

**STATE OF NEW YORK**  
**COMMUNITY DEVELOPMENT BLOCK GRANT**  
**DISASTER RECOVERY (CDBG-DR) PROGRAM**  
**NON-SUBSTANTIAL AMENDMENT NO. 31**

**September 26, 2022**

**Additions to: New York State Action Plan Incorporating Amendments 8-30**

**In sections: NY Rising Housing Recovery Programs, NY Rising Infrastructure Program, General Administration, and Citizen Participation Plan**

**Summary:**

Action Plan Amendment 31 (APA 31) will address the following items:

- A. *Offsetting Flood Insurance Premiums*: Updates to include flood insurance premiums as eligible costs for recapture applicants in the NY Rising Homeowner Recovery Program and the NY Rising Rental Buildings Recovery Program.
- B. *Interim Mortgage Assistance Program*: Updates to reflect final applicant data at the time of closeout.
- C. *Roberto Clemente State Park Shoreline and Park Improvements*: Updates to reflect final scope details and funding sources at project completion.
- D. *General Administration Management*: Update to reflect new Internal Audit reporting structure.
- E. *Public Notices, Public Hearings, and Comment Period*: Updates to reflect FR-6316-N-01 revised citizen participation requirements.

Changes are indicated in **red** text.

## A. Offsetting Flood Insurance Premiums

**Description of changes:** As the NY Rising Homeowner Recovery and the NY Rising Rental Buildings Recovery Programs move toward closeout, in an effort to reduce applicants' recapture burden applicants previously deemed eligible under either Program will now be credited with the cost of their NFIP insurance purchase. Applicants in recapture who are not in the 100-year floodplain or who previously had their flood insurance paid for by the Program are not eligible to receive such an adjustment to their balance. Proof of flood insurance purchase will be required.

*From page 59 of the New York State Action Plan:*

### NY Rising Homeowner Recovery Program

*The NY Rising Homeowner Recovery Program is now closed to new applications.*

**Activity Type:** Repair, reconstruction, and mitigation of residential owner-occupied structures, and housing incentives

**National Objective:** Low- to Moderate- Income or Urgent Need

**Geographic Eligibility:** Disaster-declared counties outside of New York City

**Eligible Activity:** Sec. 105 (a) (4) 42 U.S.C. 5305(a)(4); Housing Incentives per FR-5696-N-01 (VI) (B) (29)

**Eligible Applicants:** This Program is available to owners of one- and two-unit owner-occupied homes, including condominiums, co-ops, and garden apartments, that are located outside of New York City with damage from Hurricane Irene, Tropical Storm Lee, and/or Superstorm Sandy.

**Program Description:** The NY Rising Homeowner Recovery Program includes the following components:

- **Reimbursement:** The Program provides reimbursement for eligible costs incurred by homeowners for completed home repair or reconstruction activities.
- **Repair:** The Program pays for approved and eligible costs to complete repairs to homes that have not yet been completed.
- **Reconstruction:** The Program pays for approved and eligible costs of reconstruction when a home is destroyed or determined not feasible to repair.
- **Resiliency Measures:** Resiliency measures such as home elevation, bulkhead repairs, and other storm mitigating measures, which help minimize future flood damage to storm-damaged Properties, are eligible funding activities.
- **Housing Incentives:** The Program provides housing Incentives to allow purchase of new manufactured housing units to replace storm-damaged manufactured housing.
- **Flood Insurance Premiums:** The Program provides offsets for the cost of initial insurance premiums purchased between application and construction completion for applicants in recapture where the applicant never had their flood insurance paid for by the Program.

The Program covers costs for the repair or replacement of damage to real property including mold remediation, replacement of disaster-impacted non-luxury residential appliances, and environmental and health hazard mitigation costs related to the repair or reconstruction of the disaster-impacted property.

Elevation to New York State Building Code minimum elevation requirements is required for reconstructed or substantially damaged/improved properties located in the 100-year floodplain. For homeowners that are not required to elevate, but who are interested in this protective measure, may opt to elevate their storm-damaged property through the optional elevation component. Optional mitigation measures are available for Applicants who are eligible participants in the NY Rising Housing Recovery Program whether or not they are within the 100-Year Floodplain. Such mitigation measures which include, but are not limited to, the following:

- 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.

