Contracts. Approved contractors must be legally allowed to work in the jurisdiction of the damaged Property and should meet the requirements of the locality, in which they are working, and must not be on the federal debarment list, SAM.gov.

#### 7.4.3 Work Assignments

Contractor assignments are issued for competitive pricing to a pool of contractors qualified to complete the specific task hindering the advancement of the Applicant's construction. Three bids are required for all work orders, with the work order being assigned to the low bidder. Due to the need of service and location of the damaged property, the pool of contractors for a specific assignment is filtered to include only those that are licensed to perform that service within the municipality it resides.

#### 7.4.4 Work Authorization

All work orders must be approved to ensure that the ECR is consistent with the work order to be issued and that appropriate cost reasonableness measures have been taken in contractor selection. The work order amounts determine the levels of approvals and documentation required:

- Work orders require review and approval from:
  - Contract manager
  - GOSR Program Staff

#### 7.4.5 Final Inspections

When the assigned contractor has completed the work, the Construction Services Team schedules a meeting with both the contractor and the Applicant to verify that the work was completed and is of expected quality (or separate meetings if the Applicant requests). If the applicant and/or the Construction Services Team are not satisfied with the quality of the work, the contractor is informed of that fact and instructed to rectify the deficiencies identified.

## 8.0 Manufactured/Mobile Home Assistance Program

Applicants whose damaged home was a mobile/manufactured home may be eligible to receive a new manufactured home. If the Applicant wishes to retain their current mobile/manufactured home and the work previously done meets Program standards, the Program may base an award on the estimated cost of work already done.

### 8.1 Location of the New Homes

- Applicants whose damaged home was located on land outside of the floodplain may locate their new manufactured home on the same property.
- Applicants whose damaged home was on rented land in the floodplain must relocate their new manufactured home to a location outside of the floodplain.
- Applicants whose damaged home was on land owned by the Applicant which is in the 100-year floodplain and who must elevate their home more than five feet seven inches above grade, will be eligible for a Reconstruction award based on \$160 per square times the livable square feet of the damaged mobile/manufactured home for the purpose of constructing a new “stick built” home on the site.
- Applicants whose damaged home was on land owned by the Applicant which is in the 100-year floodplain and who must elevate their home less than five feet seven inches above grade may locate their new manufactured home on the same property.
- Applicants who are relocating to a new location outside of the floodplain and must secure a lot on which the new home will be located, may be eligible to receive lot payments on the new site for up to six months, from the time of signing of the purchase agreement until the new home can be occupied.

### 8.2 Award Determinations

Awards for new manufactured homes are based on the household size of the Applicant. The maximum allowance for the cost of purchasing, installing, securing permits for the new home and removing the old one is shown in the chart below.

Household Size	Manufactured home size	Maximum Allowance (without deducting applicant DOB)
1 or 2 people	2 bedroom/2 bath	\$110,000
3 people	3 bedroom/2 bath	\$120,000
4 or more people	4 bedroom/2 bath	\$130,000

- Applicants who affirm that they used any prior payments from the Program as well as DOB funds which they received (i.e. insurance claims, SBA loans, FEMA and/or private charities) for the repair of their damaged home prior to signing a purchase agreement for a new home, will not have their award amount reduced by the amount of their prior awards or DOB.

### 8.3 Award Payments

Applicants must secure a purchase agreement from a New York State certified manufactured home retailer/installer which details the scope and cost associated with the purchase, installation, and permitting of the new home as well as the removal of the old home. For those that do not own their land, Applicants must provide evidence of a lease for land outside of the floodplain.

Upon satisfactory review of the purchase agreement, the final award will be determined and a 75% payment will be issued in the form of a two-party check to both the Applicant and the retailer/installer.

The final payment in the same form will be made after the Applicant has completed all the Program's closeout requirements, a final inspection has verified compliance with all codes and permit requirements for the new home and that the old home has been satisfactorily been removed.

## 8.4 Optional Relocation Program

Eligibility for Manufactured Home Relocation and Storage Assistance - Eligible applicants in the NY Rising Homeowner Program whose manufactured home was damaged may also be eligible for assistance through the Optional Relocation Program. All eligible applications for the Optional Relocation Program may be able to receive one or more of the four benefits outlined below. Renters in mobile/manufactured homes receiving assistance through the NY Rising Homeowner Program will be assisted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).

The Program has determined that a maximum of 8 months of optional relocation benefits to be necessary and reasonable. Applicants displaced for a period exceeding 8 months may be eligible for additional months of assistance, if determined to be necessary by the Program. As such, applicants to the Program will be eligible for one or more of the following types of relocation assistance:

1. **Temporary Lodging Assistance:** Applicants requiring temporary lodging in connection with receipt of a new manufactured or modular home are eligible to receive relocation housing payments. The assistance will cover the cost of an extended stay hotel with cooking facilities, rental apartment, or lodging with a family member or friend. Relocation housing payments will be provided from the time of demolition or commencement of rehabilitation of the storm-impacted manufactured home to the time when the Program conducts a successful final inspection of the newly installed or rehabilitated manufactured home. The relocation housing assistance payment will be based on lodging costs incurred, but cannot to exceed the maximum GSA Per Diem rates for lodging in the county to which the applicant is relocating. The Program will not pay a non-commercial

entity more than the rent or mortgage payment amount of the housing unit the applicant will temporarily occupy. Such assistance will be available for no more than 8 months.

2. **Storage Assistance:** Applicants whose personal property must be stored on-site or in an offsite facility are eligible for storage assistance. Eligible expenses covered by this assistance include rental of an off-site storage unit or an on-site storage unit, including the cost of delivery of a storage container. The storage assistance payment will be based on actual costs incurred but cannot exceed \$350 for the initial delivery and first month and \$250 for the following months. Such assistance will be available for no more than 8 months.
3. **Moving Assistance:** Applicants whose personal property must be moved from the damaged property to either a new, reconstructed, or repaired manufactured / mobile home, to temporary housing, or both, are eligible to receive moving assistance. Eligible expenses covered by this assistance include the costs associated with moving household contents from the old manufactured home and delivery to the site of the new manufactured home. The relocation housing assistance payment will be based on the actual costs of the move but cannot exceed the moving schedule for New York State established the FHWA.
4. **Lot Rental Assistance** – Applicants whose new manufactured home will be installed on a new lot outside of the floodplain may be eligible to receive lot rental assistance. This assistance will be provided when a payment is necessary to secure the new lot before construction is complete while the applicant continues to live on and pay rent for the lot on which their damaged property is located. The lot rental assistance will be based on actual costs incurred. This period cannot exceed 8 months, except in extraordinary circumstances as determined by the Program. In order to receive this assistance, the applicant must supply a copy of both the current lease and the new lease payment for each month.

