



Governor's Office of Storm Recovery

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NY Rising Community Reconstruction Program FAQs

Program FAQs

These FAQs provide an overview of the NYRCR Program, including the community-driven planning process and ongoing project implementation work.

What is the NY Rising Community Reconstruction (NYRCR) Program?

The NY Rising Community Reconstruction (NYRCR) Program, announced by Governor Andrew M. Cuomo in April of 2013, is a more than \$700 million planning and project implementation process established to provide rebuilding and resiliency assistance to communities severely damaged by Hurricane Irene, Tropical Storm Lee, Superstorm Sandy, and the summer floods of 2013 in New York State. Drawing on lessons learned from past recovery efforts, the NYRCR Program is a unique combination of bottom-up community participation and State-provided technical expertise. This powerful combination recognizes not only that community members are best positioned to assess the needs and opportunities of the places where they live and work, but also that decisions are best made when they are grounded in rigorous analysis and informed by the latest innovative solutions. The Community Reconstruction Program is part of the Governor's Office of Storm Recovery (GOSR).

What is the goal of the NYRCR Program?

The goal of the NYRCR Program is to empower the State's most impacted communities to rebuild in ways that will mitigate against future risks and build increased resilience.

When did the NYRCR Program start?

Governor Cuomo announced the NYRCR Program in April 2013 (originally called the Community Reconstruction Zone, or CRZ, Program), and the NYRCR Program launched in July 2013.

Which localities are participating in the NYRCR Program?

One hundred and two storm-affected localities across the State were originally designated to participate in the NYRCR Program. See the complete list here: <https://www.governor.ny.gov/news/governor-cuomo-designates-102-new-york-rising-communities-eligible-receive-more-750-million>. In January 2014, the Governor expanded the program to include an additional 22 localities, and as a result a second round of the planning process was announced in the same month. More information on the second round can be found here: <http://www.governor.ny.gov/press/01072013-cuomo-biden-future-recovery-efforts>.

How were the localities chosen for participation in the NYRCR Program?

Localities were chosen based on Federally-assessed storm damage.

How much funding is each locality eligible up to?

The State has allotted each locality between \$3 million and \$25 million to implement eligible projects identified in the NYRCR Plan. The list of maximum NYRCR Program funding amounts for each locality in the first round can be found here: <https://www.governor.ny.gov/news/governor-cuomo-designates-102-new-york-rising-communities-eligible-receive-more-750-million>. The funding amount for each locality in the second round can be found here: <http://www.governor.ny.gov/press/01072013-cuomo-biden-future-recovery-efforts>.

How were the maximum NYRCR Program funding amounts determined for each locality?

The maximum NYRCR Program funding amounts were determined based on Federally-assessed storm damage.

How is the NYRCR Program funded?

The NYRCR Program is funded through the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program. (Five of the 102 localities in the program—Niagara, Herkimer, Oneida, Madison, and Montgomery Counties—are not funded through the CDBG-DR program.)

How many NYRCR Communities are there?

There are 124 NYRCR communities participating in the NYRCR Program. Fifty NYRCR Communities, each comprising one or more of 102 localities, were created in July 2013. An additional 22 localities were added in January 2014, and organized into a second round of 14 NYRCR Communities. Each participating community has been led by a NYRCR Planning Committee composed of local residents, business owners, and civic leaders.

How were Co-Chairs and Committee Members identified?

Members of the Planning Committees were identified in consultation with established local leaders, community organizations, and in some cases municipalities with the aim of creating Committees representative of the Community as a whole. Typically, a committee consisted of 9-15 local residents. Across the State, more than 650 New Yorkers represent their communities by serving on Planning Committees.

When did the Planning Committees meet?

Across the State, more than 650 New Yorkers represent their communities by serving on Planning Committees. More than 650 Planning Committee Meetings have been held, during which Planning Committee members worked with the State's NYRCR Program team to develop community reconstruction plans and identify opportunities to make their communities more resilient. All meetings were open to the public and posted on the NYRCR Program's website. An additional 250-plus Public Engagement Events have attracted thousands of community members, who provided feedback on the NYRCR planning process and proposals. The NYRCR Program's outreach has included communities that are traditionally underrepresented, such as immigrant populations and students.