*From page 69 of the New York State Action Plan:*

## **NY Rising Rental Buildings Recovery Program**

**Activity Type:** Repair, Reconstruction and mitigation including bulkheads of rental properties

**National Objective:** Low- and Moderate- Income, Urgent Need, or Slum and Blight

**Geographic Eligibility:** Disaster-declared counties, including New York City

**Eligible Activity:** Sec. 105 (a)(1)(2)(4) 42 U.S.C. 5305(a)(4) New Construction: FR-5696-N-01(VI)(B)(28)

**Program Description:** The NY Rising Rental Buildings Recovery Program is broken into components.

### *Rental Properties Program*

The Rental Properties Program, formerly named the Small Rental Properties Program, is designed to assist storm-damaged rental properties. Davis-Bacon wages and other labor standards provisions apply where CDBG-DR is used for construction in properties of eight or more units. Eligible Applicants include condominium and cooperative owners who are the primary payee on all flood and other insurance.

Owner-occupied properties with two-units (those with one homeowner unit and one rental unit) will continue to be assisted through the Homeowner Program.

This Program is designed to restore residential rental properties located outside of New York City that were damaged by Hurricane Irene, Tropical Storm Lee, and/or Superstorm Sandy. The Program is intended to assist owners of damaged small and larger residential rental properties.

The Program operates under the following guidelines:

- The Program covers costs for reimbursement of eligible repair/replacement costs; the repair/replacement of damaged real property; replacement of disaster-impacted non-luxury residential appliances; and environmental and health hazard mitigation costs related to the repair of disaster-impacted property.
- The Program also covers costs (including elevation) to mitigate future damage for those properties that are located within a 100-year floodplain.
- **The Program provides offsets for the cost of initial insurance premiums purchased between application and construction completion for applicants in recapture where the applicant never had their flood insurance paid for by the Program.**

- Assistance is provided for unmet repair/reconstruction and elevation/mitigation needs after accounting for all federal, State, local and/or private sources of disaster-related assistance, including, but not limited to property owners' and/or flood insurance proceeds.
- Assistance for repair and elevation activities is capped at the lesser of a specified dollar amount to be determined by New York State, or the ACTUAL unmet repair, and elevation need as described above. To direct sufficient levels of assistance to those most in need, a higher overall dollar cap amount may be applied to those properties that are occupied by low- and moderate- income households and/or those properties serving low- and moderate- income renter households, where the need is justified.
- Household income verification documentation is required for tenants in affordable units for reporting purposes.
- Priority is given to owners of buildings where a minimum of 51% of the units are occupied by or will be occupied by low- and moderate- income persons and to owners of property with remaining repair needs.

## **B. Interim Mortgage Assistance Program**

**Description of changes:** Updates to reflect final applicant data at the time of closeout of the Interim Mortgage Assistance Program. No changes to the unmet need calculations or to program allocations are associated with these updates.

From page 58 of the New York State Action Plan:  
*NY Rising Interim Mortgage Assistance Program*

Since February 2014, the State has also paid homeowners through the Interim Mortgage Assistance (IMA) Program. This program covers mortgage payments while homeowners are displaced. In February 2016, HUD approved an extension to the IMA Program, thereby prolonging the cap of mortgage assistance from 20 to 36 months for eligible applicants. As of ~~November 2016~~ **May 2022**, the IMA Program disbursed over ~~\$28.761~~ million to ~~1,1731,989~~ applicants. The State anticipated that a number of homeowners in the NY Rising Homeowner Recovery Program would be displaced by elevation and, as a result, need assistance from the IMA Program. In total, \$72 million has been allocated to the IMA Program.

From page 64 of the New York State Action Plan:

### **Interim Mortgage Assistance Program (IMA)**

**Activity Type:** Homeowner assistance

**National Objective:** Low- and Moderate- Income or Urgent Need

**Geographic Eligibility:** Disaster-declared counties outside of New York City

**Eligible Activity:** Sec. 105 (a) (8) 42 U.S.C. 5305(a)(8), as amended FR-5696-N-01 (VI) (B) (30)

**Program Description:** A substantial number of households remain unable to inhabit their primary residences as a result of Hurricane Irene, Tropical Storm Lee and/or Superstorm Sandy. Many of these displaced families are struggling to pay mortgages on damaged homes and simultaneously pay interim housing costs. Many have expended FEMA resources, exhausted available mortgage forbearances, and utilized any rental assistance provided by insurance companies. New York State developed this Program to assist homeowners with short-term mortgage costs or equivalent housing costs so that homeowners do not lose their home.

