



# **POLICY MANUAL**

## **Rental Properties**

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

#### **(Rental Buildings)**

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The policies stated in this manual are current as of March 2021. 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 the [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	March 2015	<p>Transferred the following sections to the Procedure Manual:</p> <ul style="list-style-type: none"> <li>• Submitting an Application</li> <li>• Intake Meeting</li> <li>• Environmental Review Process</li> </ul> <p>Clarified the following policies:</p> <ul style="list-style-type: none"> <li>• Ownership of Subject Property</li> <li>• Demonstrable Hardship</li> <li>• Appeals</li> <li>• Threshold requirements for transfer to Acquisition Program</li> <li>• Award allowances for reconstruction activity and the award calculation policy regarding the reclassification of a Property from repair to reconstruction and reconstruction to repair.</li> </ul> <p>Updates to:</p> <ul style="list-style-type: none"> <li>• Eligibility documents for proof of citizenship and immigrant status and the deadline for construction completion.</li> </ul> <p>Indicated:</p> <ul style="list-style-type: none"> <li>• Urgent Need National Objective may be determined with a Damage Assessment.</li> </ul>
3.0	August 2016	<p>Updates to:</p> <ul style="list-style-type: none"> <li>• Maximum benefits section</li> <li>• Payment schedule from 10%/40%/50%</li> <li>• Hotline phone number</li> <li>• Closeout section</li> </ul> <p>Added:</p> <ul style="list-style-type: none"> <li>• Affordable Rental Opportunity</li> <li>• Optional closeout section</li> </ul>
3.1	September 2016	<p>Updates to:</p> <ul style="list-style-type: none"> <li>• Reimbursement</li> <li>• Definitions</li> </ul>

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4.7	March 2021	<ul style="list-style-type: none"> <li>• Update to Applicant Eligibility section</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 building.

## 1.2 Oversight of Storm Recovery

Governor Cuomo established the Governor’s Office of Storm Recovery (GOSR) in June 2013 to maximize the coordination of recovery and rebuilding efforts in storm-affected counties throughout New York State. The Governor’s Office of Storm Recovery operates within the New York State Housing Trust Fund Corporation (HTFC). HTFC is a component of New York State Homes and Community Renewal (HCR), a unified leadership platform, encompassing a variety of State agencies and public benefit

corporations involved in the provision of housing and community renewal. GOSR was formed to direct the administration of the Federal Community Development Block Grant - Disaster Recovery Funds.

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

### **1.3 Program Manual Overview**

This manual is designed to outline the major program policies that the State and its agents use to direct the operation of the Rental Properties (RP) Program, a program within the NY Rising Rental Buildings Recovery Program, which is a part 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 are operated, including basic information on who is 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, which may include Applicant recipients, Contractors, units of general local government (city and county governments) that are engaged as "subgrantees" to deliver assistance through the Program, and any non-profit organizations that are involved as "subrecipients" 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 damaged rental properties by one or more of the three storms listed above. The purpose of this effort is to help individuals and families who 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 certain rental properties programs. This manual is not intended to describe internal program procedures that ensure the effective implementation of the policies contained in this manual. This RP Program Policy Manual and manuals for other programs are made available for public review at <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 Hurricane Irene, Tropical Storm Lee, and Superstorm Sandy. As expressed in the Federal Housing and

Community Development Act, the primary objective of the general CDBG program is “the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate- income.” CDBG funding appropriated in response to disasters must meet those general goals of the CDBG program.

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

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

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

After completion of rehabilitation, rental property owners who have elected to serve LMI tenants must also charge rents at or below the corresponding 80% AMI rents, affordable to these households at 30% of income for one year. The corresponding Rent Limit chart can be found by accessing:

[https://www.hudexchange.info/resource/reportmanagement/published/HOME\\_RentLimits\\_State\\_NY\\_2018.pdf](https://www.hudexchange.info/resource/reportmanagement/published/HOME_RentLimits_State_NY_2018.pdf).

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

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

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

***Building back better and smarter*** – As New Yorkers work to repair the severe damage caused by Superstorm Sandy, the State uses the opportunity to ensure that damaged buildings are not simply restored to their pre-storm condition or replaced with the same kind of structures. Instead, the State invests in additional mitigation measures to prevent similar damage from occurring in the future.

***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.

**Recovery from Irene and Lee** – The recovery efforts also extend to those communities still recovering from Hurricane Irene and Tropical Storm Lee.

**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.

**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.

**Urgency in action** – The recovery is a long-term endeavor, but people need immediate help. The projects and programs presented in the Action Plan are shaped to achieve the fastest delivery and best support possible, while working within the parameters of the HUD guidelines.