#### 8.4.1 Payment Procedures

Only applicants approved for relocation assistance prior to incurring the relocation expense will be eligible to receive funds from the Program. A meeting will be scheduled for the applicant and Program personnel to discuss the relocation issues, site condition, moving options, etc., and a relocation award will be estimated. Up to 80% of the estimated award may be released in advance of incurring cost. A second payment for the balance of the eligible amount will be made upon occupancy of the new home. Assistance payments will be based on actual costs as documented with receipts for payment, subject to Program maximums. Upon each payment, the applicant is required to sign an

Amended Grant Agreement, agreeing to the estimated costs and agreeing to the return any payment in excess of actual costs.

- **Vendor Payment:** The Program reserves the right to make direct payments of relocation and storage costs to the vendors providing these services (e.g. motels, storage facilities, movers) to the applicants, when such payments are more practical and efficient.
- **Direct Procurement:** All allowable relocation, storage, moving, and lot costs for applicants who participate in the direct procurement program will be incurred and paid directly by the Program.



## 9.0 Manufactured Home Community Resiliency Program

The NY Rising Manufactured Home Community Resiliency Program (the Program) is designed to assist vulnerable manufactured home communities that require a comprehensive, community-wide solution to recovery.

The State selected the Ba Mar Manufactured Home Community for the MHCR Program based on the following criteria: (1) location in the floodway or the 100- or 500-year floodplain and its degree of vulnerability as determined by FEMA criteria; (2) a concentration of LMI residents; (3) the number of individual applicants from the community already enrolled in the NY Rising Housing Program; (4) level of damage sustained during a Qualifying Storm; (5) the community's proximity to additional storm recovery investments; and, (6) interest from the community and the local government.

The Program will assist all eligible households who own or resided in the Ba Mar community on or before the date of application who choose to move out of the community and all eligible owners of mobile/manufactured homes currently in Ba Mar who agree to work with the Program to demolish their existing manufactured home unit. Eligible applicants may agree to participate in one of the three assistance options offered by the Program.

**Note:** The Manufactured Home Community Resiliency Program is no longer available to new applicants as of June 1, 2017.

### 9.1 Eligibility

In order to be considered eligible to participate in the Program, applicants must be a current resident or owner of a manufactured home in the Ba Mar Manufactured Home Community ("Ba Mar"). At least one member of each participating household must be a United States citizen, non-citizen national, or qualified alien. Applicants that have already received an award funds from the Manufactured Home component of the NY Rising Homeowner Program are not eligible to participate.

### 9.2 Program Requirements

All applicants must permanently relocate to a location that is within 100 miles of Ba Mar, outside of the 100-year floodplain, and within New York State, unless a hardship exception is granted at the Program's discretion. Applicants must relocate to a property that is compliant with local building code and meets decent, safe, and sanitary standards. All applicants must work with the Program to comply with any environmental requirements associated with their existing or new home.

All applicants that own a manufactured home in Ba Mar must agree to work with the Program to demolish their existing manufactured home unit.

### 9.3 Maximum Benefits

Award amounts are capped at the following levels and applicable to all assistance options. Demolition and moving assistance are not subject to these award caps.

Household Size	Manufactured Home Size	Award Cap
4+	4 bedrooms	\$125,000
3	3 bedrooms	\$115,000
1 or 2	2 bedrooms	\$105,000
+ Demolitions Costs & Moving Assistance		

### 9.4 Summary of Each Assistance Option

#### 9.4.1 Manufactured Home Replacement Assistance

The Program will provide eligible applicants funds to purchase and install a manufactured home unit (MHU) on an eligible site purchased or leased by the applicant. This option is available to current owners of a MHU in Ba Mar, whether or not they are a current occupant in Ba Mar.

#### 9.4.2 Homeownership Assistance

The Program will provide eligible applicants funds to enter into a contract of sale for the purchase of a home, including the full down payment determined to be necessary and reasonable, customary closing costs, and associated due diligence expenses. Additionally, the Program may provide a one-time payment to reduce the size of the loan so that the monthly housing cost of the new home will not exceed 30% of the applicant's gross income. This option is available to current residents of Ba Mar, whether or not they own a MHU in Ba Mar, who qualify for a mortgage to purchase a home and **may be provided to households with up to 120% of the area median income, as noted in the March 5, 2013 Federal Register Notice (FR-5696-N-01).**

#### 9.4.3 Rental Assistance

The Program will provide funds to lease a rental housing unit for 42 months, based on the United States Department of Housing and Urban Development's (HUD) Fair Market Rent for the county to which the applicant is relocating. This option is available to current residents of Ba Mar, whether or not they own a MHU in Ba Mar.

### 9.5 Moving Assistance

The Program intends to provide all eligible applicants with financial assistance associated with moving costs for a one-time relocation from Ba Mar. The Program will estimate the anticipated amount of Moving Assistance based on household size and determined by the federal Fixed Payment for Moving Expenses. The Program may issue an advanced payment to facilitate a relocation. Final payment will be based on submitted evidence of

actual costs incurred, which will be reconciled against any advance payment received, and will be capped at the Fixed Payment for Moving Expenses amount.

## **9.6 Environmental Review**

All properties in Ba Mar participating in the Program must go through an environmental review process to make sure that all activities comply with applicable state and federal laws. GOSR Environmental staff creates a “Tier 2” environmental review document and itemizes the environmental documents and conditions that must be met in order to successfully close out of the Program.

Properties may be subject to required lead, asbestos, and radon inspections. Additionally, applicants may be required to commit in writing to remediate for lead, asbestos, and radon, as applicable. Required remediation projects must receive a clearance inspection upon completion of work.

## **9.7 Demolitions**

All MHUs owned by Program applicants in Ba Mar must be demolished. The applicant must submit a signed and notarized affidavit certifying to the demolition as well as that all contents have been removed from the property. The Program will procure one vendor to demolish the participating MHUs. The vendor will be required to obtain all permits from the town of Rockland before demolishing any unit. A copy of each permit will be required by the program before the demolition can take place. 8.8 Duplication of Benefits (DOB)

The NY Rising Program is designed to address unmet financial needs of applicants. Financial assistance received from another entity or organization that is provided to the applicant for the stated purpose of relocation may be a Duplication of Benefit (DOB). Common sources of disaster recovery assistance include insurance, FEMA, SBA, non-profit organizations, faith-based organizations, other disaster relief organizations, and other governmental entities.

In accordance with the Stafford Act, Disaster Recovery funds issued through HUD’s Community Development Block Grant Disaster Recovery (CDBG-DR) program may not be used for any costs for which other disaster recovery assistance was previously provided or available. Applicants are required to disclose all sources of disaster recovery assistance received and the Program is required to verify the amount received.

## **9.8 Calculating Awards**

Manufactured Home Replacement, Homeownership, and Moving assistance awards will all be based on actual costs incurred. If the costs incurred exceed the applicable award cap, the cap amount becomes the total award. Rental assistance awards will be determined by the HUD fair market rate for the county to which the applicant is relocating.