In November 2013, as a result of HUD approved APA4, the State developed the Interim Mortgage Assistance Program to meet the needs of displaced homeowners. ~~Based upon analysis of current applicants, it is anticipated that there will be approximately 850~~As of May 2022, the IMA Program disbursed over \$61 million to 1,989 applicants. These households ~~that have been or will be~~ were both displaced and forced to pay the costs of their primary mortgage, or an equivalent housing cost such as property taxes, and simultaneously pay the costs for their temporary living residences that ~~will~~ received IMA payments.

The formulas for determining IMA payments are as follows:

- [Rental housing expenses incurred while displaced, including utilities] minus [Rental assistance from insurance or government agencies] is the formula for calculating the IMA partial payment award amount.
- [Mortgage costs incurred while displaced, capped at \$3,000 a month] is the formula for calculating the monthly reimbursement award amount.
- Applicants may be eligible for the IMA partial payment award amount plus the monthly reimbursement award amount as long as the total is less than or equal to 36 months of their mortgage amount capped at \$3,000 a month or \$108,000.

Per the alternative requirement permitting the extension of interim mortgage assistance to 36 months, applicants will be eligible for IMA assistance beyond 20 months if either substantial construction progress has been made or if substantial progress has not been made, the applicant agrees to participate in the construction program within the NY Rising Housing Recovery Program.

A property owner participating in the Rental Property Program may be eligible for IMA payments if the owner is displaced from his or her storm-damaged owner-occupied primary residence in a multi-family building and pays rent to occupy temporary housing while displaced.

## C. Roberto Clemente State Park Shoreline and Park Improvements

*Description of changes:* Updates to reflect final scope details and funding sources at project completion.

*From page 97 of the New York State Action Plan:*

### Covered Infrastructure Project

**Activity Name:** Roberto Clemente State Park Shoreline and Park Improvements

**Eligible Activity Type:** Public facilities, reconstruction/rehabilitation of a public park

**National Objective:** Low- and Moderate-Income

**Eligible Activity:** 105(a)(2) Public Facilities; 42 U.S.C. 5305 (a)(2)

**Program Description:** Roberto Clemente State Park was severely impacted by Superstorm Sandy when a storm surge topped the park's bulkhead and flooded the pool and park buildings. Three feet of water inundated the park's fields and plazas, while 13 inches of water found their way into the main building. The bulkhead and electrical infrastructure were extensively damaged, and the natural shoreline along the park's northern edge suffered severe erosion. As the floodwaters receded, soil under the concrete esplanade was washed away, causing the concrete sidewalk to fail in several places, jeopardizing the esplanade and the bulkhead's structural integrity. ~~The esplanade has been closed since the storm and will not reopen until the bulkhead is replaced.~~

Due to pre-storm deterioration of the bulkhead, FEMA denied funding for all but approximately \$1.5 million of the costs of the project. Similarly, the proposed project was deemed ineligible to receive HMGP funding, even though billions in State and private investment are protected by the bulkhead and shoreline. As a result, the park was determined to have significant unmet recovery need, and to be a suitable candidate for CDBG-DR funding. The park serves a broad and diverse user base across the five boroughs and Westchester and Rockland counties.

In 2014, it was expected that the budget for the project, covered by CDBG-DR grant funds, totaled \$46.5 million. An additional \$5 million was subsequently identified, associated with the project's North End Enhancement and Resiliency component, resulting in a total project allocation of \$51.5 million. ~~This project is now considered a~~ CDBG-DR funds. The additionally identified CDBG-DR funding triggered the Covered Project requirements because the budget exceeds \$50 million. The total project budget, inclusive of other funding sources is \$60,096,681.

The proposed project ~~will~~ involve the following ~~six~~four components:

- ~~1. Redesign Bulkhead and reconstruction of the bulkhead: Involves the Esplanade Reconstruction and "Green Infrastructure" Tidal Pool. The project involves replacement of 2,195 linear feet of the existing steel sheet pile bulkhead and reconstruction of the existing that is in critical condition (approx. 2,044 l. f.), and a new searail. Reconstruction of the adjacent esplanade adjacent to the bulkhead. Both the bulkhead and esplanade have been designed to withstand impacts from winds, currents, and surges associated with future storm events.~~
- ~~2. Redesign and repair of the esplanade: The newly installed steel sheet piling will be protected from corrosion through resilient design techniques to extend the life of the bulkhead from 30 to 50 years.~~
1. Creation (approximately 2044 l. f.) includes new pavement, lighting, site utilities, site furnishings and landscaping. Construction of a tidal pool/intertidal habitat area adjacent to the lower plaza (approximately 20,000 s.f.) includes railing, steel decking, pavement, site furnishings, lighting, site utilities and extensive landscape plantings. The structure of the tidal pool will employ a "green infrastructure" design to lessen wave impact and include a rehabilitated bulkhead and design includes an embankment leading up to the plaza level. The embankment, being above the low tide line, will be in a lower velocity zone and will be protected by wave attenuators within the tidal pool. Both the bulkhead and esplanade have been designed to withstand impacts from winds, currents and surges associated with future storm events.
2. Lower Plaza rehabilitation and greening: 2. Lower Plaza Reconstruction. The concrete plaza will be redesigned to accommodate more users, as well as being more sustainable for future storm events. The existing impervious surface of the plaza will be replaced with plantings and pervious pavers that will collect storm surface water run-off to allow for a more ecologically sustainable and storm resilient design. Procurement and installation of new site furnishings, including flag poles, shade structure and lighting improvements will complete the upgraded amenities to the lower plaza.
3. North Shoreline Revetment: The shoreline will be stabilized to prevent erosion and be designed to be more accessible to the public. The project includes regrading of the existing shoreline, placement of riprap and scour protection rock, and a concrete retaining wall structure at the southern end of the site to support a gangway to the floating dock.
4. North End Enhancement Upland Site Reconstruction and Resiliency Improvements. Implementation of improvements to the multi-purpose athletic field including improved sub-grade drainage infrastructure, construction of a Tee Ball-configured athletic field, construction of a plaza area adjacent to existing baseball field, and upland with synthetic turf, maintenance building yard improvements, site improvements around new athletic fields including improved sub-grade drainage infrastructure the synthetic tee ball field and uplands landscape improvements including sourcing and bio-retention areas acquisition of trees, shrubs, ornamental grasses, and accessories.



Additional complementary projects ~~are~~ also ~~took~~ taking place at Roberto Clemente State Park in response to the damage caused by Superstorm Sandy. None of these projects received CDBG-DR funds from GOSR, and to avoid any duplication of benefits, GOSR and the New York State Office of Parks, Recreation and Historic Preservation (State Parks) coordinate closely to ensure that all recovery, resiliency and mitigation projects at Roberto Clemente State Park are compliant with relevant regulations.

1. Clean Water/Clean Air State Bonded funds - ~~\$790,000~~509,372: Funds were used to pay for the first round of soft costs that State Parks expended on a term consultant contract for the design of the ~~bulkhead, esplanade and tidal pool projects~~North Shoreline.
2. FEMA Public Assistance – ~~\$1,500,000~~514,537: Funding ~~will be~~was used to cover costs associated with the design and construction of ~~part of~~ the esplanade, repair of the boat ramp, and the replacement of ~~350 linear feet of~~destroyed benches in the park. Funds were also used for a bulkhead, emergency roof stabilization, the Lower Plaza, and the Northern Athletic Fields.
3. City of New York – \$1,000,000: These funds ~~will be~~were used by State Parks to pay for costs related to the construction of improvements to the Upper Esplanade.
4. NY Works Funding (~~FY15-16~~) – ~~\$300,000~~ \$968,260: These funds ~~will be~~were used to pay for the ~~balance of costs related~~Phase 1 multi-purpose ball field to the ~~construction of~~north and tee ball field to the south of the existing baseball field, and upland improvements ~~on the Upper Esplanade~~. Funds were also used for interpretive signage.
5. Bronx Borough President – \$500,000: These funds are for the improvement of the Lower Plaza.
6. Major League Baseball (MLB) Funding – \$2,000,000; ~~NY Works Funding (FY15-16) – \$500,000; NY Works Funding (FY18-19) – \$2,300,000; Harlem RBI – Operations and maintenance: With this assemblage of~~These funds, State Parks ~~will outfit~~ were used to pay for the Phase 1 multi-purpose ball field to the north ~~end athletic fields~~and tee ball field to the south of the existing baseball field, and ~~surrounding areas to support the new MLB Youth Academy at Roberto Clemente State Park, which will serve as a central location for Harlem RBI youth programs in the Bronx~~upland improvements.
7. Land & Water Conservation Fund - \$151,000: These funds were used to pay for the construction of the North Shoreline boat launch and ~~Upper Manhattan~~floating dock.
8. State and Municipal (SAM) Facilities Grant - \$1,762,729: These funds were used for the bulkhead, North Shoreline, Lower Plaza, Tidal Pool, Northern Athletic Fields, and the rehabilitation of the Activities Building.
9. State Parks Infrastructure Fund (SPIF) - \$190,783: These funds were used for the North Shoreline.

