



POLICY MANUAL

NY Rising Community Reconstruction Program

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The policies stated in this manual are current as of April 26, 2016. 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 or to contact the 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 manual is revised.

POLICY MANUAL

NY Rising Community Reconstruction Program

Version Control

Version Number	Date Revised	Description of Revisions
1.0	April 17, 2015	Initial version of Community Reconstruction Policy Manual developed for interested public, subrecipients, NYRCR staff, and GOSR-wide staff.
1.1	August 3, 2015	Updated Direct Selection; revised Subrecipient Agreement, Application Acceptance, and Audit Requirements; updated cover page.
1.2	December 7, 2015	Revised Development and Consideration of Projects, Tie to the Storm, and Duplication of Benefits; updated cover page.
2.0	April 26, 2016	New sections: public engagement in implementation, NYRCR Program compliance checks, order of assistance, national objective and Office of Diversity and Civil Rights. Additions to existing sections: sub-subrecipients, amendments to subrecipient agreements, indirect project costs for non-profits running public service programs, waiver of additional insurance requirements of professional services contracts under specific conditions, NFIP insurance requirements, and examples of project delivery and administration costs. Other minor edits throughout and updated pre-application report template and application template.

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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 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 are to 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...”

In response to this funding commitment, the State of New York developed the NY Rising Community Reconstruction 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).

Oversight of Storm Recovery

Governor Andrew M. Cuomo established the Governor’s Office of Storm Recovery (GOSR), a division of the Housing Trust Fund Corporation (HTFC) in June 2013 to maximize the coordination of recovery and rebuilding efforts in storm-affected municipalities throughout New York State. HTFC is a component of New York State Homes and Community Renewal (HCR), a unified leadership platform, encompassing a variety of New York State agencies and public benefit corporations involved in the provision of housing and community renewal. GOSR was formed to direct the administration of federal CDBG-DR funds. GOSR works in close collaboration with local leaders to respond to communities’ most urgent storm recovery needs, while also identifying long-term and innovative solutions to strengthen the State’s infrastructure and critical systems.

Manual Overview

This Manual lays out the policies of the NY Rising Community Reconstruction (NYRCR) Program. GOSR-wide policies are included in Exhibit 1. The Manual’s intended audience is the interested public, subrecipients, GOSR staff, and other agency staff. A detailed *Subrecipient Compliance Manual for GOSR Projects* developed by the NYRCR Program provides in-depth information on the steps subrecipients must take to ensure compliance in key areas including: financial management, procurement, Equal Opportunity, Section 3, environmental review, relocation and acquisition, insurance and property management,

construction, record keeping, reporting, single audit, reimbursements and monitoring.

Meeting CDBG-DR Program Goals and National Objectives

In support of the U.S. Department of Housing and Urban Development’s (HUD) recovery objectives, New York State has specifically designed its storm recovery programs to help impacted residents and communities recover from damage inflicted by the storms of 2011 and 2012. As expressed in the Federal Housing and Community Development Act, the primary objective of the general CDBG program is “the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of Low-and Moderate -Income (LMI).” CDBG-DR funding appropriated in response to disasters must meet the general goals of the CDBG program.

All CDBG-DR funded activities must meet at least one of the three National Objectives defined in the authorizing statute of the CDBG program:

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

All activities, unless the requirement is waived by HUD, funded through the NYRCR Program are required to meet one of the National Objectives.

Fulfilling Principles Established by New York State’s Action Plan

The NYRCR Program is expected to encourage investment in storm-impacted regions by ensuring that communities are not just rebuilt, but also become safer and more resilient—especially for those areas where there is a high risk of future flooding. The Program aims to restore the vibrancy of New York State’s disaster-impacted communities and enhance the quality of life. The NYRCR Program is also focused on helping communities develop and implement strategies that facilitate the coordination of NYRCR Program funding with other federal, State, and local community development resources.

The NYRCR Program and the other activities outlined in the Action Plan are based on six key principles:

1. ***Building back better and smarter*** – As New Yorkers work to repair the severe damage caused by Superstorm Sandy and other storm events, the State uses the recovery programs as an opportunity to ensure that damaged buildings are not simply restored to their pre-storm condition or replaced with the same kind of structures. Instead, New York State invests in additional mitigation measures to prevent similar damage from occurring in the future.
2. ***State-led, community-driven recovery*** – New York State is collaborating closely with local governments and other organizations to ensure a coordinated and holistic

response, while looking to individual communities to develop forward-looking local recovery plans that meet their specific needs.

3. ***Recovery from Irene and Lee*** – The recovery efforts also extend to those communities still recovering from Hurricane Irene and Tropical Storm Lee.
4. ***Leveraging private dollars*** – New York State undertakes programs that will help unlock capital markets and increase the amount of low-interest financing of key projects by reducing the risk for private sector lenders.
5. ***Spending accountability and transparently*** – New York State implements rigorous controls and checks to ensure funds are spent responsibly and in compliance with federal and State guidelines.
6. ***Urgency in action*** – 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.

Outreach and Citizen Participation Plan

Outreach

Public participation is a cornerstone of the NYRCR Program. In the Planning Phase, Planning Committees, composed of community members, engaged with their broader public to encourage participation in the planning process, solicited feedback and ideas for innovative projects, and built support for implementing NYRCR Plans. In the Implementation Phase, public engagement will continue, as discussed in Section 3.7.

To achieve these goals, every Planning Committee drafted a public outreach plan that described the Planning Committee's public outreach strategy. At a minimum, Planning Committees sought public input at key milestones in the planning process through four Public Engagement Events, such as an open house, workshop, or public information session. Planning Committee Members worked to conduct outreach to traditionally underrepresented populations and included them in the planning process, from immigrant populations to high school students. Planning Committee Members also made presentations at senior housing complexes, faith-based organizations, schools, community boards, and Chambers of Commerce.

Across the State, more than 600 New Yorkers represented their communities by serving on Planning Committees. Over 600 Planning Committee meetings were held during which Planning Committee Members worked with the State's team to develop community NYRCR Plans that identified opportunities to make their communities more resilient. All meetings were open to the public. More than 240 Public Engagement Events attracted thousands of community members, who provided feedback on the planning process and resulting proposals. NYRCR Program staff will work to engage the Planning Committee Members and the community in implementation as appropriate.

All Planning Committee meetings were publicized using a variety of mechanisms, including the following:

- Media advisories;
- Flyers and posters hung in public locations;
- Radio announcements and print media; and
- Social media.

Where necessary, Planning Committee meetings were advertised in various languages – Spanish, Russian, Mandarin, Urdu, and Haitian Creole, as applicable – to ensure those with limited English proficiency were informed. Translators and sign language interpreters for the hearing impaired were available at Public Engagement Events as needed. Persons with disabilities, those with limited English proficiency, and others who needed documents presented in a different format were encouraged to contact the state Recovery Hotline at **1-855-NYS-SANDY** for assistance with obtaining information in an accessible format. Additionally, GOSR developed a website to post progress, meeting schedules and relevant documents (www.stormrecovery.ny.gov/cr). The public could also use the website to comment on issues they believed should be addressed in NYRCR Plans.

The NYRCR Program has held a series of conferences throughout the Program to highlight and advance the work being undertaken in NY Rising Communities. As of April 2016, Governor Cuomo has hosted three major NYRCR conferences in Albany. The first provided Planning Committee Members with access to experts on resilience, disaster recovery, and community planning, the second showcased the content of conceptual planning documents developed by the first round of NYRCR communities, and the third showcased the completed NYRCR Plans and welcomed the second round of NYRCR Planning Committee Members.

Citizen Participation Plan

The New York State Citizen Participation Plan provides New York citizens an opportunity to participate in the planning, implementation, and assessment of the State’s CDBG-DR recovery program. The Plan sets forth policies and procedures for citizen participation, in accordance with 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, and individuals requiring special accommodations due to disabilities.

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 public comment period with at least one 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 invites public comments to the Action Plan and

Substantial Amendments as required by HUD. These documents are posted prominently and can be accessed on GOSR's 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 Manual.

1.0 NY Rising Community Reconstruction Program

The NY Rising Community Reconstruction (NYRCR) Program is a combination of bottom-up community participation and technical expertise provided by the State. This approach recognizes that community members are best positioned to assess the needs and opportunities of the places where they live and work. The Program strives to empower the State's most impacted communities to develop thorough and implementable reconstruction plans with the ultimate goal of building physically, socially, and economically resilient and sustainable communities. The NYRCR Program is comprised of two phases, a planning phase and an implementation phase. The Program was rolled out to participating communities in two rounds, referred to as Round I and Round II.

1.1 Planning Process

Launched in the summer of 2013 and completed in March 2014, Round I of the NYRCR Program planning encompassed 45 Planning Areas, composed of 97 communities. In January 2014, Governor Cuomo announced Round II of the planning process, serving an additional 22 storm-impacted communities. Four of these communities were absorbed into existing Round I NYRCR Planning Areas, while 18 formed into 16 new NYRCR Planning Areas. Between Rounds I and II, there are 61 NYRCR Planning Areas, comprising 119 communities. The NYRCR Planning Areas can be found on the NYRCR Program's website: <http://stormrecovery.ny.gov/nyrcr/ny-rising-communities>.

The Round I and Round II planning processes were substantially similar, though Round I's planning process lasted roughly eight months and Round II's roughly seven months. In addition, a Conceptual Plan, an interim document that informed the final NYRCR Plan, was required for each Round I Planning Area, but not for Round II Planning Areas. The State waived this requirement, as it did not add substantial value to the final product.

Planning Committees, made up of local residents, business owners, and civic leaders, supported by NYRCR Program staff and outside planning firms, met regularly and hosted public events at key milestones during the planning process. They undertook, with NYRCR Program staff and outside planning firm support, detailed analyses to identify the community's assets, including those damaged and those not damaged in the covered storms. Through the planning process, NYRCR Planning Committees identified and focused on investments that would improve a community's resilience while maximizing social and economic benefits.

The planning process culminated in a final planning document, the Planning Committee's NYRCR Plan, for each Planning Area. These documents proposed reconstruction strategies related to recovering from impacts of Hurricane Irene, Tropical Storm Lee, and Superstorm Sandy through community planning and capacity building, economic development, health and social services, housing, infrastructure, and natural and cultural resources. Building upon these strategies, the NYRCR Plans included detailed profiles of projects that could be implemented with Planning Area's allotment or with other funds.

1.2 Implementation Process

The State has allotted between \$3 million to \$25 million to each NYRCR community for the implementation of eligible projects proposed in each NYRCR Plan. Some Planning Areas have an allotment over \$25 million because they include multiple communities. In implementation, the State chooses projects from the Planning Committee's NYRCR Plan and awards funding for the implementation of projects on a staggered basis. To identify which projects to advance, NYRCR Program staff works with Planning Committees, local governments, and other entities.

Each project is implemented by a subrecipient, a local government, State agency, or eligible non-profit organization that partners with GOSR for the completion of the project. Subrecipients are selected either directly by GOSR or through a competitive process. After a subrecipient is chosen, the entity and GOSR enter into a subrecipient agreement. This agreement enables the transfer of CDBG-DR funds to the subrecipient and ensures that the subrecipient understands both CDBG-DR and GOSR requirements.

A pre-application is undertaken by NYRCR Program staff with input from the subrecipient. The pre-application determines whether the project may advance to the full application; approved pre-applications move to full applications. GOSR works with the subrecipient to ensure that the project is eligible for CDBG-DR funding. Environmental review begins during the application phase. At periodic intervals, NYRCR Program staff provide technical assistance in all areas of CDBG-DR compliance including, but not limited to, procurement, diversity requirements, labor requirements, relocation and acquisition, financial management, and record-keeping. Following necessary approvals from GOSR, subrecipients may advertise for bids and commence project implementation. CDBG-DR regulations require GOSR's monitoring of CDBG-DR grantees throughout the construction phase, if applicable, in order to ensure subrecipients' compliance of key elements. Project closeout is initiated when all project expenses to be paid with CDBG-DR funds (except closeout costs) have concluded and payment has been requested, approved work has been finished, and any other responsibilities detailed in the subrecipient agreement have been fulfilled.

To encourage impactful NYRCR Plans, NYRCR Planning Committees were strongly encouraged to identify projects that go well beyond the CDBG-DR implementation funding available. The NYRCR Program is committed to identifying additional sources of capital and working with the NYRCR Communities to help leverage the optimal capital allotment for their projects. For example, projects included in NYRCR Plans or located in NYRCR Planning Areas received special consideration in the 2014 New York State Consolidated Funding Application. Affordable housing projects included in NYRCR Plans or located in NYRCR Communities received special consideration in a round of affordable housing funding made available by GOSR and HCR. In addition, there are many different sources of resiliency funding and finance available that communities can and should leverage for project implementation.

2.0 Planning Policies

2.1 NYRCR Community Allotment and Selection Methodology

The communities participating in the NY Rising Community Reconstruction (NYRCR) Program were selected because they were heavily damaged by the declared disasters. The communities were selected principally using FEMA Individual Assistance (IA) Full Verified Loss (FVL) total claims from Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee obtained in March 2013. Communities included cities, towns, villages, Census-designated places, and New York City neighborhoods. In most instances, a community's allotment was roughly 25 percent of its FEMA IA FVL total claims from Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee, bound by a minimum of \$3 million and a maximum \$25 million.