## **9.9 Payments**

### 9.9.1 Manufactured Home Replacement Assistance Award Payments

Applicants selecting the Manufactured Home Replacement Assistance option will receive their award in the form of three payments.

The initial payment, amounting to 50% of the total award, will be made after the Program has confirmed that the applicant has met all eligibility requirements, and the Program has conducted necessary environmental reviews, reviewed the purchase contract from a manufactured home retailer/installer as well as the lease, deed or other documentation showing that the applicant has the right to occupy the property on which they plan to locate the new manufactured home. The interim payment, amounting to 25% of the total award, will be made after the retailer/installer submits an affidavit confirming that the manufactured home has been placed on a code-compliant foundation/pad at the installation site. The final payment, amounting to 25% of the total award, will be made after the retailer/installer has submitted all permits and certificates of occupancy necessary for the installation of the home, including a HUD seal; the applicant has completed all of the Program's closeout requirements and signed a Final Grant Agreement; and the Program has conducted an inspection of the completed home.

### 9.9.2 Homeownership Assistance Award Payments

Applicants selecting the Homeownership Assistance option will receive their award in the form of three payments. The initial payment, covering the down payment, will be disbursed once the Program has confirmed that the applicant has met all eligibility requirements, including that the applicant provides required income documentation proving eligibility for the homeownership assistance option, receives a pre-approval for a mortgage, identifies an eligible property, and produces a contract of sale. In order to receive this payment, the applicant must also provide all necessary information to transmit program funding to the appropriate party. Applicants are also eligible to receive an interim payment after applicant has submitted a fully executed contract for the purchase of an eligible property. The interim payment will cover documented due diligence costs incurred such as surveys, inspections, and appraisals. The final payment will cover documented closing costs and principal pay down (if applicable). Prior to closing, the applicant must provide an estimate of closing costs and submit the Closing Disclosure and Loan Estimate forms. An inspection will be conducted and release the final payment at a qualified real estate closing for the purchase of the eligible property.

### 9.9.3 Rental Assistance Award Payments

The Rental Assistance Award will be made in two payments that amount to the equivalent of 42 months of rent, based on HUD fair market rates. The first payment, equal to 3 months of rent, will be made once the Program has confirmed that the applicant has met all eligibility requirements and submitted an eligible lease or rental agreement to the Program. Once the applicant has executed the lease or rental agreement, the Program

will conduct an inspection of the rental unit and issue the final payment, covering an additional 39 months of rent.

## **9.10 Clarifications and Appeals**

Applicants may, on occasion, receive communications updating their Program eligibility and award amount, based on available information at the time. Any applicant with questions about their award or eligibility should reach out to their Customer Representative to discuss their award amount or the award determination process.

If the applicant disagrees with an eligibility determination or an award amount and wants a further review, they should request a Clarification from their Customer Representative. When the Clarification review is completed, the applicant will receive a Clarification Determination document noting if there are any changes in their eligibility or award amount. If the applicant agrees with the Program's resolution of the issue, then the applicant does not need to take any further steps. If the applicant disagrees with the clarification determination and wishes to appeal, they have 60 days to submit the Appeal form and documentation to [housingappeals@stormrecovery.ny.gov](mailto:housingappeals@stormrecovery.ny.gov). Appeal forms can be obtained from a Customer Representative or on the GOSR website.

## **9.11 Demonstrable Hardship**

A Demonstrable Hardship is a substantial, severe, involuntary or unexpected change in the Applicant's situation, after one of the named storms, that prohibits or severely affects their ability to provide a minimal standard of living or the basic necessities of life including, food, housing, clothing and transportation. Such instances typically include, but are not limited to, job loss, business failure, divorce, severe medical illness and disability. If an Applicant believes they are in the state of Demonstrable Hardship that causes them not to comply with any Program policy, they may present their evidence to their Customer Representative and the Program Committee will evaluate it on a case-by-case basis after review of all of the circumstances.

## **9.12 Program Closeout**

The Closeout Review Process occurs when the applicant's assistance through the Program is completed and they are approaching the conclusion of their participation in the Program.

Program close-out is contingent upon receipt of all required documents, including:

- All required program eligibility documents; and
- All required documentation relating to the applicants selected assistance option, such as executed lease for Rental Assistance, Closing documents for Homeownership Assistance and Manufactured Home Replacement Certificate of Occupancy

### 9.12.1 Final inspections for New Manufactured Homes

All applicants must request an inspection from the Program in order to receive final payment. The purpose of the final inspection is to confirm that the property is currently in decent, safe, and sanitary condition, as defined by the Program's Housing Quality Standards checklist. For applicants selecting Manufactured Home Replacement Assistance, the final inspection also ensures that all work outlined in the Purchase Agreement has been completed and that all work is compliant with NY State Building Code and NY State Energy Conservation Code 2010.

**Note:** Homeownership assistance will rely on an inspection conducted by the bank to confirm that the home is in decent, safe, sanitary and code-compliant condition.

### 9.12.2 Closeout Review Process

All files must go through a two-stage Closeout Review process. During this phase, all required documents must be reviewed for accuracy and completeness, first by the Customer Representative and then by the Program Quality Assurance team. These reviews are comprehensive and can vary in duration, based on the scope and complexity of each case. After both reviews are complete and have passed, the Applicant will be sent a notification and asked to sign closeout documents, including the Final Grant Agreement.

### 9.12.3 Receiving Final Payment

After the Applicant submits their signed closeout documents to their Customer Representative, the file receives a final Quality Assurance review before a final payment is released. Every effort is made to have checks available as expeditiously as possible.

## 9.13 Recapture

If the Program determines an Applicant received benefits for which they were not eligible, the Applicant will receive a notification letter with explanation, and the amount of assistance the Applicant is responsible to repay.