## 1.6 Outreach and Citizen Participation Plan

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

- **Online:** Promotion of recovery resources and the State Action Plan are available on the Governor’s Office of Storm Recovery website and a link to the online application for assistance for Applicants can be accessed at <http://www.stormrecovery.ny.gov>
- **In Person:** Availability of trained members of the State’s Storm Recovery Team to assist potentially eligible Applicants with the completion and submission of an application at the Housing Recovery Intake Centers in impacted regions; information on locations and hours of these centers is available at <http://www.stormrecovery.ny.gov>.
- **By Phone:** Outbound phone calls to impacted residents and potentially eligible Applicants, including those who have registered with the State since these storms to express an interest in receiving assistance, as well as to those known to have registered for disaster aid with the Federal Emergency Management Agency (FEMA), the Small Business Administration (SBA), and other sources.
- GOSR has provided access to a State-supported disaster recovery hotline, **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 subrecipient agreements and through collaboration with not-for-profit community-based organizations involved in disaster recovery efforts in the impacted regions.

- **By Events:** Coordinated engagement and participation by State Program staff and partner organization staff at community forums, town halls, and other locally-supported community-based events.

Additionally, GOSR creates professional signage, documentation, advertisements, and other materials to support and enhance the operation of the Program.

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

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

### **1.7 Citizen Participation Plan**

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

The State's Citizen Participation Plan ensures that there is reasonable and timely access for public notice, appraisal, examination, and comment on the activities proposed for the use of CDBG-DR grant funds. In following HUD's guidance in the November 2013 Federal Register, substantial Action Plan Amendments now include a thirty-day (30) public comment process with at least one (1) public hearing. The State has and will continue to coordinate outreach meetings with State entities, local governments, non-profits, private sector and involved associations. The State also invites public comments to the Action

Plan and Substantial Amendments for the duration required by HUD. They will be 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 Programs

### 2.1 Rental Properties Program

#### 2.1.1 Rental Properties

The NY Rising Rental Properties Program provides awards to eligible rental property owners for prospective and retrospective residential rehabilitation, reconstruction, and/or improvements to make the property more resilient to the impact of future storm events. The Program may provide additional funding to comply with the terms of National Environmental Protection Act. The Program provides awards to eligible rental properties of any size with the exception of two-family owner-occupied properties. Owner-occupied two-family homes are served in the NY Rising Single Family Homeowner Program.

The RP Program bases awards on program conducted property inspections which account for awards for retrospective repairs and resiliency improvements prior to the time of application (Allowable Activity "AA"), and prospective repairs and resiliency improvements to be completed prior to close out of the Program (estimated cost of repair "ECR"). ECR and AA awards are subject to duplication of benefits and award caps. The Program bases repair awards from the cost to restore a property to a decent, sanitary, and safe condition at an average grade standard level. 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.

**Note:** Applicants disbursed first awards for Repair (2.3), Reconstruction (2.4), and Resiliency Measure (2.5) 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.

Applicants are responsible for completing activities in accordance with all federal, state and local laws and ordinances applicable to the project including but not limited to compliance with Davis-Bacon and Related Acts (DBRA), compliance with local elevation requirements, and the "Stop-Work" policy. Under the "Stop-Work" policy, the Program



instructs an applicant to stop work between the date of application and the date of first grant agreement.

In general, a rental property of any size may participate in the RP Program with the following exceptions:

- Two-family owner-occupied properties where the property owner would have been eligible to participate in the NY Rising Homeowner Recovery Program.
- Mobile homes with residential rental tenants may be administratively processed through the NY Rising Homeowner Recovery Program when the RP Program eligibility is established.

### **2.1.2 Affordable Rental Opportunity**

The NY Rising Housing Recovery Program developed the Affordable Rental Opportunity (“ARO”) to provide awards to rehabilitate storm-impacted homes, similar to the NY Rising Rental Property Program. In addition, ARO provided for a small incentive payment to cover the costs of renting to an LMI household for a two-year affordability period.

As of February 27, 2018, the Affordable Rental Opportunity (ARO) Program has ended. All current ARO applications have been transferred to the RP Program, except those associated with two-family owner-occupied homes. Owner-occupants of two-unit rental properties will proceed through the NY Rising Single Family Homeowner Program. Information about the NY Rising Rental Property Program can be found in this Manual. Information about the NY Rising Single Family Homeowner Program can be found in the NY Rising Single Family Homeowner Program Policy Manual. All references to ARO in Program materials should be interpreted as to refer to the NY Rising Single Family Homeowner or RP Programs, where applicable.