2.2 Selection of Planning Committee Members

NYRCR Program staff identified potential Planning Committee Members through consultations with established local leaders, community organizations, and municipal officials. Committee members were selected with an eye toward creating Planning Committees representative of the community as a whole. Also considered were issues of geography, diversity, and the necessity to ensure participation of historically disengaged groups were also considered. NYRCR Program staff looked to fill potential gaps in the voices represented on each Planning Committee and strived to balance these deficiencies by identifying additional members.

Planning Committees were led by one to three chairs, selected by NYRCR Program staff in consultation with the communities. For many Planning Committees, co-chairs were critical for communicating information from NYRCR Program staff to the Planning Committee Members. Planning Committee Members were not paid. Members included leaders in civic associations, business groups, and non-profits, and also included representatives of vulnerable populations. In some instances, a municipal representative or elected official served on a Planning Committee. In these cases, the elected official was a non-voting member. Planning Committees generally consisted of approximately 9-15 members.

2.3 Planning Committee Members' Code of Conduct

Planning Committee Members' behavior was governed by the Program's Code of Conduct (Exhibit 3). The Code covers such issues as the Planning Committee Members' obligation to:

- Always act in the public interest;
- Not disclose confidential information; and
- Disclose all potential and actual conflicts of interest.

Planning Committee Members acknowledged in writing that they read and understood the Program's Code of Conduct. Planning Committee Members were required to disclose to

the NYRCR Program Ethics Officer any real or potential conflicts of interest that might arise from a project being included or not included in a NYRCR Plan.

Near the end of the planning process, Planning Committee Members voted on which projects to include in their Plans. After disclosing real or potential conflicts, Committee members either voluntarily disqualified themselves from voting on a project or requested an ethics opinion from the Ethics Officer on whether they should vote. Where necessary, the Ethics Officer advised Planning Committee Members to recuse themselves from voting.

2.4 Selection of Planning Firms

The local knowledge of Planning Committee Members was enhanced by the expertise of State staff, as well as top consulting firms in community planning, urban design and economic development. Planning firms were hired to assist communities throughout every step of the planning process. Planning firms organized and facilitated Planning Committee Meetings, conducted appropriate research, provided innovative options for addressing community recovery needs, assisted with public outreach events, and undertook the rigorous analytical work required by the NYRCR Program such as developing an asset inventory, risk assessment, and cost-benefit analysis.

Planning firms selected in Round I were evaluated based on criteria identified in the request for proposals (RFP). Firms receiving between 80 to 100 points were considered qualified for assignment to one or more NYRCR Planning Committees. The RFP listed the following criteria:

1. Experience and Capacity,
2. Proposed Cost Structure,
3. Technical Approach, and
4. Innovative Practices.

Chosen firms were subjected to a matching process to assign firms to Planning Committees that included regional context, experience and background, technical approach and functional expertise. Following the matching process, the New York State Housing Trust Fund Corporation (HTFC) executed contracts to provide planning, technical, and professional services to Planning Committees. The contracts were executed pursuant to the Public Authorities Law Section 2879, HTFC procurement guidelines, and applicable Federal requirements, including 24 C.F.R. Part 85.

A subset of firms selected for participation in Round I of planning were assigned work in Round II of the planning process. Firms were chosen for participation in Round II on the basis of their performance in Round I, their ability to work in the regional communities included in Round II, and their overall capacity to take on additional work.

2.5 Planning and Project Development

Working in consultation with State experts, Planning Committees determined the boundaries of their Planning Area, the area in which each NYRCR Committee focused its planning. These areas sometimes included a primary and secondary area or focus areas based on current recovery needs and future risk. Projects were developed through detailed analyses that examined assets as well as previous and potential future risks, in conjunction with the Planning Committee’s vision statement, and community participation. The list of potential projects was narrowed through Planning Committee vote.

2.5.1 Asset Inventory

The asset inventory was a compilation of each Planning Area’s social, economic, and natural resource assets that were, or could be, affected by climate change. These assets may or may not have been damaged in the storms. The asset inventory was based on all available maps and data, supplemented by input from the Planning Committee and the general public. The inventory reflected the risk area¹ the asset is located in, and whether the asset is highly valuable to the community.

2.5.2 Vision Statement

A vision statement was created by each Planning Committee and presented to the public in a Public Engagement Event. It was used to guide the work of the Planning Committee throughout the planning process.

2.5.3 Risk Assessment

The risk assessment evaluated the degree of risk from flooding faced by critical and significant assets in the planning area. The risk assessment was conducted using the Risk Assessment Tool developed by the New York State Department of State (DOS). For each asset, the Risk Assessment Tool considered degree of hazard, exposure, and vulnerability. The Risk Assessment Tool was calibrated to assess risk from a 100-year flood, and incorporated consideration of the “risk area” in which each asset was located. Risk areas for coastal communities were mapped by the DOS for the NYRCR Program and incorporated a rigorous, science-based prediction of three feet of sea-level rise over 100 years. Risk areas for riverine communities were determined using FEMA’s Flood Insurance Rate Maps.

2.5.4 Needs and Opportunities Assessment

This assessment provided a close look at what the community needed to become more resilient and opportunities for the community to improve local economic growth and enhance its resilience to future storms. The assessment utilized first-hand experiences of residents and their community knowledge, as well as an in-depth analysis of existing conditions.

¹ Risk area is based on flood risk zones.

2.5.5 Strategies for Investment and Action

The Planning Committee developed strategies for their communities to recover from damages caused by Hurricane Irene, Tropical Storm Lee, and Superstorm Sandy, as well as strategies to make their communities more resilient to future storms. These strategies, such as ensuring the quality of life and safety of vulnerable populations, improving stormwater management and drainage systems, and providing coastal flood protection, formed the backbone of the projects developed by the Planning Committees. In the NYRCR Plans, the strategy or strategies underlying each project was highlighted in the project's profile to demonstrate the connection(s) between strategies and projects.

2.5.6 Cost Benefit Analysis

Based on preliminary research and data provided by planning firms, Planning Committees determined which projects to advance for a cost benefit analysis (CBA). The CBA involved developing a cost estimate for the project while identifying the potential benefits and costs of the project. The resulting CBA write up was a mainly qualitative discussion, but in instances that a benefit associated with a project was quantifiable, and the degree of the benefit could be determined with reasonable effort, the quantity of the benefit was included. The CBA included an examination of four benefit types– risk reduction, economic, environmental, and health and social– as well as a close look at the sustainability of benefits, the length of the useful life of the project, and any negative externalities or opportunity costs. In cases where the project was intended to reduce flooding, Planning Committees were encouraged to repeat the risk assessment process using an alternative scenario stipulating that the proposed project or action was actually implemented. This risk reduction analysis allowed the Planning Committee to consider the extent to which the proposed project or action would reduce risk to critical facilities or significant assets, and to consider this benefit alongside other benefits and costs.

2.5.7 Development and Consideration of Projects

After considering the information developed throughout the planning process, particularly the risk assessment and the CBA, Planning Committees voted on which projects to include in their NYRCR Plan and how to categorize these projects. Projects fell into one of three categories:

1. *Proposed Projects* are proposed for funding through an NYRCR Planning Area's allotment of CDBG-DR funding. In most instances, Planning Committees elected to include Proposed Projects that, in their aggregate estimated cost, exceeded the Community's approved allotment. This allowed for flexibility in the event some proposed projects were ineligible due to environmental review, CDBG-DR eligibility, technical feasibility, or other factors identified upon further project review.
2. *Featured Projects* are projects and actions that the Planning Committee identified as important resiliency recommendations and analyzed in-depth, but did not propose for funding through the NYRCR Program with CDBG-DR funding. Where possible, GOSR worked with communities to explore alternative funding sources

or leveraging options for these projects. In select circumstances, outside funding became available for a Featured Project or for the Planning Committee, or the scope of a Featured Project developed in such a way that it could be implemented using the Planning Committee's allotment of CDBG-DR funding, a Featured Project may be implemented through the NYRCR Program.

3. *Additional Resiliency Recommendations* are other projects and actions that the Planning Committee wanted to highlight.

The Planning Committee worked with NYRCR Program staff and planning firms to produce project profiles for Proposed and Featured Projects selected for inclusion in the Community Reconstruction Plan. Project profiles included descriptive details and information on project location, resiliency strategies the project will promote, the project's costs and benefits, as well as the project's Tie to the Storm – how the project mitigates or addresses recovery or resiliency needs resulting from the covered disaster(s) (see Section 3.2.1).

2.6 NYRCR Plan

The culmination of the NYRCR planning process was the submission of a NYRCR Plan to GOSR. The NYRCR Plan represented the work of the Planning Committee and the broader community. Projects included and profiled in the NYRCR Plan were eligible to be considered for implementation in the implementation phase of the NYRCR Program.

NYRCR Plans aid communities in recovering from a natural disaster, increase a community's resilience to extreme weather, improve the future of their economy, protect vulnerable populations, and contribute to regional efforts. Strategic, creative, and locally-appropriate projects were strongly encouraged. NYRCR Plans included the following elements:

- Community Overview;
- Assessment of Risks and Needs;
- Reconstruction and Resiliency Strategies;
- Proposed and Featured Project Profiles; and
- Additional Materials.

2.7 NY Rising to the Top

The NY Rising to the Top (NYRTTT) competition provided winning Planning Committees with additional funds for the implementation of projects in their NYRCR Plans. NYRTTT was available to Round I and Round II communities. Round I Planning Committees competed for \$24 million in awards across eight categories, with an award of \$3 million for project implementation in each category. Round II Planning Committees were eligible to compete for three awards, totaling \$3.5 million. The two Rounds' NYRTTT funds were commensurate given the ratio of award funds to Program allotments.

To be considered for a NYRTTT award, Planning Committees submitted an online application that described one or more project(s), plan(s), or action(s) which they believed met any of the award categories listed below. NYRCR Program staff reviewed and assessed all applications according to a rubric with a 3-point scale, and advanced all applications to the NYRCR Program Directors.

In the second round of review, Program Directors considered the ranking already done and evaluated the applications according to the following criteria:

- *Alignment with State and local priorities.* Applications were judged on whether supporting projects or actions addressed local needs and fell within HUD guidelines.
- *Equity of distribution of disaster funds.* Reviewers were permitted to consider whether a community had the opportunity for funding from other sources, and to ensure that funds were evenly distributed around the State.
- *Alignment with Federal guidelines and priorities.* Applications were evaluated on their compliance with guidelines and priorities put forth by HUD's CDBG-DR funding program. Consistency with NYRCR Plan and achievements during planning process. Reviewers assessed the veracity of statements made by applicants.

Program Directors advanced those they believed should win the competition to GOSR's Executive Director, Deputy Executive Director, and a New York State Department of State Deputy Secretary of State, who conducted their own assessment and forwarded the recommended award recipients to the Governor's Office for final approval.

Round I NYRTTT award categories were:

1. Best Regional Collaboration,
2. Best Use of Technology in the Planning Process,
3. Best Community Involvement in the Planning Process,
4. Best Inclusion of Vulnerable Populations,
5. Best Use of Green Infrastructure to Bolster Resilience,
6. Best Innovative and Cost-Effective Financing of Critical Projects,
7. Best Infrastructure Investments with Multiple Co-Benefits, and
8. Best Approach to Resilient Economic Growth.

Round II NYRTTT award categories were:

1. Best Regional Collaboration ,
2. Best Inclusion of Vulnerable Populations, and
3. Best Use of Green Infrastructure to Bolster Resilience.

3.0 Implementation Policies

This section of the Policy Manual begins with a chronological overview of the NYRCR Program’s project implementation policies—with a subsection focused on each phase of the implementation process. This is followed by a final “Multi-Phase Requirements for Subrecipients” subsection, which discusses the many implementation policies that are relevant to more than one phase of the implementation process.

3.1 Project Coordinator Selection

The NY Rising Community Reconstruction (NYRCR) Program retained a vendor to offer support throughout the NYRCR Program implementation process as Project Coordinators. Project Coordinators provide support to both NYRCR Program staff and subrecipients. The firm was chosen through a request for proposals (RFP). The RFP had the following criteria:

1. Experience and Capacity,
2. Technical Approach,
3. Proposal Rate Structure,
4. Information Technology, and
5. Knowledge of Sandy Recovery in New York.

3.2 Project Identification for Implementation

The NYRCR Program employs the following project identification checklist to identify projects for implementation. Projects to be implemented are expected to meet some of the criteria laid out below to the greatest extent possible. The following subsections go into additional detail on some of the criteria as well as considerations regarding project funds and program income.

- Included in the NYRCR Plan;
- Responsive to Risk/Needs Assessment;
- Conceptually CDBG-DR eligible;
- Benefits (or serves/assists) low- and moderate- income households in planning area equally with, or greater than, other population groups;
- Meets specific NYRCR program goals/addresses priorities:
 - Ecosystem restoration
 - Regional collaboration
 - Alignment with other resiliency projects and State policy objectives
 - Innovative
 - Supports vulnerable populations
- Receives critical stakeholder support;
- Responds to condition caused by relevant storm event;
- Mitigates storm-induced condition;
- Incorporates resiliency into scope;
- Has reasonable implementation period;
- Has capable and willing subrecipient available to implement project;

- Aligns with or advances other resiliency projects and State policy objectives;
- Employs innovative technical or strategic solutions;
- Is feasible with regard to permitting requirements; and degree, cost, and time required for environmental analyses, other regulatory review, and pre-development work including design and engineering; and
- Reduces risk to populations and critical assets.