# 10.0 Acronyms and Definitions

## 10.1 Acronyms

Acronym	Name
<b>AA</b>	Allowable Activities
<b>BFE</b>	Base Flood Elevation
<b>CDBG</b>	Community Development Block Grant
<b>DHAP</b>	Disaster Housing Assistance Program
<b>DHCR</b>	Division of Housing and Community Renewal
<b>DRGR</b>	Disaster Recovery Grant Reporting System
<b>DOB</b>	Duplication of Benefit
<b>ECR</b>	Estimated Cost of Repair
<b>FAR</b>	Feasibility Analysis Report
<b>FMV</b>	Fair Market Value
<b>FEMA</b>	Federal Emergency Management Agency
<b>HTFC</b>	Housing Trust Fund Corporation
<b>HQS</b>	Housing Quality Standards
<b>HUD</b>	Department of Housing and Urban Development
<b>IRS</b>	Internal Revenue Service
<b>LEP</b>	Limited English Proficiency
<b>LIHEAP</b>	Low Income Home Energy Assistance Program
<b>LLC</b>	Limited Liability Corporation
<b>LLP</b>	Limited Liability Partnership
<b>LMI</b>	Low to Moderate Income
<b>LP</b>	Limited Partnership
<b>MBE</b>	Minority Business Enterprise
<b>NEPA</b>	National Environmental Policy Act
<b>NFIP</b>	National Flood Insurance Program
<b>HCR</b>	New York State Homes and Community Renewal
<b>OIA</b>	Office of Internal Audit
<b>OIG</b>	HUD Office of Inspector General
<b>POA</b>	Power of Attorney
<b>QA</b>	Quality Assurance
<b>QC</b>	Quality Control
<b>QPR</b>	Quarterly Performance Report
<b>REO</b>	Real Estate Owned Property
<b>RE</b>	Responsible Entity
<b>SAVE</b>	Systematic Alien Verification for Entitlements
<b>SBA</b>	Small Business Administration
<b>SEQR</b>	State Environmental Quality Review
<b>SFHA</b>	Special Flood Hazard Area
<b>SOW</b>	Scope of Work
<b>SSC</b>	Site Specific Checklist
<b>STAR</b>	School Tax Assessment Relief
<b>TANF</b>	Temporary Assistance for Needy Children
<b>URA</b>	Uniform Relocation Act
<b>WIC</b>	The Special Supplemental Nutrition Program for Women, Infants and Children



## 10.2 Definitions

**100-Year Floodplain:** Also referred to as '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:** The homeowner who submitted an application to the NY Rising Housing Recovery 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 for single-family repair and/or reconstruction coverage is \$300,000.

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

**Bi-Party Agreement:** Document between the Contractor and the Applicant that states the responsibilities of both parties before, during and after construction.

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

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

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

**Condominiums:** Condominiums are a form of ownership in which the separate owners of the individual units jointly own or manage through a Condo Association the Property's common areas and facilities.

**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

**Contract of Sale:** Contract whereby the seller transfers or agrees to transfer the property to a buyer for monetary consideration.

**Co-ops:** Co-ops are defined as housing in which each member shares in the ownership of the whole project with the exclusive right to occupy a specific unit and to participate in project operations through the purchase of stock.

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

**Earth Movement:** Is 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.

**Estimated Cost of Repair (ECR):** Provides an estimate of the basic costs needed to repair the home.

**Feasibility Analysis Report (FAR):** A financial analysis provided by the applicant's design professional, showing that demolition of the old home and construction of a new one is more cost-reasonable than repair (including elevation if substantially damaged and required) of the old home.

**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 agree 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.

**Garden Apartments:** Multi-unit apartment complexes usually located on one or two stories with the entrances to individual apartments contained along a common walkway. These complexes usually have a common off-street parking lot as well as other common public spaces.

**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.

**Gift of Property:** A form of property transfer without exchange or payment.

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

**Owner:** A person or persons who are listed on the deed as owning that property.

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

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

**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.

**Lease-to-Own:** An arrangement where an individual enters into a lease agreement with an owner with the inclusion of a clause that typically gives the individual the right, but not the obligation, to purchase the item leased at a predefined price and time.

**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.

**Limited Liability Corporation (LLC):** A limited liability corporation is the U.S.-specific form of a private limited company. It is a business structure that combines the pass-through taxation of a partnership or sole proprietorship with the limited liability of a corporation.

**Limited Liability Partnership (LLP):** A limited liability partnership is a partnership in which some or all partners (depending on the jurisdiction) have limited liabilities. It therefore exhibits elements of partnerships and corporations. In an LLP, one partner is not responsible or liable for another partner's misconduct or negligence.

**Limited Partnership (LP):** Two or more partners united to conduct a business jointly, and in which one or more of the partners is liable only to the extent of the amount of money that partner has invested.

**Lost Ownership:** Applicants who lost ownership of their homes due to foreclosure, or are pending foreclosure, are ineligible for program assistance.

**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.

**Manufactured Home:** Built in a factory and installed on the home site. They must meet HUD construction requirements. If built before the 1976 HUD Code, they are commonly called mobile homes.

**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.

**Minority Business Enterprise (MBE):** A business that is owned and controlled (minimum of 51 percent ownership) by a member of a minority group.

**Mobile/Manufactured Homes:** Manufactured homes are built in a factory and installed on the home site. If built before the 1976 HUD Code, they are commonly called mobile homes. Both manufactured/mobile homes on applicant-owned land and those on leased land are eligible, with valid documentation.

**National:** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**Noncitizen:** A person who is neither a citizen nor a national of the United States.

**National of the United States:** A non-US citizen who holds allegiance to the US is not considered an alien. For practical purposes, this describes a few people who live on some islands in the South Pacific.

**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 expenses:** Costs above the Program's spending caps and/or costs associated with providing luxury items (marble counter tops, deluxe showers).

**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)).

**Power of Attorney (POA):** An authorization to act on someone else's behalf in a legal or business matter.

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

**Property:** The storm-damaged home 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.

**Real Estate Owned (REO):** Real estate owned is a term used to describe a class of property owned by a lender—typically a bank, government agency, or government loan insurer—after an unsuccessful sale at a foreclosure auction.

**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.

**Responsible Entity (RE):** Under 24 CFR Part 58, the term “responsible entity” means the grantee receiving CDBG assistance. The RE must complete the environmental review process. The RE is responsible for ensuring compliance with NEPA and the Federal laws and authorities has been achieved, 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 home loan that lets an Owner convert the equity in his/her home 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 the household uses it 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.

**Single Family Residences:** A single-unit family residence detached or attached to other housing structures.

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

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

**Small Business Administration (SBA):** SBA’s Office of Disaster Assistance (ODA) provides affordable, timely and accessible financial assistance to 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 equal or exceed 50 percent of its Fair Market Value (FMV) prior to the event, as determined by a local authorized official (e.g., a code officer) and is sent a Substantial Damage Letter, or if the ECR/AA value (minus elevation and bulkheads costs) meets or exceeds 50 percent of the program cap.

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

**Trust:** A legal vehicle to hold property subject to certain duties and to protect it for another individual(s).

**Two-Family Homes:** Owner occupying one unit and a tenant occupying the other.

**Two-Unit Owner Occupied Properties:** Two-family homes are homes with at least one owner-occupied unit and one rental-unit. The home is considered two-unit whether or not the rental unit is income producing or rented on a full-time basis.

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

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

## **Exhibit 2 - Citizen Participation Plan**

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

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

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

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

#### **Public Outreach**

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

#### **Programmatic Outreach**

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

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

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

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

The State's vendors on the project also held numerous meetings to inform the public about the availability of grants for home repairs. This outreach consisted of a variety of methods: media announcements, online updates on the Storm Recovery website and through Storm Recovery profiles on social media platforms including Facebook, Twitter, and Instagram, community meetings, and partnerships with sub-recipients. Additionally, staff frequently made presentations to community groups, specifically in Long Island, to provide updated program information. A similar effort has been conducted in counties in upstate New York to make sure that all impacted homeowners have the most up to date information about the program. In addition, frequent technical assistance meetings were held with applicants to assist homeowners in better understanding the program and completing the rebuilding process successfully.