### **2.2 Reimbursement**

Applicants who sustained damage to their rental property as a result of an eligible storm event, and who have made repairs to or reconstructed the damaged property (bulkheads excluded) prior to the date of application to the RP Program, may be eligible for assistance from the State in the form of reimbursement funding. For applicants transferred to the RP Program from other programs, the opening date of the RP Program is the date by which pre-application costs must be incurred. Rental Property Program applicants seeking bulkhead repair may only be reimbursed for costs incurred within one-year following the storm where duplication of benefits was counted, or 10/29/2013, whichever is earlier. Repairs made to bulkheads prior to one year after the Covered Storm may be eligible for assistance from the State 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 property 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 at the time of the Damage Assessment, the Applicant may also be eligible to receive assistance through the Program to complete that work.

## **2.3 Repair**

An “Estimated Cost to Repair” (ECR) is created at the time of the Damage Assessment which quantifies the cost of prospective work remaining to bring the building to a decent, safe and sanitary condition. The Program prepares an ECR using an estimating tool that calculates the industry standard costs and unit prices for repair items.

In accordance with the Program “Stop-Work” policy, construction must stop after submitting a completed application to the Program and must not begin again until the Program has completed the necessary environmental review in order for Applicants to be eligible for a repair award. All Properties with eight units or more, which are applying for repair funds, are subject to federal labor standards including providing Davis-Bacon wage rates and compliance requirements. Damage Assessments utilize the standard price list to take into account the costs of complying with Davis-Bacon, within established program caps.

## **2.4 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.

In accordance with the Program “Stop-Work” policy, any construction must stop after submitting a completed application to the Program and must not begin again until the first grant agreement is signed in order for Applicants to be eligible for a reconstruction award.

All properties with eight units or more, which are applying for reconstruction funds, are subject to federal labor standards including providing Davis-Bacon wage rates and compliance requirements. Damage Assessments utilize the standard price list to take into account the costs of complying with Davis-Bacon, within established program caps.

## **2.5 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.

### **2.5.1 Mandatory Elevation**

Eligible applicants with a rental property located within the 100-year floodplain and with a substantial damage determination are required to elevate. The Program provides

assistance to elevate damaged residential properties to an elevation height dictated by State and local building code, or other federal laws within established benefit caps. Applicants who are required to elevate their buildings are eligible for an increase in their maximum non-elevation benefit cap up to another established benefit cap. 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.

As participating communities in the National Flood Insurance Program, and as the enforcement agents for the Building Code of New York State, local communities are responsible for determining if a property is substantially damaged. The Program relies on local community determinations.

### **2.5.2 Optional Elevation**

The Program offers elevation as an option to eligible applicants who own a rental property located within the 100-year floodplain without a substantial damage determination at the request of the applicant. However, these applicants are not eligible for an increase to their maximum benefit cap unless the AA and ECR exceed \$150,000.

The Program may also offer elevation as an option to applicants outside of the 100-year floodplain when applicants are able to demonstrate evidence of repeated flood losses from at least two storms within a period of 10 years.

### **2.5.3 Optional Mitigation**

Applicants may be eligible to receive assistance if they elect to make eligible and feasible optional resiliency improvements to their damaged property within or outside of 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.

An Applicant may not be eligible for optional measures as part of a rental property reconstruction. Additionally, if an Applicant is receiving funding for elevation, then only roof strapping and backflow valves are available for additional funding (because the other measures are completed as part of an elevation).

### **2.5.4 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.

## **2.6 Interim Mortgage Assistance Program**

Interim Mortgage Assistance (IMA) may be available for owners of owner-occupied rental properties who are eligible participants in the Program and are paying their mortgage in addition to temporary housing payments incurred while displaced from their storm-damaged home. IMA benefits are outlined in the NY Rising Homeowners Policy Manual. While the Program does not provide IMA to displaced tenants, the Program provides assistance to tenants displaced during program-sponsored construction as part of compliance with the Uniform Relocation Act.

## **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.

The Program may allow applicants to retain an award based on a Construction Program-revised cost estimate in limited instances where an applicant: 1. Enters the Construction Program 2. Receives a revised award based on a Construction Program estimate and 3. subsequently exits 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 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.

### 2.8.1 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).

### 2.8.2 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.

### 2.8.3 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.

## 3.0 Policies for Rental Properties 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
• The Applicant is the owner of the storm damaged property.
• The Applicant meets one of the CDBG National Objectives.
• The Applicant passes an AFWA check and is eligible to receive federal funds.
• The Applicant is a U.S. Citizen or an eligible immigrant.

#### 3.1.1 Ownership of Subject Property

In order to qualify for assistance, at least one person on the deed must be the Applicant. Property Ownership is defined as holding a fee simple title as evidenced by a warranty deed, bargain for sale deed, or a quitclaim deed to the Property to be assisted. The deed must be recorded with the appropriate unit of local government or jurisdiction.