The project identification checklist confirms project eligibility, feasibility, stakeholder support, and alignment with State principles in the technical opinion of NYRCR Program staff. This document is completed by Project Coordinators and is reviewed by the NYRCR Program Managing Director.

3.2.1 Tie to the Storm

All projects implemented must in some way respond directly or indirectly to the impact of Superstorm Sandy, Hurricane Irene and/or Tropical Storm Lee.

Throughout the Planning and Implementation Phases, a project's tie to the storm is demonstrated in multiple ways. For example, in the Planning Phase, the project profiles of each Committee's Final Plan makes clear the project's connection to the storm (see Section 2.5.7). In the Implementation Phase, a project's connection to the storm is demonstrated in the project's pre-application as well as application.

A project may be tied to the storm in multiple ways, including:

- The storm may have caused the facility to fail to function.
- The storm may have caused damage to the facility.
- The facility or activity may be needed for the community's successful long-term recovery from the storm and for protection from similar events.

3.2.2 Eligible Activities

All projects implemented must be an eligible activity. Eligible activities for the use of CDBG-DR funds in the NYRCR Program are described in Section 105 of the Housing and Community Development Act of 1974 (HCDA). These activities include, but are not limited to:

- Acquisition of real property, public facilities and improvements, clearance, rehabilitation, reconstruction, and construction of buildings;
- Removal of architectural barriers for access by the elderly and handicapped;
- Disposition of real property, including costs associated with maintenance and transfer of acquired properties;
- Provision of public services, such as job training;
- Infrastructure projects including but not limited to payment of the non-Federal share of other Federal matching grant programs;
- Relocation associated with projects that utilize one or more of the other eligible activities listed here;

- Activities carried out through non-profits;
- Assistance to neighborhood-based organizations, local development corporations, and non-profits serving the development needs of communities;
- Energy efficiency/conservation programs; and
- Economic Revitalization activities..

3.2.3 Ineligible Activities

Projects to be implemented may not be ineligible activities. Ineligible activities for the use of CDBG-DR funds in the NYRCR Program are:

- Activities that do not address an identified disaster related impact;
- Activities that address preparedness measures that are not part of a recovery/rebuilding activity;
- Activities that are ineligible per the CDBG-DR regulations and a waiver has not been granted; and
- Activities that fail to meet a National Objective.

3.3 Subrecipient Selection and Capacity

GOSR selects a suitable subrecipient for each project by either direct, discretionary selection or through a method of competitive selection. GOSR undertakes a rigorous analysis of potential subrecipients to examine their capacity for project implementation. Project Coordinators review subrecipients' A-133 and audits from the State Comptroller's Office and complete a risk assessment, initial assessment report and subrecipient capacity analysis. These analyses not only aid GOSR in determining if a subrecipient is a good fit for a project, but also help GOSR determine the level and kind of technical assistance (TA) GOSR will provide for the subrecipient. GOSR's TA is intended to build a subrecipient's capacity, transfer knowledge, and ensure compliance with CDBG-DR requirements. Community allotments are tied to a particular community, not tied to a subrecipient. However, if circumstances dictate, a subrecipient may be considered to implement more than one project with a community.

If GOSR determines that a potential subrecipient does not have the capacity to directly carry out a CDBG-DR project, GOSR works to identify another entity to act as the subrecipient for the project. After identifying a subrecipient, GOSR will assign a Project Coordinator who is responsible for day-to-day administrative tasks, oversight and other project delivery responsibilities.

Sub-subrecipients may be used by subrecipients at GOSR's discretion, after GOSR's assessment and approval. A Sub-subrecipient is an indirect subrecipient of the program that is lower tier to a subrecipient that is party to a subrecipient agreement directly with the Grantee (GOSR). The contractual relationship between subrecipient and sub-subrecipient is analogous to the contractual relationship between the Grantee (GOSR) and subrecipient. The Sub-subrecipient agreement is, most notably, for the performance of a substantive portion of the project funded under the subrecipient agreement with Grantee. All

provisions in a subrecipient agreement to which a subrecipient is subject are passed down to a sub-subrecipient through a sub-subrecipient agreement.

Subrecipients may propose sub-subrecipients (for example, a non-profit subrecipient may suggest an additional non-profit partner to help the first non-profit implement the activity) at any point in implementation. GOSR assesses sub-subrecipients through an initial assessment meeting, completion of a capacity checklist and financial management questionnaire. The subrecipient must enter into a subrecipient agreement with its sub-subrecipient, which must incorporate GOSR's Supplementary Conditions for Contracts and must also comply with all legal and regulatory requirements. Please note that a sub-subrecipient agreement is not an agreement between two or more GOSR subrecipients.

3.3.1 Direct Selection

Under the direct selection method, NYRCR Program staff identify an appropriate subrecipient by considering opportunities to build capacity at the most local levels of government, jurisdiction over any assets that are essential to the project, existing project and financial management capacity as discussed above, and any other considerations specific to the project being implemented. GOSR's ability to directly select a qualified subrecipient is allowed under HUD Section 24 CFR 570.500(c).

GOSR may directly select a subrecipient:

- When an entity is uniquely qualified to implement a NYRCR project because either 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 result in harm or burden on the entity with full site control or jurisdiction of the NYRCR Program project focus;
- Where a competitive bidding process would cause unacceptable delays in fulfilling NYRCR Program project requirements; and
- When there is a reasonable basis to conclude that the minimum needs of the NYRCR Program project can only be satisfied by the selected subrecipient.
- When an entity is uniquely qualified to implement a NYRCR project due to that entity's execution of a program which meets the same vision and goals as required by the NYRCR project.

3.3.2 Competitive Selection

For certain public service activities, such as workforce development or social resilience services, GOSR may issue a notice of funding availability (NOFA) or request for qualifications or proposals (RFQ/P) to solicit proposals from eligible non-profit or public organizations to implement the projects or programs in certain communities. The NOFA/RFQ/P includes the scoring criteria and the selection methodology used to select eligible subrecipients. Pursuant to HUD's guidance, "Distinctions between Subrecipient and Contractor," (August 13, 1993), if a NOFA/RFQ/P is in compliance with the requirements contained in 24 CFR 85.36, the selected bidder will be treated as a contractor.

If the NOFA/RFP/Q is not in full compliance, the selected bidder will be treated as a subrecipient.

The final projects selected for implementation may be amended based on the results of the NOFA/RFQ/P.

3.3.3 Selection Criteria

Potential subrecipients are examined on the following considerations:

- Prior experience with executing CDBG or other federal funded projects including but not limited to knowledge and prior experience with the following:
 - 24 CFR Part 85 and 84 requirements
 - Documentation that the project meets a CDBG National Objective; and
 - Documentation that the project's expenditures are for CDBG Eligible Activities.

- Staff capacity to effectively manage CDBG-DR grants, including but not limited to:
 - Capacity to perform financial monitoring and oversight;
 - Capacity to perform grants management functions as demonstrated through prior experience with managing grants with in-house staff or with a grants management consultant;
 - Internal auditing capability;
 - Administrative staffing; and
 - Knowledge of both federal and State procurement and contracting requirements.

- 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 including but not limited to:
 - Accounting methods, and budget controls;
 - Proof that expenditures are necessary, reasonable and directly related to the grant;
 - Monitoring and controls of timely expenditure of Federal funds;
 - Compliance with OMB Circular A-87 (government agencies) or A-122 (for non-profits), A-121 (for higher learning institutions);
 - Completion and results of prior A-133 audits, if applicable; and
 - Completion and results of any other audits as it relates to financial capacity.

- 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 including, but not limited to, the following requirements:

- Davis Bacon and all labor standards, Section 3, M/WBE, environmental, lead based paint, Civil Rights, Section 504, Uniform Relocation Act, Fair Housing Act, ADA, Age Discrimination Act, and records management.

3.3.4 Initial Assessment

The initial assessment report aids GOSR in determining if the subrecipient is a good fit for a project, and helps to determine the level and kind of TA GOSR will prepare for subrecipient. The initial assessment:

- Documents the initial and any follow-up meetings Project Coordinators have with the subrecipient;
- Documents the subrecipient's prior CDBG experience (if any);
- Documents potential number of projects subrecipient will undertake and any action items; and
- Provides a subrecipient capacity checklist.

The initial assessment report includes a capacity checklist which covers subrecipient staff and experience with managing CDBG activities or similar grant programs, subrecipient's organization capacity, subrecipient's financial management capacity and other factors such as subrecipient's community relations, government relations and project-specific specialized skills, knowledge or capacity.

A sample initial assessment is provided in Exhibit 4.

3.3.5 Risk Assessment

Project Coordinators undertake a risk assessment to determine a potential project's risk level. Factors considered in the risk assessment are:

- Sponsoring Entity (the proposed subrecipient);
- Complexity of project;
- Entity's experience;
- Funding;
- Environmental factors;
- Land acquisition/relocation factors; and
- Involvement by additional entities.

The risk assessment provides a risk score, which is the estimate of the probability that a project will not succeed (i.e. not be completed in a CDBG-DR compliant and timely manner). To determine the risk score, each factor receives a low, moderate, or high rating, and each rating receives a specific weight. A risk score of 0 percent to 40 percent is considered a low risk; 41 percent to 70 percent moderate, and 71 percent to 100 percent high. The risk assessment, along with NYRCR Program staff experience in dealing with a subrecipient, is used to determine the level of technical assistance to be provided to the subrecipient. A sample risk assessment is provided in Exhibit 5.

3.4 Subrecipient Agreement

Once GOSR has selected a subrecipient for participation in the NYRCR Program, GOSR works with the subrecipient to execute a subrecipient agreement. The subrecipient agreement serves as the mechanism for transfer of funds to the subrecipient, and requires compliance with all federal, State, and local laws, as applicable. In many cases, the agreement has no funding attached to it at the time of initial execution; it functions as a memorandum of understanding between GOSR and the subrecipient. These \$0 agreements will be amended to incorporate the scope and budget of projects as subrecipients submit applications and they are accepted by GOSR.

Under earlier policies, capital projects required multiple amendments to a subrecipient agreement. The first amendment would provide the funding necessary to support planning and design activities. The second (or subsequent) amendment would provide the funding necessary to support construction activities following the completion of project design and full environmental clearance. Planning or public service activities typically required a single amendment following the approval of the project, with GOSR certifying that any planning or design activities were exempt from environmental review requirements before funding those activities through a subrecipient agreement amendment.

However, in December 2015, the NYRCR Program's policy changed to allow a single amendment to a subrecipient agreement to provide all the funding necessary to implement a project upon the acceptance of a project application, regardless of whether the project is a capital or non-capital project. Nonetheless, a subrecipient may not expend funds for construction until the project is approved by the NYRCR Program (see Section 3.6.2). Subrecipient agreements may be amended additionally at any point during implementation, as required by specific circumstances.

Should scope and budget change significantly during construction, change orders will be considered on a case-by-case basis.

3.5 Pre-Application

Project pre-applications are drafted by NYRCR Program staff with consultation from subrecipients. The purpose of the pre-application process is to document:

- How the project meets one of HUD's three National Objectives;
- How the project is an eligible activity; and
- How the project is tied to one of the three disasters.

The pre-application consists of:

- A project description;
- Tie to the disaster;
- Assigned National Objective;

- Project eligibility review under 24 CFR §570.483;
- Statement of justification and recommendation; and
- Other relevant information.

The project description contains a level of detail sufficient for assessing the appropriate level and scope of any environmental review requirements.

3.5.1 Pre-Application Review Panel

Each project's pre-application is reviewed by a GOSR pre-application review panel, composed of three rotating members from GOSR's Compliance, Legal, Policy, Finance, and Environmental departments. The panel votes whether the project meets at least one National Objective, is an eligible activity, and has a tie to the storm. Pre-applications that receive majority (two of the three panelists') votes will advance to the full project application phase. Pre-applications that do not receive a majority of the votes are not advanced. Pre-applications may be advanced with qualifications, which are noted on the voting sheets. Subrecipients will be notified of the pre-application review panel's decision.

If, during application development, the project has changed so significantly so that the eligibility of the project may have been affected since being approved by the pre-application panel, an amended pre-application must be submitted, and the project must pass the pre-application panel once more.

3.6 Application

Once a project's pre-application is approved, the subrecipient completes and submits to GOSR the full project application. GOSR staff and project coordinators provides the subrecipient with support in completing the application. The full application includes:

- A detailed description of the project;
- Tie to the disaster;
- Information pertaining to CDBG-DR eligibility;
- Project maps;
- Project time schedule;
- Activity beneficiary form; and
- A project cost estimate.

If the activity is the provision of a public service, program occupancy and maintenance expenses associated with the provision of this service may be considered direct costs of the project. The public service provider and the NYRCR Program must develop a methodology for calculating these direct costs to be reimbursed. If the public service provider has a federally negotiated cost rate agreement, these costs may be considered indirect costs and be reimbursed by GOSR as such if permitted under the relevant subrecipient agreement.

A sample application is provided in Exhibit 7.