How was the community involved in the planning process?

Planning Committee Meetings were open to the public and posted on the NYRCR Program's website. Public Engagement Events were held after each important milestone of the planning and implementation process and were open to the public. These Public Engagement events were heavily promoted in the community, particularly to those populations traditionally underrepresented, and

served as a forum for community members to provide feedback on the NYRCR planning process and proposals. Additionally, all planning materials were posted on the NYRCR Program's website, which provided several ways for community members and the public to submit feedback on materials in progress.

Who assisted the Planning Committees?

Throughout the planning process, Planning Committees were supported by staff from the GOSR, planners from New York State (NYS) Department of State (DOS) and NYS Department of Transportation (DOT), and consultants from world-class planning firms that specialize in engineering, flood mitigation solutions, green infrastructure, and more. Representatives from municipalities also provided input.

How has the NYRCR Program collaborated with State agencies?

The NYRCR Program has successfully coordinated with State and Federal agencies to help guide the development of projects proposed during the planning process. The Program has leveraged the Regional Economic Development Council's State Agency Review Teams (SARTs), comprised of representatives from dozens of State agencies and authorities, for feedback on projects proposed by NYRCR Communities. The SARTs reviewed projects with an eye toward regulatory and permitting needs, policy objectives, and preexisting agency funding sources. Additionally, as the NYRCR Program advances resilience projects, the NYRCR Program is working with the Dormitory Authority of the State of New York (DASNY) to assist in the development and implementation of projects on behalf of participating communities. DASNY is New York State's facilities finance and construction authority, and are experts in a range of design and construction services.

What is the NY Rising to the Top (NYRTTT) competition?

NYRCR Communities were also eligible for additional funds through the Program's NY Rising to the Top (NYRTTT) competition, which evaluated Round I NYRCR Communities across eight categories. The winning NYRCR Community in each category was allotted an additional \$3 million of implementation funding. The eight NYRTTT categories were: best regional collaboration; best use of technology in the planning process; best community involvement in the planning process; best inclusion of vulnerable populations; best use of green infrastructure to bolster resilience; best innovative and cost-effective financing of critical projects; best infrastructure investments with multiple co-benefits; and best approach to resilient economic growth. Applications from Round II NYRCR Planning Committees were evaluated across three categories—Regional Approach, Inclusion of Vulnerable Populations, and Use of Green Infrastructure.

Where do the NYRTTT funds go?

NYRTTT funds are not tied to any specific project; rather, they simply increase the Community's allotment.

What is a NYRCR Plan?

Each NYRCR Plan is a roadmap for a more resilient NYRCR Community, developed by NYRCR Planning Committees with the support of staff from the GOSR, planners from NYS DOS and NYS DOT, and consultants from world-class planning firms that specialize in engineering, flood mitigation solutions, green infrastructure, and more. Each NYRCR Plan contains a series of implementable strategies and projects, that will use the Community's NYRCR Program funding allocation, to build a more resilient and sustainable community.

What were the steps for creating the NYRCR Plan?

The NYRCR Plan is an important step toward rebuilding a more resilient community. Each NYRCR Planning Committee began the planning process by defining the scope of its planning area, assessing storm damage, and identifying critical issues. Next, the Planning Committee inventoried critical assets in the community and assessed the assets' exposure to risk. On the basis of this work, the Planning Committee described recovery and resiliency needs and identified opportunities. The Planning Committee then developed a series of comprehensive reconstruction and resiliency strategies, and identified projects and implementation actions to help fulfill those strategies. Throughout the process, community feedback informed the measures being developed.

What do "Proposed Projects", "Featured Projects", and "Additional Resiliency Recommendations" mean?

The projects and actions set forth in each NYRCR Plan are divided into three categories. **Proposed Projects** are projects proposed for funding through a NYRCR Community's allocation of CDBG-DR funding. **Featured Projects** are projects and actions that the Planning Committee has identified as important resiliency recommendations and has analyzed in depth, but has not proposed for funding through the NYRCR Program. **Additional Resiliency Recommendations** are projects and actions that the Planning Committee would like to highlight and that are not categorized as Proposed Projects or Featured Projects.