Applicants who acquired a storm-damaged rental property subsequent to the time of the storm in an arm's length transaction may also be eligible for assistance with prospective repairs attributable to the storm. Such properties will not be eligible for reimbursement assistance. Please note: Subsequent Owners who purchased the property at one of the NY Rising Buyout and Acquisition Program auctions are NOT eligible to participate in the RP Program whether they are seeking reimbursement or future repair/reconstruction funds.

#### *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. Ownership stakes of less than 10% may be eligible at the discretion of the Program, upon individual review. **Ownership by a Trust:** Properties held in trust for the benefit of natural persons may be eligible. The Trustee's powers must 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 with an interest in the Property must sign the Grant Agreement along with the Trustee.

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 a Property Owner passed away after the storm, the documentation of the deceased person has to meet all eligibility requirements. In these cases, the duplication of benefits (DOB) are those benefits received by the deceased or the estate of the deceased. Applications where the Property Owner passed away prior to the storm are assessed by the Program on a case-by-case basis. Where 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 are those benefits received by the estate of the deceased.

**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 rental properties due to foreclosure 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:** To incentivize the participation of landlords with LMI tenants, a rental property may be eligible for the LMI award cap increase if 51% or more (or 50% if a two-unit property) of the units on the property are occupied by low- and moderate- income households at the time the application is approved. An applicant must affirm in a grant agreement after construction completion a commitment to rent more than 51% (or 50% if a two-unit property) of the units on the property to low- and moderate-income tenants and agree to post-closeout LMI rental requirements.



To calculate the amount of funding that can be attributed to the LMI national objective, once the 51% or more threshold (or 50% is a two-unit property) is met, then the amount of LMI funding for national objective purposes is determined by multiplying the total cost by the percent of units in the structure to be occupied by LMI households. This calculation to determine national objective does not affect eligibility for the LMI award cap increase described above.

A unit meets the low- and moderate- income criteria if the total household income of the household occupying that unit after the improvement is made is less than or equal to 80 percent of Area Median Income (AMI). In determining income, the Program uses federal income tax returns from the time of the storm (e.g., IRS Forms, 1040, 1040A or 1040EZ).

**Urgent Need Objective:** Under the disaster recovery federal regulations, HUD has provided streamlined process for identifying the urgent need national objective because of the urgency in addressing recovery 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 will be documented with a Damage Assessment of the Property. To the extent allowed under federal regulation, all applicants who do not meet the LMI National Objective are classified as Urgent Need.

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 application is deemed ineligible based on their household income.

For the purpose of this Program, a change in income may be defined as a change in the financial circumstances of an individual or household as a result of a loss or gain of financial resources including, but not limited to: wages or salary; business income; Social Security, retirement or disability income; payments in lieu of earnings such as unemployment or disability; welfare assistance; periodic and determinable allowances, such as alimony or child support; and investment 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, a United States judgment in any amount, a 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 Eligible Immigrants

At least one Applicant must be on the deed and must be a United States citizen or an eligible immigrant. Documents to prove United States Citizenship or Eligible Immigrant status are 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 Year-Round Rental of the Subject Property

The property must have been available as a full-time, year-round rental at the time of one of the Covered Storms. If the Applicant is a Subsequent Owner, the Applicant does not need to prove that the property was a rental property at the time of the storm; however, they must commit to maintaining the property as a rental property after repairs are completed. Second homes and vacation properties are **not** eligible.

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, and not declared to be his/her primary residence on the income tax return of the year of the affected storm.

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

### 3.1.6 Applicant Identity Verification

The Program requires all eligible Applicants to pass an identity check, using government photo 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
<input type="checkbox"/> The Property is in an eligible county.
<input type="checkbox"/> The Property was damaged during a qualified storm event.
<input type="checkbox"/> The Property matches one of the defined eligible structures.
<input type="checkbox"/> The Property passes environmental review.

### 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 received and administers its own grant of CDBG-DR funds directly.

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

### 3.2.2 Property Damage from Qualified Storm Event

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

Applicants whose Properties were damaged by more than one qualifying storm may be eligible for assistance.

### 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.

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.

### **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-DR 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, and other compliance requirements do not apply, 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 the 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.

In instances where it is documented and verified that an applicant's property is decent, safe, and sanitary, complies with federal floodplain elevation requirements, and has been substantially improved, the Program may evaluate the file and determine whether or not to accept other documentation, in lieu of a Certificate of Occupancy, in order to close out the applicant.

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. Applicants residing on tribal lands not recognized by FEMA for participation in NFIP, are required to purchase flood insurance if it ever becomes available.

### ***LMI Flood Insurance Program***

The NY Rising Rental Property 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

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).

### **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. Post elevation radon inspections are required for applicants that have opted in for elevation.

### **3.4 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 total post-disaster need must be reduced to account for any duplicative benefits that the Applicant received from other sources. Funds for unmet need are not given in excess of Program caps.