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

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

### **Outreach to Vulnerable Populations**

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

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

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

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

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

The State Citizen Participation Plan ensures that there is reasonable and timely access for public notice and comment on the activities proposed for the use of CDBG-DR grant funds. In the Notices for the Second and Third Allocation HUD revised the requirements for public hearings. The State always holds one public hearing, at minimum, for each

substantial amendment, starting with APA6. Written minutes of the hearings and attendance rosters are kept for review by State officials. The State continues to coordinate outreach meetings with State entities, local governments, non-profits, private sector, and involved associations. The State invited public comment to the New York Disaster Recovery Action Plan and will continue to invite public comment for any future Substantial Amendments for a minimum thirty days, posted prominently and accessed on GOSR's official website.

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

The State has defined Substantial Amendments to the Action Plan as those proposed changes that require the following decisions:

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

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.

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 days following the end of each calendar quarter. Within three days of submission to HUD, each QPR must be posted on GOSR's official website. The State's first QPR is due after the first full calendar quarter after the grant award. QPR's will be posted on a quarterly basis until all funds have been expended and all expenditures have been reported. Each QPR is available at <https://stormrecovery.ny.gov/funding/quarterly-reports>.

Each QPR includes information about the uses of funds in activities identified in the Action Plan as entered in the DRGR reporting system. This includes, but is not limited to: project name, activity, location, and National Objective; funds budgeted, obligated, drawn down,



and expended; the funding source and total amount of any non-CDBG-DR funds to be expended on each activity; beginning and actual completion dates of completed activities; achieved performance outcomes such as number of housing units complete or number of low- and moderate- income persons benefiting; and the race and ethnicity of persons assisted under direct-benefit activities. The State must also record the amount of funding expended for each Contractor identified in the Action Plan. Efforts made by the State to affirmatively further fair housing are included in the QPR.

During the term of the grant, the grantee provides citizens, affected local governments, and other interested parties with reasonable and timely access to information and records relating to the approved program and to the grantee's use of grant funds as well as contracts procured with CDBG-DR funding. This information is posted on the grantee's official website and provided on request.

### **Technical Assistance**

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

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

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

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

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

- Provides for and encourages citizen participation, with particular emphasis on participation by persons of low- and moderate- income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
- Provides citizens with reasonable and timely access to local meetings, information, and records relating to the State's proposed method of distribution, as required by regulations of the Secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended, and the unit of local government's proposed and actual use of CDBG funds;
- Provides for technical assistance to groups representative of persons of low- and

moderate- income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

- Provides for the review of proposed activities and program performance by potential or actual beneficiaries, and with accommodations for the disabled;
- Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable;
- Identifies how the needs of non-English speaking residents will be met where a significant number of non-English speaking residents can be reasonably expected to be involved;
- Establishes procedures and policies to ensure non-discrimination, based on disabilities, in programs, and activities receiving federal financial assistance as required by Section 504 of the Rehabilitation Act of 1973, as amended.

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

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

# Exhibit 3 – AA/ECR Closeout Document List

No	Closeout Review	Document
1	<b>Government Issued ID</b>	At least one of the following documents: <ul style="list-style-type: none"> <li>▪ Passport</li> <li>▪ Driver’s license</li> <li>▪ Other government issued PHOTO ID</li> </ul>
2	<b>Application signature</b>	<ul style="list-style-type: none"> <li>▪ At least one Applicant who is on the deed should have a signed application e-signed and/or paper signed.</li> </ul>
3	<b>Intake Documents</b>	Signed by Applicant(s): <ul style="list-style-type: none"> <li>▪ Program Eligibility Certification</li> <li>▪ Consent and Release</li> <li>▪ Insurance Certification</li> <li>▪ Income Certification</li> </ul>
4	<b>Income Verification Form (if applicable)</b>	<ul style="list-style-type: none"> <li>▪ If applicable, Income Verification form and supporting income documentation for all household members 18 years of age and older</li> </ul>
5	<b>Citizenship Documentation</b>	One Applicant who is also on the deed should have at least one of the following documents: <ul style="list-style-type: none"> <li>▪ U.S. Passport</li> <li>▪ U. S. Birth Certificate</li> <li>▪ Certificate of Naturalization</li> <li>▪ Proof of FEMA individual assistance including a FEMA match letter</li> <li>▪ Proof of SBA assistance including an SBA match letter</li> <li>▪ Verification through SAVE, an online verification system</li> </ul>
6	<b>Primary Residency</b>	<p>One Applicant who is also a deed owner may provide:</p> <ul style="list-style-type: none"> <li>▪ Proof FEMA Individual Assistance (IA) received for the affected-storm</li> </ul> <p>If the Applicant did not receive FEMA IA, the Applicant may provide the following documentation for the year of the qualifying storm:</p> <ul style="list-style-type: none"> <li>▪ Proof of School Tax Relief (STAR) exemption</li> <li>▪ Federal income taxes return showing Permanent Home Address as the damaged property address.</li> <li>▪ NY State income tax return, showing Permanent Home Address as the damaged property address.</li> <li>▪ Government-issued photo ID (including driver’s license) issued prior to date of the affected-storm, and expiring after date of the affected-storm.</li> </ul> <p>If the Applicant cannot provide any of the above, then <u>any two</u> of the following can be used to verify primary residency:</p> <ul style="list-style-type: none"> <li>▪ Vehicle registration or renewal for impacted year or Certificate of Title issued for vehicle in impacted year. Receipt of government benefits received for at least one month between the three months before or after the qualifying storm, 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.</li> <li>▪ Verification, in the form of bills or a letter from the provider, that water, electric, gas, sewer services or other utilities were provided to the owner for 6 months immediately preceding the time of the affected-storm, and were mailed to the damaged property address. Utility bills are only used to supplement other primary residency</li> </ul>