*From page 100 of the New York State Action Plan:*

**Environmentally Sustainable and Innovative Investments:** Roberto Clemente is a 25-acre park with 3,700 linear feet of waterfront along the Harlem River. Approximately 2,000 linear feet of the waterfront is bulkheaded and the remainder consists of unstructured revetments and rip rap shoreline. The Roberto Clemente State Park bulkhead provides coastal defense for extensive park infrastructure – the adjacent River Park Towers residential complex that is home to 5,000 residents, two public school buildings serving 650 elementary and middle school students, and a major power transmission line serving the Bronx. As such, it is an essential component to protecting lives and infrastructure from the impacts of severe storms, flooding, wave and tidal action.

Roberto Clemente experienced three feet of flooding during Superstorm Sandy. Following the storm, inspection of the 40-year-old bulkhead revealed severe corrosion of the steel sea wall and loss of backfill beneath the park esplanade. The condition has led to the closing of the esplanade to pedestrians and emergency vehicles that use it to respond to emergencies at the River Park Towers complex or on the Harlem River. Along the Park's shoreline north of the bulkhead, the unstructured revetment also experienced significant erosion, with the shoreline receding closer to the adjacent recreational facilities. In addition, electrical infrastructure and lighting throughout the Park, including in the Park's Lower Plaza and esplanade, were destroyed by the salt water flooding.

The project will enable State Parks to rebuild the bulkhead with a more resilient design and enhance the adjacent esplanade area. The redesigned waterfront will provide enhanced flood protection, storm resilience and green infrastructure. The outdated esplanade will be rehabilitated into a more park-like setting, featuring new plantings and a scenic 920,000-square-foot tidal / inter-tidal area to provide natural habitat and absorb heavy rainfall. The funds will also stabilize 1,400,000 feet of eroded shoreline located directly north of the bulkhead, protecting park facilities including baseball fields and recreational fields. This project will provide for a resilient shoreline and park facilities, and restore tidal wetlands that help mitigate floodwaters. Refurbished north end fields will feature green infrastructure including bio-retention areas for stormwater management. ~~A total of 102~~ More than 100 trees, all species indigenous to the region, will be planted at the completion of construction, many of which will replace invasive species removed as part of clearance required for construction and realignment of park features. The tidal pool and enhanced natural shoreline will both provide for growth of the native landscape and the habitat for wildlife. As such, this project aligns with the President's Climate Action Plan.

## D. General Administration Management

**Description of changes:** Update to reflect new Internal Audit reporting structure.

*From page 158 of the New York State Action Plan:*

In May of 2019, GOSR hired a Director of Internal Audit to build out and implement an independent Internal Audit function for the State's CDBG-DR Program to supplant the roles and responsibilities of HCR's Office of Internal Audit as described above, and only as they relate to the State's CDBG-DR program. The GOSR Director of Internal Audit is responsible for timely completion of audit tests and analysis in compliance with HTFC standards and reports directly to the HTFC Board of Directors. The ~~Office of General Counsel~~ GOSR Executive Director provides administrative oversight that is limited to ensuring timely deliverables, facilitating management responses, and resource access.

## E. Public Notices, Public Hearings, and Comment period

**Description of changes:** Per the revised citizen participation requirements in FR-6316-N-01, as the Superstorm Sandy programs approach closeout the State will no longer hold public hearings for future substantial amendments due to the administrative burden. The 30-day public comment period for substantial amendments remains unchanged.

*From page 164 of the New York State Action Plan:*

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

The State Citizen Participation Plan ensures that there is reasonable and timely access for public notice and comment on the activities proposed for the use of CDBG-DR grant funds. In the Notices for the Second and Third Allocation HUD revised the requirements for public hearings. ~~The requirements were further revised in Federal Register Notice 6316-N-01 published on Tuesday, June 21, 2022. From APA6 to APA30, T~~the State always holds one public hearing, at minimum, for each substantial amendment. ~~, starting with APA6.~~ Written minutes of the hearings and attendance rosters are kept for review by State officials. The State continues to coordinate outreach meetings with State entities, local governments, non-profits, private sector, and involved associations. The State invited public comment to the New York Disaster Recovery Action Plan and will continue to invite public comment for any future Substantial Amendments for a minimum thirty days, posted prominently and accessed on GOSR's official website.



### *Substantial Amendments to the Action Plan*

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

- Addition or deletion of any allowable activity described in the approved application;
- A Program allocation change that is both greater than \$5 million and more than 10 percent of a Program allocation; and/or,
- Change in the planned beneficiaries.

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

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

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