3.6.1 Application Acceptance

Before an application can be either accepted or rejected, finished applications are reviewed by NYRCR Program Policy staff and an application review guide, containing a check list is completed. Regional Directors review the application review guide and submit the application and completed review guide to the Managing Director, indicating whether they accept or reject the application. In the instance a Regional Director is unable to review the application and review guide, the Policy manager may review these documents and indicate acceptance or rejection. The Managing Director reviews the application and review guide, verifying consistency with GOSR policies and procedures and indicates a final acceptance or rejection. Subrecipients are notified of the application's acceptance in writing.

3.6.2 Application Approval

In the case of non-capital projects (such as planning studies and public service activities), The NYRCR Managing Director may approve an application upon application acceptance. In the case of a capital project, following environmental review (discussed in Section 3.8) and project design, The NYRCR Managing Director approves subrecipients to move forward with project construction. Subrecipients will be notified of the application's approval. Should the scope or budget of a capital project change substantially during project design and environmental review, an application amendment may be required before the application is approved.

3.7 Public Engagement in Implementation

Public engagement was central to the NYRCR Program during the Planning Phase and it is similarly important during the Implementation Phase. During implementation, direct engagement is undertaken with stakeholders, public officials and the broader public. In general, for projects with construction, two public engagement events will be undertaken – one during A/E and one during or after construction. For public services and planning studies, public engagement will occur at different times in the project's lifecycle. Public engagement includes, but is not limited to, informational public meetings, focus groups, and steering committees. NYRCR Program staff will also use online platforms to provide project updates to the public.

3.8 Environmental Review

CDBG-DR funding is contingent upon compliance with the National Environmental Policy Act (NEPA) and related environmental and historic preservation legislation and executive orders. In addition, the Housing Trust Fund Corporation, as well as State agencies and units of local government (UGLGs) in New York State must comply with the State Environmental Quality Review Act (SEQRA). New York City agencies must also comply with the City Environmental Quality Review (CEQR). In general, GOSR's Bureau of Environmental Review and Assessment (BERA) serves as the lead agency for purposes of NEPA, SEQRA and CEQR. In certain circumstances, GOSR may decide to cooperate in a joint environmental review with another federal, State or UGLGs. GOSR may also choose to delegate its NEPA or SEQRA responsibilities if, in the discretion of a GOSR Certifying Officer, such delegation is warranted and supported by law.

HUD's Environmental Review Procedures allow grantees, such as New York State through GOSR, to assume environmental review responsibilities under NEPA. In accordance with 24 CFR Part 58 and pursuant to the State's Grant Agreement with HUD, GOSR serves as "Responsible Entity" responsible for undertaking compliance efforts for the Program. Within GOSR the Environmental Review Team will be responsible for performing environmental reviews and compiling the Environmental Review Records (ERRs). The GOSR Environmental Review Team conducts environmental reviews either directly or through the use of qualified environmental service contractors. The GOSR Certifying Officers are ultimately responsible with certifying that GOSR's environmental reviews are in compliance with NEPA and HUD environmental regulations.

In accordance with Public Law 113-2, when GOSR uses CDBG-DR funds to supplement federal assistance provided under Section 402, 403, 404, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) GOSR may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of GOSR with respect to environmental review.

In general, environmental review of projects will consist of the following steps:

- NYRCR Program provides the Environmental Team with a project description for review. Project descriptions must be detailed enough so that the scope of the project and its potential environmental impacts are clear. Generally, construction projects with 5 percent to 30 percent design have sufficient details to conduct an environmental review.
- GOSR's Environmental Team reviews the project description provided by NYRCR Program staff and categorizes the action with regard to the appropriate level of environmental scrutiny that must be applied.
- With regard to NEPA, GOSR's Environmental Team will determine whether projects are Exempt from environmental review, Categorically Excluded from environmental review, or require an Environmental Assessment.
- With regard to SEQRA, GOSR's Environmental Team determines whether Program projects are Type I, Type II, Exempt, or Unlisted.
- GOSR's Environmental Review Team issues a general exemption for qualified activities associated with project development that are required to generate project information necessary for environmental reviews, project feasibility assessments, and the creation of funding applications.
- GOSR's Environmental Team conducts the appropriate environmental analysis and prepare compliance documentation in support each project, except for qualified exempt activities that fall under the general exemption for project development, in accordance with HUD's NEPA regulations and SEQRA.
- Upon completion of the environmental review of an action that Categorically Excluded but subject to 24 CFR 58.5 (Cat Ex A) or that requires an Environmental

Assessment (EA) or Environmental Impact Statement (EIS) GOSR submits a Request for Release of Funds (RROF) to HUD.

- HUD reviews and approves or denies the RROF. If approved, HUD will issues an Authority to Use Grant Funds (AUGF) authorizing the commitment of HUD funds to a particular project.

See the BERA Policy Manual for more details on the Environmental Review process.

3.9 Subrecipient Withdrawal

Applications may be withdrawn until they are approved. After an application has been approved, withdrawal is governed by the terms of the subrecipient agreement.

3.10 Subrecipient Payment

All subrecipient payments are expended on a reimbursement based payment process. “Reimbursement-based” means that project costs must be incurred by subrecipient and documented as required by the terms of the subrecipient agreement for payment of invoices as per the payment terms in the subrecipient agreement. The subrecipient submits a draw request form. GOSR reviews and approves the form. Prior to receiving payment, all required reporting must be completed.

3.11 Final Payment

The final payment policy for the NYRCR Program is being developed.

3.12 Project Closeout

The project closeout is the process by which GOSR determines all requirements of the subrecipient agreement between the GOSR and the subrecipient have been completed in accordance with the terms and conditions of the subrecipient agreement. Project closeout begins when:

- All project expenses to be paid with CDBG-DR funds (except for closeout costs) have been completed and payment requested;
- Approved work has been finished;
- Any other responsibilities detailed in the subrecipient agreement have been fulfilled; and
- All monitoring or audit findings have been cleared.

3.13 Programmatic Compliance Checks

The NYRCR Program will undertake periodic monitoring of its subrecipients and program files to ensure compliance with HUD regulations. The Program also collects quarterly progress reports.

3.14 Monitoring and Compliance

GOSR must ensure compliance with HUD regulations, which include but are not limited to: record keeping, administrative and financial management, environmental compliance, citizen participation, conflict of interest, procurement, Davis-Bacon Labor Standards, diversity and civil rights regulations (Minority and Women's Business Enterprise, Section 3, Fair Housing, Limited English Proficiency, and American with Disabilities Act), property acquisition and management, displacement, relocation, and replacement.

GOSR has established a Monitoring Plan administered by the Monitoring and Compliance Department (MCD) to ensure that all programs and projects comply with applicable federal, State, and local regulations and effectively fulfills the goals set forth in the Action Plan and the Action Plan Amendments.

The Monitoring Plan serves to identify risks, deficiencies, and remedies relating to GOSR directly administered programs, administrative and financial management, and programs administered via GOSR subrecipients. The Monitoring Plan seeks to accomplish the following objectives:

- Determine if a grantee/subrecipient is carrying out its obligations, and its activities as described in the Action Plan for CDBG-DR assistance and its related grant or subrecipient agreement.
- Determine if a grantee/subrecipient is carrying out its activities in a timely manner, in accordance with the schedule included in the subrecipient agreement.
- Determine if a grantee/subrecipient is charging costs to the project that are eligible under applicable laws and CDBG-DR regulations, and reasonable in light of the services or products delivered.
- Determine if a grantee/subrecipient is conducting its activities with adequate control over program and financial performance, and in a way that minimizes opportunities for waste, mismanagement, fraud, and abuse.
- Assess if the grantee/subrecipient has a continuing capacity to carry out the approved project, as well as future grants for which it may apply.
- Identify potential problem areas and to assist the grantee/subrecipients in complying with applicable laws and regulations.
- Assist grantee/subrecipients in resolving compliance problems through discussion, negotiation, and technical assistance (TA) and training.
- Provide adequate follow-up measures to ensure that performance and compliance deficiencies are corrected by grantee/subrecipients, and not repeated.
- Comply with the federal monitoring requirements of 24 CFR 570.501(b) and with 24 CFR 84.51 and 85.40, as applicable.
- Determine if any conflicts of interest exist in the operation of the CDBG-DR program per 24 CFR 570.611.
- Ensure that required records are maintained to demonstrate compliance with applicable regulations.

Consistent with HUD requirements, MCD conducts risk assessments on subrecipients in order to identify the appropriate level of monitoring, including the frequency and depth of review. Entities being monitored are assessed on a scale ranging from low risk to medium risk to high risk. Depending on the results of the risk assessment, MCD conducts levels of monitoring commensurate with the level of risk assessed. In general, the levels of monitoring range from desk auditing, to on-site monitoring, to integrity monitoring. GOSR makes necessary adjustments in its monitoring plan based on the most current information, data, and analyses available. Any risks and deficiencies identified result in a request for timely corrective action from the entity being monitored. GOSR provides TA to all entities being monitored in order to facilitate compliance with all applicable federal, State, and local regulations.

3.15 Audit Requirements

In accordance with OMB A-133 Circular, all agencies expending \$750,000 or more in federal funds must have an annual audit conducted, as detailed in the Circular. Subrecipients expending \$750,000 or more in federal funds should submit their audits to GOSR. Any deficiency noted in the audit report must be fully cleared by the subrecipient within 30 days after subrecipient receives the audit report. Project Coordinators will receive and review the A-133, as well as keep track of when they are due for each subrecipient. If there are any findings, Project Coordinators will alert the MCD. The MCD will review and determine whether a management decision is necessary.

3.16 Multi-Phase Requirements for Subrecipients

Multi-phase requirements refer to policies that occur in more than one phase of the project implementation process. Subrecipients must comply with all administrative and financial requirements in the CFR Title 24 and all applicable OMB's Circulars. As noted in this section, GOSR will provide technical assistance (TA) to subrecipients to assist in maintaining compliance. In addition, the NYRCR Program's *Subrecipient Compliance Manual for GOSR Projects* provides detailed information on compliance, tailored especially to subrecipients. The *Subrecipient Compliance Manual for GOSR Projects* discusses the steps subrecipients must take to comply with financial management, procurement, Equal Opportunity, Section 3, environmental review, insurance and property management, construction requirements, record keeping and reporting, single audit, reimbursements, subrecipient agreement modifications, and monitoring requirements.

3.16.1 Timely Expenditure of Funds

As per the Appropriations Act (Public Law 113-2), NYRCR Program CDBG-DR funds must be obligated no later than September 30, 2017, and expended within two years of the date funds are obligated to a subrecipient.

3.16.2 Order of Assistance

Following the hierarchy of funding enumerated in the Stafford Act, CDBG-DR funds will never displace other available funds (see Duplication of Benefits, Section 3.16.3). FEMA regulations at 44 CFR 206.191 make clear the order of funding assistance, and, as noted in

the 76 FR 71060, November 16, 2011, “Since CDBG disaster recovery provides long-term recovery assistance via supplemental congressional appropriations, and falls lower in the hierarchy of delivery than FEMA or SBA assistance, it is intended to supplement rather than supplant these sources of assistance.”²

The Community Reconstruction Program ensures that none of its projects could have been funded by FEMA-PA or HMGP or Army Corps of Engineers funds.

3.16.3 Duplication of Benefits

Disaster recovery activities may be funded from a variety of both public and private sources. The Stafford Act’s prohibition on duplication of benefits (DOB) in section 312 (42 U.S.C. 5155) is applicable to all CDBG disaster recovery grants. DOB occurs when financial assistance received from one source is provided for the same purpose as CDBG-DR funds provided, in accordance with HUD DOB guidance, found at 76 FR 71060, November 16, 2011.

Subrecipients that are implementing capital projects must complete and certify a DOB questionnaire that lists other sources of project funding at three points over a projects lifecycle: upon submission of a project application, after the engineering/design phase of the project is complete but before the project is fully approved, and finally upon project closeout. In the case of non-capital projects where there is no engineering/design phase, these self-certification questionnaires will be submitted twice over a projects lifecycle: upon submission of the application and at closeout. Program staff will review DOB self-certification questionnaires, and will also access the FEMA EMMIE and MB3 databases to confirm that there is no DOB resulting from FEMA-PA or HMGP funding.

Per the subrogation clause in the subrecipient agreement (see Section 3.4), subrecipients must return to New York State any funds found to be a DOB, ineligible, unallowable, unreasonable, or non-compensable, no matter the cause. Under this clause, should a subrecipient receive CDBG-DR funding to support an activity and subsequently receive outside funding that would render the CDBG-DR funds a DOB, the duplicative CDBG-DR funds must be returned to GOSR.

In addition to the NYRCR Program’s DOB questionnaire, GOSR’s Monitoring and Compliance Department (MCD) will check for DOB in their monitoring of subrecipients.

3.16.4 National Objective

As previously mentioned, each project implemented with CDBG-DR funds must meet one of three national objectives:

² *Federal Register Notice Vol. 76, No. 221* (November 16, 2011), <<http://www.gpo.gov/fdsys/pkg/FR-2011-11-16/pdf/2011-29634.pdf>>.

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

The NYRCR Program seeks to implement projects that benefit LMI populations, and can therefore be classified as meeting the LMI national objective. Other projects may be classified as meeting the Urgent Need National Objective. The NYRCR Program is not utilizing the Slum and Blight National Objective at this time.