		<p>and are not, standing alone, relied upon to prove primary residency.</p> <ul style="list-style-type: none"> <li>Other qualified documents may be presented for consideration as proof of residency, including insurance documentation indicating the insured property is the insured's primary residence.</li> <li>DMV Match memo</li> </ul>
7	<b>Title</b>	<ul style="list-style-type: none"> <li>Title report</li> <li>Power of attorney (if applicable)</li> <li>Trust instrument (if applicable)</li> <li>Death and/or marriage certificates (if applicable)</li> <li>Trust/Executor Affidavit (if applicable)</li> </ul>
8	<b>AA/ECR</b>	<ul style="list-style-type: none"> <li>Allowable Activities (AA) report (if applicable)</li> <li>Estimated Costs of Repair (ECR) report (if applicable)</li> </ul>
9	<b>Elevation Estimate Report</b>	<ul style="list-style-type: none"> <li>If Property is in the 100-year floodplain</li> </ul>
10	<b>Tier 2 Document</b>	<ul style="list-style-type: none"> <li>Signed Tier 2</li> </ul>
11	<b>Proof of Current Flood Insurance</b>	<ul style="list-style-type: none"> <li>If the property is located in the 100-year floodplain, a copy of a current flood insurance policy is necessary.</li> </ul>
12	<b>Substantial Damage Evidence</b>	<ul style="list-style-type: none"> <li>If the property is substantially damaged (50% or more) there should be a substantial damage letter from a municipality with the correct damaged property address.</li> </ul>
13	<b>Optional Measures opt-in and opt-out form</b>	<ul style="list-style-type: none"> <li>Notification for optional measures should be present.</li> <li>An applicant may Opt-Out through verbal notification recorded in the Communication log.</li> </ul>
14	<b>Pre and Post Construction Elevation Certificate</b>	<ul style="list-style-type: none"> <li>Reconstruction awards do not require pre and post construction elevation certificates.</li> <li>For Repair elevations, BOTH certifications are required. However, a post. A Post Construction Elevation certificate is not required IF there is both a Pre-Elevation certificate and a COO referencing the Elevation on file</li> <li>An elevation survey can be used in lieu of a pre-elevation certificate.</li> </ul>
15	<b>Certificate of Occupancy</b>	<p>One of the following documents may be collected as applicable:</p> <ul style="list-style-type: none"> <li>Certificate of Occupancy (COO)</li> <li>Certificate of Completion (COC)</li> <li>AHJ letter on the municipality letterhead and signed off by the municipal building department is mandatory</li> <li>Substantial damage/improvement assessment memo</li> </ul>
16	<b>Environmental Clearance</b>	<ul style="list-style-type: none"> <li>Lead clearance (if applicable pre-1978)</li> <li>Asbestos clearance</li> <li>Radon clearance [only for upstate]</li> </ul>
17	<b>Addendum for Two Family Home Owners</b>	<ul style="list-style-type: none"> <li>URA questionnaire (if applicable)</li> <li>URA General Information Notice</li> </ul>
18	<b>Final inspection Report - REPAIR</b>	<ul style="list-style-type: none"> <li>If application is repair and/or reconstruction/repair, there should be a Final inspection Report all the repairs have been done; OR that not all the repairs have been done but the home is still safe, decent and sanitary.</li> <li>Final site inspections conducted by the GOSR Construction Team and, an acceptable municipal building department final inspection will be used as an indication of compliance with Program's repair</li> </ul>

		requirement for Closeout. The GOSR Construction final inspection may also serve as an ECRF.
19	<b>Extraordinary Site Conditions Certification</b>	<ul style="list-style-type: none"> <li>▪ The Extraordinary Site Conditions certification (only applicable to reconstruction Applicants)</li> </ul>
20	<b>Clarification completeness review</b>	<ul style="list-style-type: none"> <li>▪ Confirm that all open clarifications, appeals and demonstrable were completed for the AA/ECR.</li> </ul>
21	<b>Receipts or Contract for Applicants Paid after 12/19/2016</b>	<ul style="list-style-type: none"> <li>▪ Applicants disbursed first awards for Repair (2.2), Reconstruction (2.3), and Resiliency Measure (2.4) after December 19, 2016 must provide either an executed contract between Applicant and contractor, or a paid invoice or receipts for work.</li> <li>▪</li> </ul>
22	<b>Applicant withdrawal documentation</b>	<p>If applicable, confirm:</p> <ul style="list-style-type: none"> <li>▪ All funds disbursed have been repaid</li> <li>▪ Withdraw Tracking page in Program Database is populated</li> </ul>

# Exhibit 4 – Optional Elevation Closeout Document List

No	Closeout Review	Document
1	<b>Government Issued ID</b>	At least one of the following documents: <ul style="list-style-type: none"> <li>▪ Passport</li> <li>▪ Driver’s license</li> <li>▪ Other government issued PHOTO ID</li> </ul>
2	<b>Application signature</b>	<ul style="list-style-type: none"> <li>▪ At least one Applicant who is on the deed should have a signed application e-signed and/or paper signed</li> </ul>
3	<b>Intake Documents</b>	Signed by Applicant(s): <ul style="list-style-type: none"> <li>▪ Program Eligibility Certification</li> <li>▪ Consent and Release</li> <li>▪ Insurance Certification</li> <li>▪ Income Certification</li> </ul>
4	<b>Income Verification Form (if applicable)</b>	<ul style="list-style-type: none"> <li>▪ If applicable, Income verification form and supporting income documentation for all household members 18 years of age and older</li> </ul>
5	<b>Citizenship Documentation</b>	One Applicant who is also on the deed should have at least one of the following documents: <ul style="list-style-type: none"> <li>▪ U.S. Passport</li> <li>▪ U. S. Birth Certificate</li> <li>▪ Certificate of Naturalization</li> <li>▪ Proof of FEMA individual assistance including a FEMA match letter</li> <li>▪ Proof of SBA assistance including an SBA match letter</li> <li>▪ Verification through SAVE, an online verification system</li> </ul>
6	<b>Primary Residency</b>	One Applicant who is also a deed owner may provide: <ul style="list-style-type: none"> <li>▪ Proof FEMA Individual Assistance (IA) received for the affected-storm</li> </ul> If the Applicant did not receive FEMA IA, the Applicant may provide the following documentation for the year of the qualifying storm: <ul style="list-style-type: none"> <li>▪ Proof of School Tax Relief (STAR) exemption</li> <li>▪ Federal income taxes return showing Permanent Home Address as the damaged property address.</li> <li>▪ NY State income tax return, showing Permanent Home Address as the damaged property address.</li> <li>▪ Government-issued photo ID (including driver’s license) issued prior to date of the affected-storm, and expiring after date of the affected-storm.</li> </ul> If the Applicant cannot provide any of the above, then <u>any two</u> of the following can be used to verify primary residency: <ul style="list-style-type: none"> <li>▪ Vehicle registration or renewal for impacted year or Certificate of Title issued for vehicle in impacted year. Receipt of government benefits received for at least one month between the three months before or after the qualifying storm, 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.</li> <li>▪ Verification, in the form of bills or a letter from the provider, that water, electric, gas, sewer services or other utilities were provided to the owner for 6 months immediately preceding the time of the affected-storm, and were mailed to the damaged property address.</li> </ul>