Does the final NYRCR Plan mean that everything in it has been approved for implementation?

The NYRCR Plan is a roadmap for building a community's resilience. Proposed Projects best positioned for implementation will be selected by the GOSR in consultation with municipalities, other government agencies, and eligible nonprofit organizations. Projects identified as candidates for implementation are subject to relevant Federal, State, and local permitting and regulatory reviews.

Inclusion of a project or action in the NYRCR Plan does not guarantee that a particular project or action will be eligible for CDBG-DR funding or that it will be implemented. The total cost of Proposed Projects in the NYRCR Plan exceeds the NYRCR Community's CDBG-DR allocation to allow for flexibility if some Proposed Projects cannot be implemented due to environmental review, HUD eligibility, technical feasibility, or other factors.

Are the projects in the NYRCR Plan ranked?

The order in which the projects and actions are listed in the NYRCR Plan does not indicate the NYRCR Community's prioritization of these projects and actions.

How did the NYRCR Program ensure that there were no conflicts of interest in formulating the NYRCR Plan?

The Proposed Projects and Featured Projects found in the NYRCR Plan were selected for inclusion by official voting members of the Planning Committee. Voting members with conflicts of interest recused themselves from voting on any relevant projects, as required by the NYRCR Ethics Handbook and Code of Conduct.

How were projects developed?

While developing projects for inclusion in the NYRCR Plan, Planning Committees took into account cost estimates, cost-benefit analyses, the effectiveness of each project in reducing risk to populations and critical assets, feasibility, and community support. Planning Committees also considered the potential likelihood that a project or action would be eligible for CDBG-DR funding. Projects and actions implemented with this source of Federal funding must fall into a Federally-designated eligible activity category, fulfill a national objective (meeting an urgent need, removing slums and blight, or benefiting

low to moderate income individuals), and have a tie to the natural disaster to which the funding is linked.

Why does the total estimated cost of Proposed Projects in the NYRCR Plan exceed the Community's allocation from the NYRCR Program?

The total cost of Proposed Projects in the NYRCR Plan exceeds the NYRCR Community's CDBG-DR allocation to allow for flexibility if some Proposed Projects cannot be implemented due to environmental review, HUD eligibility, technical feasibility, or other factors.

Are projects and actions contained in the NYRCR Plan subject to Federal and State laws?

Implementation of the projects and actions found in the NYRCR Plan are subject to applicable Federal, State, and local laws and regulations, including the Americans with Disabilities Act (ADA), the National Environmental Policy Act (NEPA) and procurement regulations.

How will it be decided which Proposed Projects to implement?

GOSR partners with municipalities, other government agencies, and eligible nonprofit organizations to determine which projects and actions are best positioned for implementation. Considered criteria include, but are not limited to, cost estimates, cost-benefit analyses, the effectiveness of each project in reducing risk to populations and critical assets, feasibility, community support, and the potential likelihood that a project or action would be eligible for CDBG-DR funding. Projects and actions implemented with this source of Federal funding must fall into a Federally-designated eligible activity category, fulfill a national objective (meeting an urgent need, removing slums and blight, or benefiting low to moderate income individuals), and have a tie to the natural disaster to which the funding is linked.

Implementation FAQs

These FAQs cover the implementation phase of the NYRCR Program during which selected projects from the NYRCR Plans are implemented. The NYRCR Program is currently in the implementation phase, having completed the planning phase in December 2014.

What has the State been doing since the NYRCR Planning process?

After the Committees' NYRCR Plans were finalized, GOSR began identifying projects best suited to be implemented. GOSR then confirmed and documented the projects' CDBG-DR eligibility and selected capable subrecipients to receive CDBG-DR grant funds to implement selected projects. Currently, GOSR is working closely with subrecipients to design, bid, and implement projects across all of the NYRCR communities.

What is a "subrecipient" and how are they chosen?

A subrecipient is the entity—a municipality, other government agency, or eligible nonprofit organization—that will be charged with implementing NYRCR projects.

GOSR selects subrecipients on the basis of a number of factors, including but not exclusive to, their experience managing specific types of projects, ability to comply with federal and state regulations, and their capacity. Subrecipients are project specific, and in communities with more than one project multiple subrecipients may be managing projects. A project will provide the same benefit to a community regardless of the subrecipient or state agency selected.