### 3.5 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 the Department of Housing and Urban Development's CDBG-DR program may not be used for any costs for which other disaster recovery assistance was previously provided for the same purpose.

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

#### 3.5.1 Duplicative Assistance

The Program must consider the total assistance available to Applicants when calculating an award. This includes all benefits, including cash, insurance proceeds, grants from FEMA, SBA loans, and any other assistance received by the Applicant from other local, state or federal programs, or private or nonprofit charities. 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.
  - The NY Rising Program will count NFIP settlements as a duplication of benefits where applicable. The Program will account for a HUD allowable \$20,000 duplication of benefits offset, cost of recovery, and other costs associated with the settlement prior to determining the final NFIP settlement attributed as DOB.
- **Federal Emergency Management Agency (FEMA):** FEMA proceeds received must be disclosed by the Applicant and 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 closes out of the Program.

- **Other:** Funds received from other sources that were intended solely for the repair or reconstruction of the Property must be disclosed by the Applicant and verified by the Program. Examples include funds provided by nonprofit entities, 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 does not include a situation where the funding source and/or the amount is in question.

Applicants whose Property was damaged by more than one qualifying storm may have spent funds received from their insurance company and/or other government assistance to repair items multiple times. Only the funds received after the most recent affected-storm are applied as a DOB to the Applicant's award.

For Repair and Reimbursement activities only (not Reconstruction activities), 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 purpose of elevation (examples include NFIP Increased Cost of Compliance (NFIP-ICC) and SBA mitigation loans).

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

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

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

- Funds provided for a different eligible purpose. For example, certain types of FEMA or insurance funds received may have been intended to pay for temporary housing and would therefore not be duplicative of a repair award.
- Funds not available to the Applicant. For example, when insurance funds received must be used for a forced mortgage payoff based on the terms of the mortgage.
- Funds received from a private loan and not guaranteed by SBA.
- Assets or line of credit available to the Applicant, e.g., checking or savings accounts, stocks, bonds, mutual funds, pension or retirement benefits, credit cards, mortgages, lines of credit or life insurance are not duplicative.

### **3.5.3 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. If finishes in a home that has already been repaired incurs damages while the home is being elevated, the Program will fund the re-repair of these finishes, at a cost of up to \$7,500.
- Fire Sprinklers for Non-Reconstruction cases when required by code

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

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

### 3.5.4 Applying Small Business Administration Loans as Duplication of Benefits

Loans from the SBA are a major source of disaster recovery assistance, and many applicants find that SBA loans meet all of 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.

### 3.6 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 rental property repair and/or reconstruction coverage is \$300,000. Owners are eligible for a \$50,000 cap increase for each additional unit.



<b>LMI Allowance</b>	<p>Tenants who are identified to be low- or moderate- income (total household income is less than or equal to 80% of area median income) will qualify their unit for an increase of \$50,000 in the cap amount. (\$300,000 Base + \$50,000 low- and moderate- income = \$350,000 base cap).</p> <p>Property owners who want to convert vacant apartments into LMI units may also qualify for the increase for that unit, and all post-closeout LMI requirements will apply regardless of the status of the unit at the time of the storm</p>
<b>Elevation Allowance</b>	<p>Rental property owners with damaged properties within the 100-year floodplain AND which are substantially damaged are eligible for up to a \$100,000 increase in the base cap amount for a 1- or 2-unit property. The allowance is increased by \$25,000 for each additional unit beyond two units. The maximum cap increase for elevation is \$225,000.</p>
<b>Reconstruction Cap</b>	<p>Property owners that require reconstruction are eligible for a base cap of \$300,000. For each additional unit, there is a \$50,000 per unit award cap increase.</p>

Environmental remediation costs are calculated separately and will not count towards the award cap. The Program will not fund remediation of identified environmental site hazards where there is no Unmet Need and no previous funds received by the applicant. The Program may fund remediation of identified environmental site hazards for applicants previously determined to have Unmet Need 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.

**3.7 Award Calculations and Disbursements**

**3.7.1 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.

Applicants receiving a first payment on or after December 19th, 2016 are required to provide evidence of all costs incurred for Repair/Reimbursement work. The Unmet Need



amount will be adjusted to reflect either the initial repair award (if supported by evidence of costs incurred) or the actual costs incurred, whichever is less.

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. Total Eligible Cost of Repair (ECR) and/or Allowable Activities (AA)	\$250,000
2. Deduct Duplication of Benefit (DOB)	\$30,000
3. Unmet Need/Estimated Award Amount (item 1 less item 2)	\$220,000
4. Base Cap	\$300,000
5. Maximum Award Amount (lesser of items 3 and 4)	\$220,000

### 3.7.2 Award Calculations for Reconstruction Activities

The Reconstruction award calculation is based upon the pre-storm taxable square footage of the building 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 for 1-2 units and an additional \$1,250 per unit, up to 7 units 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 building and elevating the reconstructed building to the New York State required minimum elevation if the reconstructed building 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. Applicants may seek additional funds for activities such as environmental mitigation or remediation or the repair of bulkheads.