		<p>Utility bills are only used to supplement other primary residency and are not, standing alone, relied upon to prove primary residency.</p> <ul style="list-style-type: none"> <li>Other qualified documents may be presented for consideration as proof of residency, including insurance documentation indicating the insured property is the insured's primary residence.</li> <li>DMV Match memo</li> </ul>
7	<b>Title</b>	<ul style="list-style-type: none"> <li>Title report</li> <li>Power of attorney (if applicable)</li> <li>Trust instrument (if applicable)</li> <li>Death and/or marriage certificates (if applicable)</li> <li>Trust/Executor Affidavit (if applicable)</li> </ul>
8	<b>AA/ECR</b>	<ul style="list-style-type: none"> <li>Allowable Activities (AA) report (if applicable)</li> <li>Estimated Costs of Repair (ECR) report (if applicable)</li> </ul>
9	<b>Proof of Current Flood Insurance</b>	<ul style="list-style-type: none"> <li>If the property is located in the 100-year floodplain, a copy of a current flood insurance policy is necessary.</li> </ul>
10	<b>Addendum for Two Family Home Owners</b>	<ul style="list-style-type: none"> <li>URA questionnaire (if applicable)</li> <li>URA General Information Notice</li> </ul>
11	<b>Optional Measures Opt-In Form</b>	<ul style="list-style-type: none"> <li>Opt In Form for Elevation</li> </ul>
12	<b>Elevation Estimate</b>	<ul style="list-style-type: none"> <li>The most recent version of the elevation estimate; (Note that the most recent version of the elevation estimate could be the Elevation Final Inspection report).</li> </ul>
13	<b>Pre-Construction Elevation Certificate</b>	<ul style="list-style-type: none"> <li>Pre-construction elevation certificate.</li> <li>An elevation survey can be used in lieu of a pre-elevation certificate.</li> </ul>
14	<b>Certificate of Occupancy or Certificate of Completion</b>	<ul style="list-style-type: none"> <li>Must specifically indicate the home was elevated. COOs or COC that do not mention elevation are probably for earlier home repairs and are not acceptable for the optional elevation completion and closeout.</li> </ul>
15	<b>Environmental Clearance</b>	<ul style="list-style-type: none"> <li>Elev Asbestos Clearance –clearance inspection performed after completion of the elevation work.</li> <li>Elev Lead Clearance –clearance inspection performed after completion of the elevation work.</li> </ul>
16	<b>Elevation Final Inspection Report</b>	<ul style="list-style-type: none"> <li>Elevation Final Inspection Report</li> </ul>
17	<b>Receipts or Contract for Applicants Paid after 12/19/2016</b>	<ul style="list-style-type: none"> <li>Applicants disbursed first awards for Repair (2.2), Reconstruction (2.3), and Resiliency Measure (2.4) after December 19, 2016 must provide either an executed contract between Applicant and contractor, or a paid invoice or receipts for work.</li> </ul>
18	<b>Optional Elevation GIN and URA Verification Form</b>	<ul style="list-style-type: none"> <li>If Multi Unit or Duplex, all Applicants and Tenants must receive an Optional Elevation General Information Notice (GIN), and Applicants must receive and complete the Optional Elevation URA Verification Form</li> </ul>



## Exhibit 5 – Optional Bulkhead Closeout Document List

No	Closeout Review	Document
1	<b>Government Issued ID</b>	<p>At least one of the following documents:</p> <ul style="list-style-type: none"> <li>▪ Passport</li> <li>▪ Driver's license</li> <li>▪ Other government issued PHOTO ID</li> </ul>
2	<b>Application signature</b>	<ul style="list-style-type: none"> <li>▪ At least one Applicant who is on the deed should have a signed application e-signed and/or paper signed</li> </ul>
3	<b>Intake Documents</b>	<p>Signed by Applicant(s)</p> <ul style="list-style-type: none"> <li>▪ Program Eligibility Certification</li> <li>▪ Consent and Release</li> <li>▪ Insurance Certification</li> <li>▪ Income Certification</li> </ul>
4	<b>Income Verification Form (if applicable)</b>	<ul style="list-style-type: none"> <li>▪ If applicable, Income verification form and supporting income documentation for all household members 18 years of age and older</li> </ul>
5	<b>Citizenship Documentation</b>	<p>One Applicant, who is also on the deed, should have at least one of the following documents:</p> <ul style="list-style-type: none"> <li>▪ U.S. Passport</li> <li>▪ U. S. Birth Certificate</li> <li>▪ Certificate of Naturalization</li> <li>▪ Proof of FEMA individual assistance including a FEMA match letter</li> <li>▪ Proof of SBA assistance including an SBA match letter</li> <li>▪ Verification through SAVE, an online verification system</li> </ul>
6	<b>Primary Residency</b>	<p>One Applicant who is also a deed owner may provide:</p> <ul style="list-style-type: none"> <li>▪ Proof FEMA Individual Assistance (IA) received for the affected storm</li> </ul> <p>If the Applicant did not receive FEMA IA, the Applicant may provide the following documentation for the year of the qualifying storm:</p> <ul style="list-style-type: none"> <li>▪ Proof of School Tax Relief (STAR) exemption</li> <li>▪ Federal income taxes return showing Permanent Home Address as the damaged property address.</li> <li>▪ NY State income tax return, showing Permanent Home Address as the damaged property address.</li> <li>▪ Government-issued photo ID (including driver's license) issued prior to date of the affected-storm and expiring after date of the affected-storm.</li> </ul> <p>If the Applicant cannot provide any of the above, then <u>any two</u> of the following can be used to verify primary residency:</p> <ul style="list-style-type: none"> <li>▪ Vehicle registration or renewal for impacted year or Certificate of Title issued for vehicle in impacted year. Receipt of government benefits received for at least one month between the three months</li> </ul>

		<p>before or after the qualifying storm, 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.</p> <ul style="list-style-type: none"> <li>▪ Verification, in the form of bills or a letter from the provider, that water, electric, gas, sewer services or other utilities were provided to the owner for 6 months immediately preceding the time of the affected-storm and were mailed to the damaged property address. Utility bills are only used to supplement other primary residency and are not, standing alone, relied upon to prove primary residency.</li> <li>▪ Other qualified documents may be presented for consideration as proof of residency, including insurance documentation indicating the insured property is the insured's primary residence.</li> <li>▪ DMV Match memo</li> </ul>
7	<b>Title</b>	<ul style="list-style-type: none"> <li>▪ Title report</li> <li>▪ Power of attorney (if applicable)</li> <li>▪ Trust instrument (if applicable)</li> <li>▪ Death and/or marriage certificates (if applicable)</li> <li>▪ Trust/Executor Affidavit (if applicable)</li> </ul>
8	<b>AA/ECR</b>	<ul style="list-style-type: none"> <li>▪ Allowable Activities (AA) report (if applicable)</li> <li>▪ Estimated Costs of Repair (ECR) report (if applicable)</li> </ul>
9	<b>Proof of Current Flood Insurance</b>	<ul style="list-style-type: none"> <li>▪ If the property is located in the 100-year floodplain, a copy of a current flood insurance policy is necessary.</li> </ul>
10	<b>Addendum for Two Family Homeowners</b>	<ul style="list-style-type: none"> <li>▪ URA questionnaire (if applicable)</li> <li>▪ URA General Information Notice</li> </ul>
11	<b>Optional Measures Opt-In Form</b>	<ul style="list-style-type: none"> <li>▪ Opt-In Form for Bulkhead</li> </ul>
12	<b>Bulkhead Estimate</b>	<ul style="list-style-type: none"> <li>▪ The most recent version of the bulkhead estimate report; (Note that the most recent version of the bulkhead could also be the Bulkhead Final Inspection report).</li> </ul>
13	<b>Tier 2 Document</b>	<ul style="list-style-type: none"> <li>▪ Bulkhead Tier 2 Checklist</li> </ul>
14	<b>Certificate of Completion</b>	<ul style="list-style-type: none"> <li>▪ Engineer/design professional certifies that the bulkhead was completed in accordance with the scope described in the permit documents.</li> </ul>
15	<b>Receipts or Contract</b>	<ul style="list-style-type: none"> <li>▪ Either an executed contract between Applicant and bulkhead contractor, or a paid invoice or receipts for bulkhead work.</li> </ul>
16	<b>Bulkhead Final Inspection Report</b>	<ul style="list-style-type: none"> <li>▪ Report documenting inspection of the completed bulkhead.</li> </ul>