What is the role of the NYRCR Planning Committees moving forward?

Although the formal role of the Committees in the NYRCR program has been completed, Committees may continue to be involved in the program during its implementation phase. GOSR is holding public meetings and sending email updates to ensure that Committee Members and the rest of the community are informed of project progress.

What is the role of GOSR staff and consulting firms moving forward?

GOSR Staff is working with municipalities, government agencies, nonprofit organizations, elected officials, community leaders, and other key stakeholders to ensure a smooth implementation process. The work of the consulting firms that assisted Committees during the planning phase of the NYRCR Program has concluded. The State has procured a grant management firm to support the implementation phase of this work.

What guarantees that a subrecipient doesn't use the funding for something other than the intended project?

Funds are provided to subrecipients on a reimbursement basis, ensuring that only the intended projects are paid for with NYRCR Program funds.

How does payment work? Will the subrecipient be required to outlay funds?

GOSR payment to subrecipients is "reimbursement-based," meaning GOSR provides funding to subrecipients for work once it has been completed. This will not necessarily require subrecipients to outlay funds, as a subrecipient may submit invoices to GOSR for reimbursement as they are received from contractors. GOSR will work with the federal government to reimburse subrecipients as quickly as possible.

What if a subrecipient doesn't have the capacity to implement projects?

Subrecipients are screened prior to selection to ensure that they have the experience and capacity to successfully implement a project. Once selected, subrecipients have access to support from GOSR and GOSR's grant management consultants to assist with the technical aspects of project implementation including the navigation of the complex Federal regulations associated with HUD-funded projects.

Must the funds be spent within two years of the storm?

No. Funds must be spent within two years of the State's drawing down the funds from the U.S. Treasury Department. The State will only draw down funds as needed.

Can we start with more than one project or can we only do one at a time?

It is possible to undertake more than one project at a time. GOSR is working closely with subrecipients and with its grant management consultants to expediently implement projects as they were conceived and selected for implementation from a participating community's NYRCR Plan. Factors that could impact the ability of the GOSR to implement multiple projects at once include subrecipient capacity, project costs, and environmental review.

How will the projects be selected/prioritized?

At the conclusion of the Planning Phase, GOSR senior staff reviewed each Community's list of CDBG-DR Priority/Proposed Projects and evaluated them for implementation based on factors including (but not limited to):

- CDBG-DR eligibility

- CDBG-DR implementation and monitoring requirements (i.e. Federal procurement rules)
- Community support
- Estimated cost/likelihood of major revision of cost estimate or cost overruns
- Risk assessment
- Cost-benefit analysis
- Viability of regional or state-wide collaboration
- Short-term vs. Long-term benefits
- Feasibility, including:
 - Permitting requirements
 - Degree, cost, and time required for environmental analyses
 - Degree, cost and time required for other regulatory review
- All projects will be subject to normal regulatory review, which is separate from CDBG-DR eligibility review.
- Degree, cost, and time required for pre-development work, including design and engineering
- Construction timing and seasonality (as appropriate)
- Availability and capacity of potential sub-recipient(s) to implement project (specific requirements and guidance forthcoming from GOSR)
- Consistency with other resiliency projects and State policy
- Other factors specific to project type and Community needs

How were the first projects that advanced to implementation selected?

The first projects selected were those that were important to the community, had strong subrecipient support, protected populations and critical assets, and were deemed to be eligible activities under the CDBG-DR program.

Who will write RFPs, RFQs, NOFAs, and RFEIs for some projects?

Subrecipients are responsible for drafting solicitation packages for procurement opportunities. GOSR provides assistance as needed.

Where can I find information about procurement opportunities?

Subrecipients advertise procurements in accordance with Federal, State and local requirements. Questions about procurements should be directed to subrecipients. GOSR makes an effort to post all NYRCR-related procurements on its website <http://www.stormrecovery.ny.gov>.

When will we see shovels in the ground?