The following four tests are used for determining whether a project primarily benefits low and moderate income persons and qualifies under the LMI national objective:

- 1. Area benefit test:** The project benefits all residents of a primarily residential area where at least 51% of the residents are persons of low and moderate income.
- 2. Housing benefit test:** CDBG-DR assisted housing is occupied by low and moderate income households.
- 3. Jobs test:** At least 51% of the jobs created or retained with CDBG-DR assistance are held by or are available to low and moderate income people (“available to” means no special education or training is necessary).
- 4. Limited clientele test:** The project is limited to benefiting a specific group of persons, at least 51% of whom are low and moderate income, or is limited to serving low and moderate income person only. Some activities, such as services for elderly people, are presumed to benefit lower income people though the presumption can be challenged based on the facts and circumstances of the project.

Projects that do not qualify under the LMI national objective are classified as Urgent Need. The certification requirements for the documentation of urgent need located at 24 CFR 570.483(d) have been waived. Instead, the project pre-application and application must document how the project responds to a disaster-related impact identified by GOSR. In addition to these documents, a project’s tie to the disaster is reflected in each project’s tie-back memo. The tie-back memo broadly describes the damage from the storm to the community and how the NYRCR project responds to specific storm damage.

3.16.5 Program Income

Following the requirements of 24 CFR 570.489, all program income must return to the State.

3.16.6 Financial Management

In accordance with 24 CFR Part 85.20-26 and 24 CFR Part 84.20-28, subrecipients must have a financial management system that:

- Provides effective control over the accountability of all funds, property, and other assets;
- Ensures “reasonableness, allowability, and allocability” of all costs and verifies that expenses have not violated any federal restrictions or prohibitions;
- Permits the accurate, complete, and timely disclosure of financial results in accordance with reporting requirements of GOSR and HUD; and
- Minimizes the time elapsed between the transfer of funds from the U.S. Treasury and disbursement by the subrecipient.

GOSR will provide subrecipients with technical assistance on client financial management and will monitor subrecipients’ practices to ensure compliance.

3.16.7 Insurance and Property Management

Subrecipients must procure and maintain insurance for the duration of the subrecipient agreement to protect all contract assets from loss due to any cause, such as theft, fraud and physical damage. Each subrecipient must maintain fidelity bond coverage for all employees in an amount equal to cash advances from GOSR. At a minimum, subrecipients must comply with the bonding requirements at 24 CFR 85.36 or 84.48, as applicable, and with the requirements of their subrecipient agreement.

If CDBG-DR funds are used to acquire real property or personal property, the subrecipient is responsible for ensuring that:

- The property continues to be used for its intended (and approved) purpose;
- The subrecipient keeps track of, and takes care of, the property; and
- If the subrecipient sells or disposes of the property within five years after expiration of the subrecipient agreement or a longer period as GOSR deems appropriate, the subrecipient reimburses GOSR for the share of the property’s value according to the subrecipient agreement.

GOSR subrecipient agreements require that subrecipients incorporate GOSR’s Supplementary Conditions for Contracts (Supplementary Conditions) in any contract entered into under the subrecipient agreement. The Supplementary Conditions require that any contractor providing services to a GOSR subrecipient must obtain and maintain certain types and amounts of insurance coverage. The Supplementary Conditions also provide that GOSR may waive, decrease, alter or amend these insurance requirements in writing.

It is typically the responsibility of GOSR’s Chief Financial Officer to determine when a waiver or alteration of insurance requirements is appropriate. However, at their discretion, NYRCR Program staff, including GOSR legal counsel representing the Program, may waive additional insurance requirements of a professional services contract when a subrecipient’s professional services contractor presents evidence that they carry at least \$2 million of general liability insurance and where the total budget of the relevant contract does not exceed \$1 million. If a contract does not meet this criteria, NYRCR Program staff should consult the Chief Financial Officer before taking further action.

In addition to general liability insurance, if the subrecipient receives CDBG-DR funding for acquisition and/or construction purposes for property that is insurable under the National Flood Insurance Program (NFIP) and the insurable property is located in a Special Flood Hazard Area (also known as the 100-year floodplain), the subrecipient will be required to obtain and maintain flood insurance in perpetuity for all such property for which funding is provided. To the extent possible, flood insurance coverage should be in place prior to the start of CDBG-DR-funded construction. If coverage cannot be obtained because the unimproved asset is not eligible for flood insurance, this requirement is effective—to the extent the improved asset is eligible for insurance—once property is acquired or improvements constructed with CDBG-DR funds.

3.16.8 Acquisition of Real Property

Upon notification of permission from GOSR, the subrecipient proceeds with efforts to acquire any real property, including easements and right-of-ways, required for the project. CDBG-DR federal funds, administered by GOSR and disbursed to subrecipients and direct contractors and/or beneficiaries, are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act or URA) and/or Section 104(d) of the Housing and Community Development Act of 1974. The applicable federal regulations are located at 49 CFR Part 24 (URA), 24 CFR Part 42 (Section 104(d)), and in the Real Estate Acquisition and Relocation Policy and Guidance Handbook (HUD Handbook 1378).

Section 104(d) requires relocation assistance for lower-income individuals displaced as a result of the demolition or conversion of a lower-income dwelling and requires one-for-one replacement of lower-income units demolished or converted to other uses.

Subrecipients or contractors must provide the following benefits to households that they displace:

- Relocation advisory services;
- A minimum of 90 day notice to vacate;
- Reimbursement for moving expenses; and
- Payments for added cost of renting or purchasing comparable replacement housing.

A purchase option agreement on a proposed site or property prior to the completion of the environmental review is allowed if the option agreement is subject to a determination by the subrecipient on the desirability of the property for the project after the environmental review is completed and the cost of the option is a nominal portion of the purchase price. Prior to advertising for bids, the subrecipient must have obtained all lands, rights-of-way and easements necessary for carrying out the project.

GOSR provides subrecipients with templates for: Involuntary Preliminary Acquisition Notice, Invitation to Accompany an Appraiser, Written Offer to Purchase, Statement of

Basis of Just Compensation, Notice of Intent Not to Acquire, Donation and Appraisal Waiver, and Administrative Settlement.

GOSR rules, Notices of Funding Availability (NOFAs), applicant certifications and/or written agreements for funds subject to the Uniform Act and Section 104(d) shall refer to federal and State rules, as appropriate.

GOSR's Monitoring and Compliance Department (MCD) ensures that if CDBG-DR funds are used to acquire real property, and the property continues to be used for its intended (and approved) purpose, proper records are maintained to keep track of it, steps are taken to protect and maintain it, and that if the property is sold, GOSR is reimbursed for the CDBG-DR share of the property's value. GOSR, as the grantee, along with its subrecipients and contractors, must tag and log all property valued greater than \$1,000 and update inventory records annually.

Subrecipients with eminent domain authority may only utilize this authority to acquire property using GOSR funding after discussion with and approval from GOSR.

3.16.9 Davis-Bacon Labor Standards

The [Davis-Bacon Act³ and Related Acts \(DBRA\)](#) requires all subrecipients and contractors funded whole or in part with CDBG-DR financial assistance through GOSR in excess of \$2,000 to pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. In some cases, New York State Prevailing Wage Law is in effect. In these cases, the higher prevailing wage rate between the federal and State must be adhered to and made applicable. For prime contracts in excess of \$100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular pay for all hours worked over 40 in a work week.

Additionally, GOSR must follow the reporting requirements per the United States Department of Housing and Urban Development (HUD) and Department of Labor (DOL) regulations. This requirement also extends to GOSR subrecipients and contractors.

The Wage Compliance Unit within MCD ensures that GOSR's applicable programs and services are in compliance with DBRA through the submission of weekly payrolls as well as interviews with laborers. GOSR utilizes its Davis-Bacon FTP Submission website and electronic tracking system to both track and monitor weekly payroll submissions by contractors.

³ 40 U.S.C. 3141 *et seq.*

3.16.10 Force Account Labor

Force account labor occurs when subrecipients use their own workforce to complete construction of a NYRCR Program project. This is not the preferred method of construction for GOSR projects. However, it is allowed under certain circumstances. Force account labor requires advance review and approval by GOSR. Subrecipients that proceed without prior approval risk disallowance of all incurred costs. Subrecipients must justify the use of force account labor by demonstrating that this labor is cost effective and that qualified personnel are available to accomplish the work.

3.16.11 Section 3

Section 3 of the Housing and Urban Development Act of 1968 requires grantees, subrecipients, contractors, sub-contractors, and/or developers funded in whole or in part by the CDBG-DR funding, to the greatest extent feasible, extend hiring opportunities and contracts to Section 3 eligible residents and businesses. Section 3 eligible residents are low- and very low- income persons, particularly those who live or reside in public or government assisted housing. For those entities that receive more than \$200,000 in HUD CDBG-DR assistance and contractors that are awarded covered contracts that exceed \$100,000, GOSR requires that an approved Section 3 plan be in place before the project is awarded and approved. MCD monitors contracts with subrecipients, contractors, sub-contractors, and/or developers. GOSR manages the education and outreach efforts, reviews the proposed Section 3 Plans, and provides TA when needed. **Refer to the “Section 3” Policy Manual in Section 3 Policy for Prospective Bidders or Policies and Procedures for additional guidance and protocols.**

3.16.12 Minority- and/or Women-Owned Business Enterprises

The federal [Executive Order 12432](#) guidelines requires for selected federal agencies to promote and increase the utilization of Minority Business Enterprises. 24 CFR 85.36 requires grantees to ensure that all subrecipients, contractors, sub-contractors, and/or developers funded in whole or in part with HUD CDBG-DR financial assistance to make a commitment or demonstrate an acceptable “good faith effort” toward ensuring that contracts and other economic opportunities are directed to small and minority firms, women’s business enterprise, and labor surplus area firms.

In addition, GOSR ensures compliance by requiring subrecipients, contractors to achieve an overall M/WBE participation goal of 30 percent of the entire contract value, consisting of 15 percent for Minority-Owned Business Enterprises (MBE) and 15 percent for Women-Owned Business Enterprises (WBE). GOSR verifies MWBE certification and monitors to ensure compliance with all reporting requirements.

3.16.13 Citizen Participation Plan

Subrecipients that are Units of General Local Government (UGLG) are required to have a written and adopted Citizen Participation Plan (CPP) that complies with the requirements set forth in the State of New York Action Plan for Community Development Block Grant Program Disaster Recovery, dated April 2013, as Amended. A sample CPP and sample resolution for adopting a CPP will be provided by GOSR to all UGLGs. A CPP helps to

ensure that all residents have the opportunity to participate in the planning, implementation, and assessment of local recovery and resiliency projects.

3.16.14 Residential Anti-Displacement

All subrecipients must follow GOSR's Residential Anti-Displacement policy.

3.16.15 Americans with Disabilities Act (ADA)

GOSR takes affirmative steps to ensure that qualified persons with disabilities are informed of the availability of program services and activities, and GOSR's programs or services are readily accessible to, and usable by, individuals with disabilities. GOSR also ensures that handicapped persons are provided with benefits and services as those provided to non-handicapped individuals, and that all programs and activities are accessible, both structurally and administratively, to handicapped and disabled persons. The types of reasonable accommodations that can be provided include accommodations or adjustments to a rule, policy, practice, or service. All subrecipients are required to follow the ADA.

3.16.16 Equal Employment Opportunity

[Executive Order 11246](#), Equal Employment Opportunity, as amended, prohibits federal contractors and federally-assisted construction contractors and subcontractors, who do over \$10,000 in government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin. The Executive Order also requires government contractors to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment.⁴ This regulation is adhered to within GOSR programs.

3.16.17 Fair Housing

The [Fair Housing Act](#) requires all grantees, subrecipients, and/or developers funded in whole or in part with HUD financial assistance to certify that no person was excluded from participation in, denied the benefit of, or subjected to discrimination in any housing program or activity because of their age, race, color, creed, religion, familial status, national origin, sexual orientation, military status, sex, disability or marital status. GOSR enforces the Fair Housing Act by ensuring that all grantees, subrecipients, and/or developers meet the applicable Fair Housing and Affirmative Marketing requirements and provide a marketing plan and report on compliance in accordance with the Fair Housing Act and the associated [forms](#) on HCR's website, where applicable. The Affirmative Marketing Plan must be in compliance with applicable Fair Housing Laws and demonstrate how the Applicant will affirmatively further fair housing throughout applicable GOSR disaster recovery programs.

⁴ 41 CFR Part 60.
April 26, 2016

3.16.18 Fair Labor Standards Act of 1938, as Amended (FLSA)

The [Fair Labor Standards Act of 1938](#)⁵ (FLSA) establishes the basic minimum wage levels for all work and requires the payment of overtime at the rate of at least one and one-half times the basic hourly rate of pay for hours worked in excess of 40 per week.⁶ These labor standards are applicable to the entire construction contract whether or not CDBG-DR funds finance only a portion of the project. Excluding the exceptions listed below, all workers employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under the GOSR CDBG-DR program must be paid wages at rates not less than those prevailing on similar construction in the Locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended.

In some cases, New York State Prevailing Wages and Davis-Bacon Prevailing Wages both apply. In such instances, the higher of the two prevails.

Exceptions to Fair Labor Standards Act of 1938, as Amended include:

- Construction contracts of \$2,000 or less;
- Real property acquisition;
- Architectural and engineering fees;
- Other services (such as legal, accounting, construction management);
- Other non-construction items (such as furniture, business licenses, real estate taxes);
- Rehabilitation of residential property designed for fewer than eight families; and,
- Demolition and/or clearance activities, unless related to construction (demolition and clearance as independent functions are not considered construction). Contact a GOSR CDBG-DR Labor Specialist for assistance.