## Exhibit 6 – Optional Mitigation Closeout Document List

No	Closeout Review	Document
1	<b>Government Issued ID</b>	At least one of the following documents: <ul style="list-style-type: none"> <li>Passport</li> <li>Driver's license</li> <li>Other government issued PHOTO ID</li> </ul>
2	<b>Application signature</b>	<ul style="list-style-type: none"> <li>At least one Applicant who is on the deed should have a signed application e-signed and/or paper signed.</li> </ul>
3	<b>Intake Documents</b>	Signed by Applicant(s): <ul style="list-style-type: none"> <li>Program Eligibility Certification</li> <li>Consent and Release</li> <li>Insurance Certification</li> <li>Income Certification</li> </ul>
4	<b>Income Verification Form (if applicable)</b>	<ul style="list-style-type: none"> <li>If applicable, Income verification form and supporting income documentation for all household members 18 years of age and older.</li> </ul>
5	<b>Citizenship Documentation</b>	One Applicant who is also on the deed should have at least one of the following documents: <ul style="list-style-type: none"> <li>U.S. Passport</li> <li>U. S. Birth Certificate</li> <li>Certificate of Naturalization</li> <li>Proof of FEMA individual assistance including a FEMA match letter</li> <li>Proof of SBA assistance including an SBA match letter</li> <li>Verification through SAVE, an online verification system</li> </ul>
6	<b>Primary Residency</b>	<p>One Applicant who is also a deed owner may provide:</p> <ul style="list-style-type: none"> <li>Proof FEMA Individual Assistance (IA) received for the affected-storm</li> </ul> <p>If the Applicant did not receive FEMA IA, the Applicant may provide the following documentation for the year of the qualifying storm:</p> <ul style="list-style-type: none"> <li>Proof of School Tax Relief (STAR) exemption</li> <li>Federal income taxes return showing Permanent Home Address as the damaged property address.</li> <li>NY State income tax return, showing Permanent Home Address as the damaged property address.</li> <li>Government-issued photo ID (including driver's license) issued prior to date of the affected-storm, and expiring after date of the affected-storm.</li> </ul> <p>If the Applicant cannot provide any of the above, then <u>any two</u> of the following can be used to verify primary residency:</p> <ul style="list-style-type: none"> <li>Vehicle registration or renewal for impacted year or Certificate of Title issued for vehicle in impacted year. Receipt of government benefits received for at least one month between the three months before or after the qualifying storm, including but not limited to: Social security, TANF, Medicare, NY Child Health Plus, NY Head</li> </ul>

		<p>Start, LIHEAP, NY Medicaid, NY WIC, NY SAP, NY Temporary Assistance, NY Unemployment Insurance.</p> <ul style="list-style-type: none"> <li>▪ Verification, in the form of bills or a letter from the provider, that water, electric, gas, sewer services or other utilities were provided to the owner for 6 months immediately preceding the time of the affected-storm, and were mailed to the damaged property address. Utility bills are only used to supplement other primary residency and are not, standing alone, relied upon to prove primary residency.</li> <li>▪ Other qualified documents may be presented for consideration as proof of residency, including insurance documentation indicating the insured property is the insured's primary residence.</li> <li>▪ DMV Match memo</li> </ul>
<b>7</b>	<b>Title</b>	<ul style="list-style-type: none"> <li>▪ Title report</li> <li>▪ Power of attorney (if applicable)</li> <li>▪ Trust instrument (if applicable)</li> <li>▪ Death and/or marriage certificates (if applicable)</li> <li>▪ Trust/Executor Affidavit (if applicable)</li> </ul>
<b>8</b>	<b>AA/ECR</b>	<ul style="list-style-type: none"> <li>▪ Allowable Activities (AA) report (if applicable)</li> <li>▪ Estimated Costs of Repair (ECR) report (if applicable)</li> </ul>
<b>9</b>	<b>Proof of Current Flood Insurance</b>	<ul style="list-style-type: none"> <li>▪ If the property is located in the 100-year floodplain, a copy of a current flood insurance policy is necessary.</li> </ul>
<b>10</b>	<b>Addendum for Two Family Home Owners</b>	<ul style="list-style-type: none"> <li>▪ URA questionnaire (if applicable)</li> <li>▪ URA General Information Notice</li> </ul>
<b>11</b>	<b>Optional Measures Opt-In Form</b>	<ul style="list-style-type: none"> <li>▪ Opt In Form for Mitigation</li> </ul>
<b>12</b>	<b>Mitigation Estimate</b>	<ul style="list-style-type: none"> <li>▪ The most recent version of the mitigation estimate.</li> </ul>
<b>13</b>	<b>Final Inspection Report or Certificate of Completion</b>	<ul style="list-style-type: none"> <li>▪ An ECR final inspection report including mitigation items if the ECR final inspection was conducted after 8/15/15; or</li> <li>▪ A mitigation final inspection report if: <ul style="list-style-type: none"> <li>○ ECR final inspection was conducted before 8/15/15; or</li> <li>○ AA only + opt in for mitigation.</li> </ul> </li> <li>▪ Or, if the Applicant the OpMit ECR AND the value of the work is less than \$5000, Certificate of Completion of Mitigation work may be submitted.</li> </ul>
<b>14</b>	<b>Receipts or Contract for Applicants Paid after 12/19/2016</b>	<ul style="list-style-type: none"> <li>▪ Applicants disbursed first awards for Repair (2.2), Reconstruction (2.3), and Resiliency Measure (2.4) after December 19, 2016 must provide either an executed contract between Applicant and contractor, or a paid invoice or receipts for work.</li> <li>▪</li> </ul>