GOSR has already broken ground on multiple projects and expects to start construction on many more in the coming months. Project progress is reported on the regional pages of the NYRCR website and in press releases. However, the amount of time required to implement a project varies considerably based on factors such as the specific permitting requirements involved, the environmental review requirements, and the subrecipient’s capacity.

Who approves a project applications?

GOSR works with subrecipients to develop and ultimately approve an application that includes a scope of work, for each project to be implemented. GOSR’s approval of the scope of work for implementation will be contingent upon a demonstration that the project is eligible for CDBG-DR funding. In order to

ensure that all projects implemented are eligible, GOSR may need to consult with HUD regarding outstanding eligibility questions before approving a scope of work.

What are some of the HUD requirements for the State and subrecipients?

GOSR is responsible for complying with HUD requirements as a condition of the grant source, CDBG-DR, that is awarded to subrecipients to carry out selected recovery and resiliency projects. Certain HUD requirements apply to GOSR, its subrecipients, and all contractors and subcontractors working on projects. Particular requirements that cover project implementation responsibilities include financial management controls, project documentation and record keeping, reporting and payment, procurement/contracting, and eligible uses for assets (eg, property, equipment) that receive federal funding. Applicable federal, state, and local regulations must also be followed, and include items such as federal and state environmental review requirements (NEPA/SEQR), federal HUD Section 3 rules, federal, State Minority- and Woman-Owned Business Enterprise (M/WBE), and Service Disabled Veteran-Owned Business goals, and Federal and State labor requirements, such as Davis-Bacon rules.

What support is the State providing to subrecipients to ensure that projects are implemented quickly and successfully?

GOSR is providing subrecipients with the following resources, which will not impact community allotments:

1. Technical Assistance: As outlined above, GOSR is providing technical assistance to subrecipients on CDBG-DR (eligibility, process, etc.), NYRCR Program implementation, and procurement.
2. Environmental Review: GOSR is executing and funding environmental review.
3. Davis-Bacon Monitoring: Monitoring, including onsite interviews, are also performed and funded by GOSR.

In addition, GOSR Program Staff is working closely with subrecipients through every step of implementation to ensure that deadlines are met and that projects are progressing smoothly.

What happens if a project is over budget? Under budget?

GOSR is working with consultants and subrecipients to determine a reasonable cost estimate to complete these projects within the specified budget.

What are the stages of implementation for each project?

In general, once a subrecipient agreement, the contract between GOSR and the entity responsible for implementing a project, is signed, what will follow for many projects (excepting certain steps for projects that will not involve construction, such as a planning study) are the:

1. Pre-Application Phase: The Pre-Application marks the beginning of the internal GOSR file creation. In addition to summarizing certain aspects of a project that are necessary to justify conformance with HUD eligibility requirements, this document preliminarily outlines items such as the project scope and budget. It is presented to and approved by a GOSR panel comprised of representatives of GOSR's environmental, finance, legal, monitoring and compliance, and policy departments.
2. Application Phase: The Application for Funding is a detailed document further elaborating on the HUD-eligible activities, deliverables, and budget. Once signed by the subrecipient, it is presented to and accepted by GOSR.
3. Project Development Phase: The subrecipient contracts with a design/engineering/professional services firm to complete full design and/or

engineering of a project, including design documents for sealed-bidding to acquire construction services

4. Bidding/Pre-Construction Phase: With assistance from GOSR, the subrecipient releases the plans and specs for HUD-compliant bidding.
5. Construction Phase: The project is built.
6. Monitoring Phase: Running concurrently with a number of phases, throughout implementation the project and subrecipient are monitored by GOSR, through one or all of three ways: Desk Review, Basic On-site Review, and Forensic Audits. Monitoring is led by the GOSR Monitoring and Compliance Department and designed to ensure that all statutory and regulatory requirements are met for activities using HUD funds.
7. Project Closeout Phase: The official completion of the project. Once all of the projects that a subrecipient has been transferred funds to complete are finished, GOSR will formally closeout the grant.

What are the next steps?

GOSR will continue working closely with subrecipients to advance current projects through the implementation process. GOSR will also continue to identify and roll out additional projects from the NYRCR Plans.

Who is the Committee's point of contact?

GOSR Program Staff will continue, as in the planning process, to be the Committee's primary point of contact.