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 building instead, they may do so and are eligible to receive for the lesser of the two award calculation methods: either the \$160 per square foot calculation or an itemized repair calculation, which is computed at the Final Site Inspection. In either case, the 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 prior to February 20, 2014, showing that the extent of damage to the building 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 the building 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.

### **3.7.3 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 building was substantially damaged, because the building will be substantially improved, or due to a program policy decision, then the building must be elevated to be eligible for program funding of any type (AA or ECR). For buildings 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 the Applicant has made substantial progress on their optional elevation scope of work and needs additional funds to complete the remaining optional elevation project, they may request an optional elevation 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.

If at the Final Inspection, and upon analysis of a pre- and post-construction elevation certificate, if the elevation is lower than 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.

Applicants who are reimbursed for elevation costs incurred and who proceed in the GOSR Construction Program may retain funds awarded as part of the pre-Construction reimbursement calculation.

### **3.8 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 and/or 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.

### **3.9 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 buildings and substantially damaged or substantially improved buildings **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.

Housing Quality Standards: Applicants are required to meet Housing Quality Standards (HQS) before receiving final payment in the Program.

### **3.9.1 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.

### **3.10 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 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.

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

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

For projects which involve both reimbursement and repair, the reimbursement amount will be paid in full, and the repair portion will be paid according to the 25%/65%/10% schedule as discussed above.

The initial payment of 25% of the CDBG-DR Grant for mandatory prospective work is released upon execution of the Grant Agreement.

If the award is for reconstruction only, an Extraordinary Site Conditions Award in the amount of \$25,000 will be included in addition to the first payment of 25%.

### **3.12 Final Program Close-out**

Applicants who complete the repair/reconstruction of their building, but who have not yet completed optional elevation or bulkhead work may still close out their repair/reconstruction 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 building repair/reconstruction work, can go through the closeout process. When Applicants finish the work associated with their optional elevation and/or bulkhead, their files will go through an optional measure closeout process and applicants will be asked to sign a Final Optional Measures Grant Agreement at that time.

#### **3.12.1 Final Inspection**

At the end of construction, the Applicant 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.

### 3.12.2 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.

### 3.12.3 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.

### 3.12.4 LMI Commitment

Applicants offered assistance to the benefit of LMI tenants must provide evidence that the property is to be rented to an LMI residential rental tenant at the time of closeout. For RP, the LMI requirement is to rent the property for one year.

## 3.13 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.

## 3.14 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 will remit any excess funds to the Program, whenever received.

## 3.15 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 an FSV may only file for a clarification if one has not yet been completed.

### **3.16 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.

### **3.17 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. 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.**

### **3.17.1 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.

### **3.18 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 it is being repaired; and/or
- Damage from a subsequent event (i.e. storm, fire, flood)

The list above is not intended to be comprehensive. The State reserves the right to request any form 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 Uniform Relocation and Real Property Acquisition Policies Act of 1970 (URA)**

URA assistance may be available to Tenant(s) who must relocate during construction on their rental unit and are legal U.S. residents occupying a legal rental unit. URA is not available to property owners; however, property owners may be eligible for 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, and the NY Rising Homeowners Policy Manual for more information on IMA.

## 5.0 Acronyms and Definitions

### 5.1 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

## 5.2 Definitions

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

**Applicant:** a homeowner, landlord, business or other entity who makes a formal application for a GOSR Program.

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

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

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

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

**Change in Income:** For the purpose of this Program, a change in income may be defined as a change in the financial circumstances of an individual or household as a result of a loss or gain of financial resources including, but not limited to: wages or salary; business income; Social Security, retirement or disability income; payments in lieu of earnings such as unemployment or disability; welfare assistance; periodic and determinable allowances, such as alimony or child support; and investment income.

**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 un-developed portions of barrier islands, the law prohibits the availability of new Federal financial assistance, including Federal flood insurance, in areas DOI designates as part of the Coastal Barrier Resources System.

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

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

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

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

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

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

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

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

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

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

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

**Duplex:** A residential structure consisting of two separate dwelling units, side by side or one above the other.

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

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

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

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

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

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

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

**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 agrees upon when they are acting freely, carefully, and with complete knowledge of the situation.