3.16.19 Limited English Proficiency (LEP)

[Federal Executive Order 131661](#) and [State Executive Order #26](#) require GOSR and all satellite offices, programs, subrecipients, contractors, subcontractors, and/or developers funded whole or in part with CDBG-DR financial assistance to ensure fair and meaningful access to programs and services for families and individuals with LEP and/or Deaf/Hard of Hearing. GOSR ensures fair access through the implementation of a Language Assistance Plan (LAP) which includes non-English based outreach, translation services of vital documents, free language assistance services, and staff training. GOSR's LEP Coordinator is responsible for coordinating all activities associated with the LAP, and MCD monitors its implementation. Refer to the "Language Assistance Plan" Provision of Language Assistance Services for additional guidance and protocols. **Refer to the**

⁵ 29 U.S.C. 201.

⁶ *Id.*

“Language Assistance Plan” Provision of Language Assistance Services for additional guidance and protocols.

3.16.20 Office of Diversity and Civil Rights

The Office of Diversity and Civil Rights (DCR) was launched to advance the mission of the GOSR, while providing opportunities, access, advocacy and inclusion through compliance with applicable diversity and civil rights programs. DCR’s major programs include M/WBE, Fair Housing & Equal Opportunity (FHEO) and HUD Section 3. The office also covers important accessibility issue areas, including: LEP, ADA, and 504. Its key pillars are policy; education and awareness; analytics and reporting; and implementation.

The DCR team’s mission is to be a resource for GOSR programs, subrecipients, and vendors to enable them to achieve compliance with statutory requirements and diversity and inclusion goals and objectives. To this end, DCR offers programmatic services including working with the NYRCR Program to ensure that projects are aligned with diversity and civil rights requirements, reviewing Section 3 and M/WBE utilization plans, conducting technical assistance and trainings with subrecipients, participating in project pre-bid, pre-construction and project meetings, providing policy guidance related to M/WBE and Section 3 goals, providing targeted lists of M/WBE and Section 3 firms, working with subrecipients to utilize the Section 3 Opportunities Portal to post jobs and to recruit and source Section 3 residents and businesses, track utilization, and assist subrecipients with reporting submissions in Elation Systems.

3.16.21 Record Keeping

GOSR established record keeping and retention requirements in its subrecipient and contractor agreements in accordance with the guidelines established in 24 CFR 570.503(b)(2). Subrecipients’ retention of records shall be kept in accordance with 24 CFR 85.42, as modified by 24 CFR 570.502(a)(16), which requires for records to be maintained at least for a period of five years following the close out of all activities associated with each particular program. Every subrecipient and contractor is required to establish and maintain at least three major categories of records: Administrative, Financial, and Project Case files.

- **Administrative records:** These are files and records that apply to the overall administration of the subrecipient’s CDBG-DR activities. They include the following:
 - a. Personnel files;
 - b. Property management files;
 - c. General program files: Files relating to the subgrantee, subrecipient’s, or contractor’s application to the grantee, the subrecipient Agreement, program policies and guidelines, correspondence with grantee and reports, etc.; and,
 - d. Legal files: Articles of incorporation, bylaws of the organization, tax status, board minutes, contracts and other agreements.

- **Financial records:** These include the chart of accounts, a manual on accounting procedures, accounting journals and ledgers, source documentation (purchase orders, invoices, canceled checks, etc.), procurement files, bank account records, financial reports, audit files, etc.
- **Project/case files:** These files document the activities undertaken with respect to specific individual beneficiaries, property owners, and/or properties.

The Program’s GOSR Subrecipient Portal (GSP) is an internal workspace for the Program. The GSP is Program’s file system and contains all Program documents. For additional information on the GSP, see Exhibit 1 – Administrative Program Policies Relating to the NYRCR Program.

3.16.22 Reporting

As a recipient of CDBG-DR funds, GOSR established reporting requirements for all subrecipients and contractors in their respective subrecipient and contractor agreements and contracts in accordance with 24 CFR 570.503(b)(2). GOSR established its own reporting requirements in accordance with the provisions as found in 24 CFR 85.40(a) and (e) and 85.41(c) and (d) for Units of General Local Government (UGLGs) or 24 CFR 84.51(a) for non-profit subrecipients reporting requirements.

Generally speaking, GOSR monitors reporting requirements at five different program intervals:

1. At execution of agreements,
2. Monthly,
3. Quarterly,
4. Annually, and
5. As required.

Subrecipients and contractors submit the documents and reports to the State at the times indicated in the subrecipient, grant and/or contract agreement, and in the format prescribed by GOSR staff. Deviations from this requirement must be approved by GOSR staff. Subrecipients use Elation Systems, an online software platform, to complete all HUD CDBG-DR and GOSR required compliance reports, as well as to process invoices. Subrecipients are also required to submit Quarterly Progress Reports to the Program. GOSR may hold reimbursement to subrecipients if reporting is not completed in a timely manner.

3.16.23 Technical Assistance to Subrecipients

To assist subrecipients in complying with all CDBG-DR regulations and any GOSR policies, as well as to build the subrecipient’s capacity, GOSR staff and Project Coordinators provide subrecipients with necessary technical assistance (TA).

GOSR’s TA is comprised of formal trainings (prepared materials, in-person presentations and webinars) and informal trainings (verbal or written advice, provided as needed, through

in-person meetings, emails or telephone calls). TA occurs at every step of the implementation process, from the initial assessment period through project closeout. TA is also provided to assist subrecipients in getting ready for GOSR's monitoring. The nature and rigor of TA is continuously tailored to meet the subrecipient's unique needs.

3.16.24 Project Delivery and Project Administration Costs

In general, only subrecipient administrative and project delivery costs incurred after the acceptance of a project application by GOSR and execution of an amendment to the subrecipient agreement are eligible for reimbursement. While GOSR may provide subrecipients with up to 10 percent of the cost of a project for subrecipient project delivery costs and up to 0.5 percent of the cost of a project for subrecipient administrative costs, depending on the type of project, a subrecipient must submit a detailed justification and budget for all requested administrative and project delivery services as part of the project application, and GOSR must approve these costs. Costs must not be duplicative of services provided by GOSR through its staff or consultants. All proposed subrecipient administrative and project delivery costs must be determined to be allowable, allocable, and reasonable during the project application review process. For subrecipients providing public services, project delivery costs are not distinguished from project cost.

Examples of project delivery costs include costs directly associated with the delivery of a project, such as staff or third party compensation for time devoted to implementation of a specific project, public notices and advertisements directly related to a specific project, and legal expenses directly related to a specific project. Examples of project administration costs include costs not directly associated with the cost of a project, such as the costs associated with a subrecipient's completion of an A-133 audit.

3.16.25 Procurement

Subrecipients must follow federal, State and local procurement rules when purchasing services, supplies, materials or equipment. The procurement requirements found at 2 CFR200.317-326 establish CDBG-DR standards and guidelines for the procurement of supplies, equipment, construction, engineering, architectural, consulting, and other professional services. Subrecipients must also follow applicable conflict of interest provisions in federal, State, and local regulations. If a real or perceived potential conflict of interest is identified, subrecipients must contact GOSR for further guidance.

To help assure that subrecipients' procurement will be in compliance with regulations, GOSR provides subrecipients with RFP/Q procurement templates GOSR will also provide procurement TA consisting of:

- Review of 2CFR200.320 procurement requirements related to competitive proposals and small purchases;
- Review of existing subrecipient procurement policies and procedures for compliance with 2CFR200.320. To the extent policies are out of compliance with those regulations, technical assistance on coming into compliance will be provided; and

- Review of subrecipient procurement documents, with TA as necessary.

GOSR will also review draft procurement documents and a procurement record before consenting to the subrecipient entering into a contract with a selected consultant or contractor. GOSR will not review any documents in advance of a micro-purchase. However, subrecipients must demonstrate cost reasonableness when they seek reimbursement from GOSR.

Professional Services

In order to develop a detailed project description and a conceptual cost estimate for a project application, GOSR or the subrecipient may engage the services of professional architects or engineers. If the subrecipient engages the architect or engineer directly, the subrecipient must comply with CDBG-DR procurement guidelines. The scope of the procurement may also include future services for design, surveying, and construction inspection/representation services. However, the subrecipient may not authorize the design professional to proceed with any services other than those necessary for the preparation of the application until GOSR's formal acceptance of the application.

As noted above, GOSR provides subrecipients with RFP/Q procurement templates, reviews the procurement record (including executing a contract consent checklist), provides consent for the subrecipient to enter into the contract, provides guidance on the contract scope, and reviews the subrecipient's A/E contract for HUD compliance prior to the subrecipient entering into the contract.

Construction Services

GOSR issues a notice authorizing the subrecipient to advertise for bids following the completion of:

- A review of plans and specifications and completion of a bid checklist by GOSR;
- As appropriate, a review of plans and specifications for code compliance by DASNY. DASNY will perform this review as a matter of course when the project is being implemented by DASNY. When another state agency performs an engineering review of a project, GOSR will not ask DASNY to conduct a review. In some cases, because of project type or other considerations, neither DASNY nor any other state agency will review a project, in which case the subrecipient's review of the project and the approval of their designer will be sufficient.
- Environmental clearance of proposed construction activities;
- Verification that all lands, rights-of-way and easements have been acquired; and
- Verification that all other program requirements have been met.

After authorization to advertise for bids has been issued, the subrecipient may proceed with public advertising for bids in accordance with federal, State, and local procurement standards. Generally, under New York law, local governments are required to advertise for competitive bids for contracts for public work in excess of \$35,000. The contract should be awarded to the lowest priced responsible bidder that has complied with the

specifications. In some cases, the lowest bid received will exceed the amount of funds allocated for the project. When this happens, the subrecipient must contact GOSR to determine the best option to proceed.

Please refer to Section 3.12 for Closeout Policy.

4.0 Acronyms and Definitions

4.1 Acronyms

Acronym	Name
AUGF	Authority to Use Grant Funds
CBA	Cost Benefit Analysis
CDBG-DR	Community Development Block Grant - Disaster Recovery
CBDO	Community Based Development Organization
CEQR	City Environmental Quality Review
CPP	Citizen Participation Plan
DHAP	Disaster Housing Assistance Program
DOB	Duplication of Benefits
DOS	Department of State
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESD	Empire State Development Corporation
FEMA	Federal Emergency Management Agency
FOIL	Freedom of Information Law
FVL	Full Verified Loss
GOSR	Governor's Office of Storm Recovery
GSP	GOSR Subrecipient Portal
HCR	New York State Homes and Community Renewal
HTFC	New York State Housing Trust Fund Corporation
HUD	U.S. Department of Housing and Urban Development
IA	Individual Assistance
LMI	Low- and Moderate- Income
LTRG	Long Term Recovery Group
MBE	Minority-Owned Business Enterprise
MCD	Monitoring and Compliance Department
M/WBE	Minority/Women-Owned Business Enterprise
NEPA	National Environmental Policy Act
NOFA	Notice of Funding Availability
NYRCR	NY Rising Community Reconstruction Program
NYRTTT	NY Rising to the Top
QPR	Quarterly Performance Report
RFP	Request for Proposals
RFQ/P	Request for Qualifications or Proposals
RROF	Request for Release of Funds
SBDC	Small Business Development Center
SEQRA	State Environmental Quality Review Act
TA	Technical Assistance
UGLG	Units of General Local Government
WBE	Women-Owned Business Enterprise

4.2 Definitions

100-Year Floodplain (also referred to as "Base Flood"): This term, adopted by the NFIP as the basis for mapping, insurance rating, and regulating new construction, is the flood plain 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.

Action Plan: The public document required by the U.S. Department of Housing and Urban Development (HUD) that details the NY Rising Recovery Programs and how the grantee plans to allocate Community Development Block Grant-Disaster Recovery (CDBG-DR) funds.

Additional resiliency recommendation: Additional Resiliency Recommendations are projects and actions that the Planning Committee wanted to highlight but were not categorized as proposed or featured projects. It was not anticipated that CDBG-DR funds would be used to implement the recommendations in this category.

Citizen Participation Plan (CPP): The New York State Citizen Participation Plan provides New York citizens an opportunity to participate in the planning, implementation, and assessment of the State's Community Development Block Grant-Disaster Recovery (CDBG-DR) program. The Plan sets forth policies and procedures for citizen participation, in accordance with federal regulations, which are designed to maximize the opportunity for citizen involvement in the community development process. For more information, see the Introduction and/or Exhibit 2 of this manual.

City Environmental Quality Review (CEQR): As mandated by the State Environmental Quality Review Act (SEQRA), CEQR is the process by which New York City agencies determine what effect, if any, a discretionary action they approve may have upon the environment.

Community Development Block Grant-Disaster Recovery (CDBG-DR): Flexible grants provided by the U.S. Department of Housing and Urban Development (HUD) to help cities, counties, and States recover from Presidentially declared disasters, especially in low-income areas, subject to availability of supplemental appropriations. In response to Presidentially declared disasters, Congress may appropriate additional funding for the Community Development Block Grant (CDBG) program as Disaster Recovery grants to rebuild the affected areas and provide crucial seed money to start the recovery process. Since CDBG Disaster Recovery (CDBG-DR) assistance may fund a broad range of recovery activities, HUD can help communities and neighborhoods that otherwise might not recover due to limited resources.