**Floodplain:** (also known as the “Base Flood”) The low, flat, periodically flooded lands adjacent to rivers, lakes and oceans and subject to geomorphic (land-shaping) and hydrologic (water flow) process. The 100-year floodplain is the land that is predicted to flood during a 100-year storm, which has a 1% chance of occurring in any given year. Areas within the 100-year floodplain may flood in much smaller storms as well. The 100-year floodplain is used by FEMA to administer the federal flood insurance program.

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

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

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

**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:** For 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.

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

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

**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 subrecipients.

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

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

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

**Limited English Proficiency (LEP):** A designation for persons that are unable to communicate effectively in English because their primary language is not English, and they have not developed fluency in the English language. A person with Limited English Proficiency may have difficulty speaking or reading English. An LEP person benefits from an interpreter who translates to and from the person’s primary language. An LEP person may also need documents written in English translated into his or her primary language so that person can understand important documents related to health and human services.

**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 Property due to foreclosure or are pending foreclosure.

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

**Mixed Family:** Is a family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

**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 owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. A National is not considered an alien.

**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 (i.e. marble counter tops, deluxe showers, etc.).



**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
- (ii) 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 Owner:** Property Ownership is defined as holding a fee simple title as evidenced by a warranty deed, bargain for sale deed, or a quitclaim deed to the Property to be assisted. The deed must be recorded with the county, city, or appropriate local municipality.

**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.

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

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

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

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

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

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

**Real Estate Owned Property (REO):** A Property owned by a lender—typically a bank, government agency, or government loan insurer—after an unsuccessful sale at a foreclosure auction.

**Reimbursement:** HUD CPF Notice 15-07 allows grantees to “charge to CDBG-DR grants the eligible pre-award and pre-application costs of individuals and private entities related to single- and multi-family residential structure and non-residential structures, only if the person or private entity incurred the expenses within one year after the date of the disaster and before the date on which the person or entity applies for CDBG-DR assistance.” The State received an extension of HUD’s one year’s requirement for its Rental Properties Program. Rehabilitation and reconstruction expenses incurred prior to application of the Program may be eligible for reimbursement. However, Rental Property Program applicants seeking bulkhead repair may only be reimbursed for costs incurred within one-year following the storm where duplication of benefits were counted or 10/29/2013 whichever is earlier. Repairs made to bulkheads prior to one year after

the Covered Storm may be eligible for assistance from the State in the form of reimbursement funding.

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

**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 percent of the parcels are blighted parcels and those blighted parcels substantially impair or arrest the sound growth of the state or a political subdivision of the state, retard the provision of housing accommodations, constitute an economic or social liability, or are a menace to the public health, safety, morals, or welfare in their present condition and use.

**Small Business Administration (SBA):** SBA’s Office of Disaster Assistance (ODA) provides affordable, timely and accessible financial assistance to Applicants, renters, and businesses. The SBA low-interest, long-term loans are the primary form of federal assistance for the repair and rebuilding of non-farm, private sector disaster losses.

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

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

**Substantial Damage:** Occurs when a property sustains damages that equals or exceeds 50 percent of its Fair Market Value (FMV) prior to the event, as determined by a local authorized official (e.g., a code officer) and is sent a Substantial Damage Letter.

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

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

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

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

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

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

## Exhibit 2 - Citizen Participation Plan

**State of New York**  
**Citizen Participation Plan**  
**Community Development Block Grant Disaster Recovery**  
**Hurricane Irene, Tropical Storm Lee, & Superstorm Sandy**  
January 5, 2015

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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 will ensure that any Units of General Local Government (UGLG) or subrecipients who receive funds will have a Citizen Participation Plan that meets the CDBG-DR regulations and takes into consideration the waivers and alternatives made available under CDBG-DR funding.

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

### **Public Outreach**

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

## **Programmatic Outreach**

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

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

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

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

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



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

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

### **Outreach to Vulnerable Populations**

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

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

Currently documents are translated into the three above-mentioned languages. The State will continue to translate programmatic materials within its programs. The State will also continue to provide translation services as needed in case management and public meetings.

The State is in the process of upgrading its entire website. In the interim, prior to deployment of the revised website, the State continues to update its current website to enable language access capabilities. In addition, as it rolls out the revised website, the State will prioritize language translation functionality as one of the first phases of the development process. The State will also provide translation of any document into additional languages, braille, or any other formats for persons with visual impairments upon request.

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

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

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

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

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

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

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

**Governor's Office of Storm Recovery  
64 Beaver Street  
P.O. Box 230  
New York, New York 10004**

Comments may also be made at [www.stormrecovery.ny.gov](http://www.stormrecovery.ny.gov). A summary of all comments received and reasons why any comments were not incorporated into the Substantial Amendment will be included in the HUD request for a Substantial Amendment and posted to GOSR's official website.

Non-substantial Amendments to the Action Plan will be 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) will be numbered sequentially and posted on the website.