Competitive selection: Under the competitive selection method, NYRCR Program Staff issue a notice of funding availability (NOFA) or a request for qualifications or proposals (RFQ/P) to solicit proposals from eligible non-profit or public organizations to implement

the projects or programs in certain communities. The NOFA/RFQ/P includes the scoring criteria and the selection methodology used to select eligible subrecipients.

Contractor: A governmental agency, private non-profit, private for-profit, or Community Based Development Organization (CDBO) that must be selected through a competitive procurement process. The main difference between a subrecipient and a contractor is that a subrecipient can be non-competitive and designated by the grantee. (See definitions of subrecipient and procurement below.)

Cost Benefit Analysis (CBA): Cost Benefit Analysis is the process of developing a cost estimate for the project while also writing a qualitative analysis profiling potential benefits and costs of the project. In instances that a benefit associated with a project was quantifiable, and the degree of the benefit could be determined with reasonable effort, the quantity of the benefit was included in the discussion. To read more, see Section 2.5.6.

Davis Bacon Wage Requirements: The Davis Bacon and Related Acts (DBRA) requires all contractors and subcontractors performing work on federal or District of Columbia construction contracts or federally assisted contracts in excess of \$2,000 to pay their laborers and mechanics not less than the prevailing wage rates and fringe benefits for corresponding classes of laborers and mechanics employed on similar projects in the area. The prevailing wage rates and fringe benefits are determined by the Secretary of Labor for inclusion in covered contracts.

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

Direct Selection: Under the direct selection method, NYRCR Program Staff identify an appropriate subrecipient by considering opportunities to build capacity at the most local levels of government, jurisdiction over any assets that are essential to the project, existing project and financial management capacity, and any other considerations specific to the project being implemented. GOSR's ability to directly select a qualified subrecipient is allowed under HUD Section 24 CFR 570.500(c).

Duplication of Benefit (DOB): Duplication of Benefits (DOB) occurs when financial assistance received from one source is provided for the same purpose as CDBG-DR funds provided, in accordance with HUD DOB guidance, found at 76 FR 71060, November 16, 2011.

Ecosystem Restoration: Ecological restoration is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed.

Environmental Assessment (EA): A concise public document that a Federal agency prepares under the National Environmental Policy Act (NEPA) to provide sufficient evidence and analysis to determine whether a proposed agency action would require preparation of an environmental impact statement (EIS) or a finding of no significant impact. A Federal agency may also prepare an EA to aid its compliance with NEPA when

no EIS is necessary or to facilitate preparation of an EIS when one is necessary. An EA must include brief discussions of the need for the proposal, alternatives, environmental impacts of the proposed action and alternatives, and a list of agencies and persons consulted. (See environmental impact statement and National Environmental Policy Act.)

Environmental Impact Statement (EIS): The detailed written statement that is required by Section 102(2)(C) of the National Environmental Policy Act (NEPA) for a proposed major Federal action significantly affecting the quality of the human environment. The statement includes, among other information, discussions of the environmental impacts of the proposed action and all reasonable alternatives, adverse environmental effects that cannot be avoided should the proposal be implemented, the relationship between short-term uses of the human environment and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources.

Exposure: Exposure refers to the local landscape characteristics that tend to increase or decrease storm effects. It is one of the three factors identified in the risk assessment tool developed by the New York State Department of State for the NYRCR Program.

Fair Housing Act: Title VIII of the Civil Rights Act, 42 U.S.C. 3601. The Fair Housing Act is a broad statute that prohibits discrimination based upon race, color, religion, sex, national origin, disability, or familial status in most housing and housing-related transactions.

Featured project: Featured Projects are projects and actions that the Planning Committee identified as important resiliency recommendations and analyzed in-depth, but did not propose for funding through the NYRCR Program with CDBG-DR funding.

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.

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 1percent 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.

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.

Force account labor: Force account labor occurs when subrecipients use their own workforce to complete construction of a NYRCR Program project. Force account labor requires advance review and approval by GOSR and subrecipients who proceed without prior approval risk disallowance of all incurred costs. Subrecipients must justify the use of force account labor by demonstrating that this labor is cost effective and that qualified personnel are available to accomplish the work.

Full Verified Loss (FVL): The amount of loss (in dollars) after a FEMA inspector conducts a field inspection of damaged Personal Property (contents) after a household applies for Individual Assistance (IA).

Governor's Office for Storm Recovery (GOSR): The division of the Housing Trust Fund Corporation established by Governor Cuomo in June 2013 to maximize the coordination of recovery and rebuilding efforts in storm-affected municipalities throughout New York State.

Hazard: Hazard refers to the likelihood and magnitude of anticipated hazard events. It is one of the three factors identified in the risk assessment tool developed by the New York State Department of State for the NYRCR Program.

Homes and Community Renewal (HCR): New York State unified leadership platform, encompassing a variety of New York State agencies and public benefit corporations involved in the provision of housing and community renewal.

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

Individual Assistance (FEMA): The federal program and activities that help individuals and households recovery following a disaster.

Low- and Moderate- Income (LMI): Low- and moderate- income people are those who have incomes not more than the “moderate-income” level (80 percent 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.

Minority-Owned Business Enterprise (MBE): As defined by Article 15-A of the Executive Law, a minority-owned business enterprise is a business enterprise that is:

- At least 51 percent owned by one or more United States citizens or permanent resident aliens who are minority group members;
- An enterprise in which such minority ownership is real, substantial and continuing;
- An enterprise in which such minority ownership has and exercises the authority to control and operate, independently, the day-to-day business decisions of the business enterprise;
- An enterprise authorized to do business in this State and is independently owned and operated; and,

- An enterprise owned, either directly or through a holding company, by an individual or individuals, whose ownership, control and operation are relied upon for certification, with an individual personal net worth at the time of application that does not exceed three million five hundred thousand dollars, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year starting in 2011.

Minority/Women-Owned Business Enterprise (M/WBE): As defined by Article 15-A of the Executive Law, Women and Minority-Owned Business Enterprises (M/WBE) are business where at least 51 percent of the business is owned by either women or minorities. For more information see the definition of Minority-Owned Business Enterprise (MBE) and Women-Owned Business Enterprise (WBE).

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 Objective: A HUD criteria governing the eligible uses of CDBG-DR funds.

NYRCR Plan: The NYRCR Plan is a document submitted to the Governor's Office for Storm Recovery at the end of the NYRCR Planning Process. The document contains multiple projects eligible for consideration in the implementation phase of the NYRCR process. In implementation, the State chooses projects from the Planning Committee's NYRCR Plan and awards funding for the development of projects on a staggered basis.

Planning Area: An NYRCR Planning Area is a storm-impacted location where an NYRCR Planning Committee focuses its strategy for recovery. There are 61 NYRCR Planning Areas comprising 119 communities across New York State.

Planning Committee: An NYRCR Planning Committee is a group of community members—local residents, business owners, and civic leaders—who engage with their broader public to encourage participation in the recovery planning process, solicit feedback and ideas for innovative projects, and build support for implementation of NYRCR Plans.

Planning Committee Member: Individual who volunteered to serve on a Planning Committee.

Person with Disabilities: A person with disabilities for purposes of program eligibility:

- 1) Means a person who:
 - a) Has a disability, as defined in 42 U.S.C. 423;
 - i) 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

- ii) 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.
- b) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - i) Is expected to be of long-continued and indefinite duration,
 - ii) Substantially impedes his or her ability to live independently, and
 - iii) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- c) 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)).

Procurement Process: The process by which contractors are selected to work for a particular organization or agency.

Program Income: Program income is the gross income received by a state, a unit of general local government, or a subrecipient of a unit of general local government that was generated from the use of CDBG funds. The State of New York will follow the requirements of 24 CFR 570.489 in regards to Program Income.

Proposed Project: Proposed Projects are projects proposed for funding through an NYRCR Planning Committee's allotment of CDBG-DR funding. In most instances, NYRCR Planning Committees elect to include Proposed Projects that, in their aggregate estimated cost, exceed the Community's approved allotment. This allows for flexibility in the event that some Proposed Projects are ineligible because of environmental review, CDBG-DR eligibility, technical feasibility, or other factors identified upon further project review.

Public Engagement Event: Large scale event—such as an open house, workshop, or public information session—held at four key milestones in the planning process to solicit input from the general public.

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

Section 3: Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps foster local economic development, neighborhood economic improvement, and individual self-sufficiency. The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment,

and contracting opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods.

Slum and Blight: The elimination of slums and blight is a US Department of Housing and Urban Development (HUD) National Objective for the use of Disaster Recovery funds. The focus of activities under this national objective is a change in the physical environment of a deteriorating area.

State Environmental Quality Review Act (SEQRA): SEQRA establishes a process to systematically consider environmental factors early in the planning stages of actions that are directly undertaken, funded or approved by local, regional and state agencies. By incorporating environmental review early in the planning stages, projects can be modified as needed to avoid adverse impacts on the environment.

Stormwater Management: The process of controlling the runoff from precipitation that primarily flows off of impervious surfaces like parking lots, driveways, sidewalks, and roof tops. Unchecked stormwater flows from these hard surfaces to streets and gutters, which carry the untreated runoff to nearby receiving waters. Because stormwater runoff does not go to a treatment plant before discharging into the area's receiving waters, it transports pollutants that collect on the above-mentioned hard surfaces, like motor oil, litter, trash, debris, and sediment; it also picks up other materials that come from vegetated areas like lawn fertilizers, pesticides, grass clippings, and leaves; all of these items can negatively impact the water quality of the area's receiving waters.

Subrecipient: Subrecipients (sometimes referred to as “subgrantees”) are entities that are provided CDBG funds by a grantee for their use in carrying out agreed-upon, eligible activities. There are four basic kinds of subrecipients: government agencies, private non-profits, private for-profits, and Community Based Development Organizations (CBDOs).

Sub-subrecipient: An indirect subrecipient of the program that is lower tier to a subrecipient that is party to a subrecipient agreement directly with the Grantee (GOSR). The contractual relationship between subrecipient and sub-subrecipient is analogous to the contractual relationship between the Grantee (GOSR) and subrecipient. [The Sub-subrecipient agreement is, most notably, for the performance of a substantive portion of the project funded under the subrecipient agreement with Grantee.](#) All provisions in a subrecipient agreement to which a subrecipient is subject are passed down to a sub-subrecipient through a sub-subrecipient agreement.

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

Tie to the Storm: All projects implanted with HUD CDBG-DR funds must be in response to Superstorm Sandy, Hurricane Irene or Tropical Storm Lee.

Tier 1 (Target Area Assessment): Environmental assessment of a broad geographical area which is completed before the Tier 2, Site Specific Project Review.

Tier 2 (Site Specific Project Review): Environmental assessment of a specific project site. A Tier 2 must be successfully completed before funds for a specific project site may be obligated and spent.

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

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

Vulnerability: Vulnerability refers to the capacity of an asset to return to service after an event. It is one of the three factors identified in the risk assessment tool developed by the New York State Department of State for the NYRCR Program.

Women-Owned Business Enterprise (WBE): As defined by Article 15-A of the Executive Law, a women's business enterprise is business enterprise that is:

- At least 51 percent owned by one or more United States citizens or permanent resident aliens who are women;
- An enterprise in which the ownership interest of such women is real, substantial and continuing;
- An enterprise in which such women ownership has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise;
- An enterprise authorized to do business in this State and which is independently owned and operated; and,
- An enterprise owned, either directly or through a holding company, by an individual or; and individuals, whose ownership, control and operation are relied upon for certification, with an individual personal net worth at the time of application that does not exceed three million five hundred thousand dollars, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year starting in 2011.

Exhibit 1 – Administrative Program Policies Relating to the NYRCR Program

The NY Rising Community Reconstruction (NYRCR) Program Policy Manual reproduces in its body all of GOSR's Administrative Program Policies that directly relate to subrecipients of the NYRCR Program. Administrative Program Policies that relate more generally to GOSR and the NYRCR Program are discussed below.

Investigations

The Investigations Department at GOSR is responsible for the following duties: managing a fraud hotline; processing all incoming complaints relating to fraud, misconduct, and wrongdoing; reviewing and analyzing such complaints; obtaining relevant programmatic information to assess such complaints; and determining appropriate further action, including but not limited to further internal investigation, referral to the appropriate law enforcement agency, and corrective action to address any risks or deficiencies in existing programmatic policies and procedures. **Refer to the “Investigations Department Policy Manual” for additional guidance and protocols.**

Financial Management

Pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) GOSR maintains and has in place proficient financial controls. As the grantee, GOSR's Monitoring and Compliance Department (MCD) ensures that GOSR, as well as those administering CDBG-DR disaster recovery resources, continuously demonstrate conformity to financial management requirements as required by the Department at 78 FR 14329 (published March 5, 2013). These requirements include, but are not limited to, areas covering: financial management; advances; internal controls; accuracy of report information; program income; salaries and wages; indirect costs; lump sum drawdowns; and OMB Circular A-133. GOSR's financial management system will be consistent with and in compliance with 24 CFR Parts 84, 85, and 570 (as applicable), which ensures that GOSR funds are managed with high levels of accountability and transparency.