## **Performance Reports**

The State must submit a Quarterly Performance Report through HUD's Disaster Recovery Grant Reporting (DRGR) system no later than thirty (30) days following the end of each calendar quarter. Within three (3) days of submission to HUD, each QPR must be posted on GOSR's official website for public review and comment. 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 will include information about the uses of funds in activities identified in the Action Plan as entered in the DRGR reporting system. This includes, but is not limited to: project name, activity, location, and National Objective; funds budgeted, obligated, drawn down, and expended; the funding source and total amount of any non-CDBG-DR funds to be expended on each activity; beginning and actual completion dates of completed activities; achieved performance outcomes such as number of housing units complete or number of low and moderate income persons benefiting; and the race and ethnicity of persons assisted under direct-benefit activities. The State must also record the amount of funding expended for each Contractor identified in the Action Plan. Efforts made by the State to affirmatively further fair housing will also be included in the QPR.

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

## **Technical Assistance**

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

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

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

Each Applicant shall provide citizens with adequate opportunity to participate in the planning, implementation, and assessment of the CDBG program. The Applicant shall provide adequate information to citizens, obtain views and proposals of citizens, and

provide opportunity to comment on the Applicant's previous community development performance.

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

Provides for and encourages citizen participation, with particular emphasis on participation by persons of low- and moderate- income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;

Provides citizens with reasonable and timely access to local meetings, information, and records relating to the State's proposed method of distribution, as required by regulations of the Secretary, and relating to the actual use of funds under Title I of the Housing and Community Development Act of 1974, as amended, and the unit of local government's proposed and actual use of CDBG funds;

Provides for technical assistance to groups representative of persons of low- and moderate- income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

Provides for the review of proposed activities and program performance by potential or actual beneficiaries, and with accommodations for the disabled;

Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable;

Identifies how the needs of non-English speaking residents will be met where a significant number of non-English speaking residents can be reasonably expected to be involved;

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

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

*Performance Hearings:* Prior to closeout of the disaster recovery program, the Program, the UGLG and State subrecipients may be required to hold a public hearing to obtain citizen views and to respond to questions relative to the performance of the program. This hearing shall be held after adequate notice, at times and locations convenient to actual beneficiaries and with accommodations for the disabled and non-English speaking persons provided. Written minutes of the hearings and attendance rosters will be kept for review by State officials. Nothing in these requirements shall be construed to restrict the responsibility and authority of the Applicant for the development of the application.

*Complaint Procedures:* The State will ensure that each UGLG, or Subrecipient funded with CDBG-DR funds will have written citizen and administrative complaint procedures. The written Citizen Participation Plan shall provide citizens with information relative to these procedures or, at a minimum, provide citizens with the information relative to the location and hours at which they may obtain a copy of these written procedures. All written citizen complaints which identify deficiencies relative to the UGLG, Subrecipient's community development program will merit careful and prompt consideration. All good faith attempts will be made to satisfactorily resolve the complaints at the local level. Complaints will be filed with the Executive director or chief elected official of the entity who is receiving the funds and who will investigate and review the complaint. A written response from the Chief Elected Official, Agency Head, or Executive Director to the complainant will be made within 15 working days, where practicable.

## Exhibit 3 – 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>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>
7	<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>
8	<b>Elevation Estimate Report</b>	<ul style="list-style-type: none"> <li>If Property is in the 100-year floodplain</li> </ul>
9	<b>Tier 2 Document</b>	<ul style="list-style-type: none"> <li>Signed Tier 2</li> </ul>
10	<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>
11	<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>
12	<b>Optional Measures opt-in and opt-out form</b>	<ul style="list-style-type: none"> <li>Documentation for optional measures should be present.</li> <li>If an applicant is opted out look for an Opt Out form, Comm. Log entry from the applicant specifying their desire to opt-out, or a letting stating that they have missed the Program For Optional Mitigation, 60 days must have passed since the deadline letter sent at the time of the FSV.</li> </ul>
13	<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> </ul>

		<ul style="list-style-type: none"> <li>An elevation survey can be used in lieu of a pre-elevation certificate.</li> </ul>
14	<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>
15	<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>
16	<b>URA Verification</b>	<ul style="list-style-type: none"> <li>URA Verification Form</li> <li>URA General Information Notice</li> </ul>
17	<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 requirement for Closeout. The GOSR Construction final inspection may also serve as an ECRF.</li> </ul>
18	<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>
19	<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> <li></li> </ul>
20	<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>
21	<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>	<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>proof 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 of 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</li> </ul>

		<p>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 proof 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 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 proof 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> <p>(Optional Mitigation ECRs will be created for reimbursement only applicants (with \$0.00 ECRs) so applicants can be reimbursed prior to closing mitigation.)</p>
<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 Opt Mit 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> </ul>