The MCD ensures that GOSR's financial management practices adhere to the following:

1. Internal controls are in place and adequate;
2. Documentation is available to support accounting record entries;
3. Financial reports and statements are complete, current and reviewed periodically; and
4. Audits are conducted in a timely manner and in accordance with applicable standards.

Procurement Policy

GOSR has established and adopted a procurement policy. With a procurement policy in place, MCD reviews the policy (as amended) to ensure it meets state and federal requirements, and ensures that GOSR adheres to its established policies.

Record Keeping, Retention and File Management

In accordance with HUD regulations, GOSR, as a grantee and recipient of CDBG-DR funds, follow the records retention as cited in 24 CFR 84.53, which includes financial records, supporting documents, statistical records and all other pertinent records are maintained for five years.

Record Retention

Record retention is a requirement of the NYRCR Program. Records are maintained to document compliance with NYRCR requirements and federal, State, and local regulations and to facilitate an audit review by HUD. Records are maintained in accordance with 24 CFR 570.3, which states they must be maintained for a period of 5 years following the closeout of the award to the State. The GOSR Records Management Program seeks to ensure that:

- GOSR complies with all requirements concerning records and records management practices under Federal and State regulations
- GOSR has the records it needs to support and enhance ongoing business and citizen service, meet accountability requirements and community expectations
- These records are managed efficiently and can be easily accessed and used for as long as they are required
- These records are stored as cost-effectively as possible and when no longer required they are disposed of in a timely and efficient manner based on HUD Handbook 2225.6, Records Disposition Schedules and HUD Handbook 2228.2.

Access to Records

24 CFR 570.49 Recordkeeping requirements state:

“(c) Access to records.

(1) Representatives of HUD, the Inspector General, and the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, or property pertaining to the administration, receipt and use of CDBG funds and necessary to facilitate such reviews and audits.

(2) The State shall provide citizens with reasonable access to records regarding the past use of CDBG funds and ensure that units of general local government provide citizens with reasonable access to records regarding the past use of CDBG funds consistent with State or local requirements concerning the privacy of personal records.”

The availability of records is subject to the exemptions to public disclosure set forth in Section 87(2) of the New York State Public Officers Law. All Freedom of Information Law (FOIL) requests under the Public Officers Law must be made in writing to the Records Access Officer and will be processed in accordance with the procedures set forth therein.

Audit Trail

All records defined by the organization as important are captured into GOSR's recordkeeping systems (e.g., SharePoint, Intelligrants, Tribuo, Elation, Imarc, GOSR Subrecipient Portal, etc.) so they can be appropriately managed.

Within the NY Rising Community Reconstruction Program, the GOSR Subrecipient Portal (GSP) serves as GOSR's management information and model file system. GSP contains both grantee and project level files, providing immediate tracking and imaging of Program documentation, including but not limited to, project selection, development and implementation activities, subrecipient agreements and other agreements, financial management and citizen participation data. Ensuring data security and oversight to creating a clear audit trail of the Programs.

All data is secured in GOSR's management information system for a specified period of time in accordance with the current Record Retention and Disposition Schedule.

Recordkeeping, including scanning, uploading to GOSR's management information system, and filing of pertinent Program documentation retention policies are to provide both a physical and an electronic record of activities so that documentation is accessible for audit purposes.

In order to protect non-public personal information, data security measures are in place. For example, GOSR requires that hard copy files containing non-public personal information are kept in locked file cabinets to ensure their physical security.

Conflicts of Interest and Confidentiality

Conflicts of interest between subrecipients, contractors, NYRCR Program staff and other parties are strictly prohibited by federal law. Generally, no person who is a covered person, and who exercises or has exercised any functions or responsibilities with respect to CDBG-DR activities and who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

A "covered person" is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or any designated public agencies, or subrecipients that are receiving CDBG-DR funds.

The conflict of interest regulations contained in the contract between the subrecipient and HTFC prohibit local elected officials, HTFC staff, subrecipient employees, and consultants who exercise functions with respect to CDBG Disaster Recovery activities or who are in a position to participate in a decision-making process or gain inside information with regard

to such activities, from receiving any benefit from the activity either for themselves or for those with who they have family or business ties, during their tenure or for one year thereafter.

Conflicts of Interest

The NYRCR Program requires all Program staff to disclose any relationship with a subrecipient or contractor. State program staff, sub-grantees, program administrators, and contractors who disclose such relationships are placed in roles where there is no opportunity for them to display favoritism or collude in order to financially or otherwise benefit themselves, the subrecipient, or the contractor. For purposes of this regulation, “family” is defined to include spouse, parents, mother-in-law, father-in-law, grandparents, siblings, brother-in-law, sister-in-law, and children of an official covered under the CDBG conflict of interest regulations at 24 CFR 570.489(h).

GOSR may consider granting an exception to the conflict of interest provisions per 24 CFR 570.489(h)(4) if GOSR has determined that the subrecipient has adequately and publicly addressed all of the concerns generated by the conflict of interest and that an exception would serve to further the purposes of Title I of the Housing and Community Development Act of 1974, as amended and the subrecipient has complied with the requirements listed in 24 CFR 570.489(h)(4)(i) and (ii). GOSR considers whether the exception has/will provide a significant cost benefit or essential degree of expertise; whether the opportunity was provided for under open competitive bidding or negotiation; whether the person affected is a LMI person, whether the affected person has withdrawn from his or her functions or responsibilities; whether the interested or benefit was present before the affected person was in a position to benefit from the conflict of interest; or whether undue hardship results from failure to grant the exception.

Confidentiality/Privacy

The NYRCR Program is committed to protecting the privacy of all of individual stakeholders, including the public and those individuals working on the Program. The purpose of this privacy policy is to establish when and under what conditions certain information relating to individuals may be disclosed.

Any personal information collected by the Program is covered by the Federal Privacy Act of 1974, the Personal Privacy Protection Act (NYS POL §95, et. seq.) and the State’s Public Housing Law (see, PHL §159), among others. These laws provide for confidentiality, and restrict the disclosure of confidential and personal information. Unauthorized disclosure of such personal information may result in personal liability with civil and criminal penalties. The information collected may only be used for limited official purposes:

1. NY CDBG-DR Grant program may use personal information throughout the award process to ensure compliance with program requirements, reduce errors and mitigate fraud and abuse.

2. Independent Auditors, when hired by the program to perform a financial or programmatic audit of the program, for use in determining program compliance with all applicable HUD and federal regulations, including the Stafford Act, CDBG-DR requirements and State and Local law.
3. NY CDBG-DR Program may disclose personal information on an Applicant to those with official Power of Attorney for the Applicant or for whom the Applicant has provided written consent to do so.
4. Organizations assisting the State in executing the CDBG-DR Program must comply with all Federal and State Law Enforcement and Auditing requests. This includes, but it not limited to, HUD, FEMA, FBI, NYS Office of the Comptroller, and the Office of the Inspector General.

Recapture Policy

The New York State Housing Trust Fund Corporation (HTFC) under the Division of Homes and Community Renewal (HCR) through GOSR is responsible for ensuring that CDBG-DR funds awarded by HUD through New York Rising comply with all federal, state and local requirements.

In order to ensure that New York State is able to fulfill its contractual obligations to HUD, and that the Applicants receiving CDBG-DR assistance are using the funds for their intended purpose, GOSR requires all Applicants and subrecipients to sign grant agreements or subrecipient agreements stipulating each party's responsibilities and the potential penalties if the Applicant or subrecipient is found not to have fulfilled their obligations. Specifically, if the funds are not used for eligible activities or are otherwise disbursed in violation of laws or regulations, the money can be recaptured.

To monitor operations and to guard against fraud or unintentional violations of program requirements, GOSR will establish quality control procedures. If a Program violation is identified, the State recaptures funds in accordance with its Recapture Procedure. GOSR understands that the Applicants and subrecipients receiving CDBG-DR assistance have suffered significant losses and the contractual responsibilities are not intended to be an imposition on them or to require difficult pre-requisites for benefits. However, because the purpose of the grant is to restore and revitalize communities affected by the storms, CDBG-DR funds must be used in accordance with HUD guidelines to help repair or replace damaged homes and businesses or reduce the risk of future damage through resilient rebuilding, elevation or other mitigation measures.

Exhibit 2 – Citizen Participation Plan

Citizen Participation Plan

Community Development Block Grant Disaster Recovery

Hurricane Irene, Tropical Storm Lee, & Superstorm Sandy

January 5, 2015

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 sub-recipients 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 240 Public Engagement Events attracted thousands of community members, who provided feedback on the NYRCR planning process and proposals and made additional suggestions. Planning Committees members were instrumental in representing communities that are traditionally underrepresented in disaster recovery, from engaging immigrant populations to working with high school students. Committee members made presentations at senior housing complexes, religious gatherings, schools, and at Chambers of Commerce.

For the Small Business program, GOSR worked in coordination with the Empire State Development Corporation (ESD) as well as its sub-recipient, the Small Business Development Center (SBDC) to create a multi-pronged approach to reach out to more than 3,000 businesses in the impacted communities has included 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 Homeowner 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 sub-recipients. Additionally, staff frequently made presentations to community groups, specifically in Long Island, to provide updated program information. A similar effort has been conducted in counties in upstate New York

to make sure that all impacted homeowners have the most up to date information about the program. In addition, frequent technical assistance meetings were held with applicants to assist homeowners in better understanding the program and completing the rebuilding process successfully.

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

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

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

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 the recovery programs. As programs adjust and move into new phases, the State will continue to adjust their public outreach to ensure comprehensive outreach to all populations.

Public Notices, Public Hearings, and Comment Period

The State Citizen Participation Plan 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 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 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 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. 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. Non-substantial Amendments to the Action Plan will be posted on GOSR's 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 Sub-recipients and Local Governments Participating in CDBG-DR Programs

To ensure applicant compliance with Section 508 of the Housing and Community Development Act of 1974, as amended, the citizen participation requirements for Units of

General Local Government (UGLG) applying for or receiving 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 close out of the disaster recovery program, the Program, the UGLG and State sub-recipients may be required to hold a public hearing to obtain citizen views and to respond to questions relative to the performance of the program. This hearing 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 Sub-recipient 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, Sub-recipient'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. A copy of the complaint and determination must be sent to GOSR's head of Monitoring and Compliance.

Exhibit 3 – Community Reconstruction Program’s Code of Conduct

Section 1. Definitions

(a) Definitions. For the purpose of this Code of Conduct, the following terms shall be defined as follows:

(i) “controlling person” means any person who by reason of a direct or indirect ownership interest (whether of record or beneficial) has the ability, acting either alone or in concert with others with ownership or membership interests, to direct or cause the direction of the management or policies of a corporation, partnership, limited liability company or other entity.

- (ii) “covered person” means a voting member of the committee who is also:
- (1) an employee, agent, consultant, or officer of unit of state or local government that is currently receiving Community Development Block Grant (CDBG) funds² (other than those funds Communities stand to receive through the NY Rising Community Reconstruction Program);
 - (2) an employee agent, consultant, or officer of a public agency currently receiving CDBG funds (other than those funds Communities stand to receive through the NY Rising Community Reconstruction Program); or
 - (3) an employee, agent, consultant, or officer of a subrecipient currently receiving CDBG funds (other than those funds Communities stand to receive through the NY Rising Community Reconstruction Program).

(iii) “family member” means (whether by blood, marriage or adoption) a member’s spouse, domestic partner, parent (including stepparent), child (including stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, or in-laws. The term “family member” shall also mean any relative of the member living in the member’s household.

(iv) “member” means a member, whether voting or non-voting, Co-Chair or not, of a NY Rising Community Reconstruction Program Planning Committee. Individuals holding or campaigning for elected public office are ineligible to be voting committee members; however, these individuals may participate in the committee process as non-voting committee members. Anyone actively campaigning for his or her self, whether officially registered as a candidate or not, shall be considered a candidate for office, at the discretion of the NYRCR Director, Regional Lead, and Ethics Officer.

Section 2. Code of Ethics

(a) Members of each NY Rising Community Reconstruction Program Planning Committee (“Committee”) should exercise their duties and responsibilities as members in the public interest of the inhabitants of the State, regardless of their affiliation with, or relationship to, any business, municipality, non-profit, agency, program, or interest group. The principles that should guide the conduct of members include, but are not limited to the following:

(i) A member should endeavor to pursue a course of conduct that will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust as a member.

(ii) No member should permit his or her employment or relationship with any entity that might benefit from the decisions made by the Committee to impair his or her independence of judgment in the exercise of his or her duties as a member.

(iii) No member should disclose confidential information acquired by him or her in the course of his or her duties as a member or by reason of his or her position as a member or use such information to further his or her personal interests.

(iv) No member should use or attempt to use his or her position as a member to secure unwarranted privileges or exemptions for him or herself or others.

(v) No member should engage in any transaction with any business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his or her duties as a member.

(vi) A member should refrain from making personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made by him or her as a Committee member or which will otherwise create substantial conflict between his or her duty as a Committee member to act in the public interest and his or her private interest.

Section 3. Potential Conflicts of Interest and Possible Disqualification

(a) Overview. When voting members are faced with a potential conflict of interest as described in subsection (b) of this section below, they must disclose the potential conflict of interest to the NYRCR Program Ethics Officer as provided for under subsection (c) of this section, also found below. In the event a member does not voluntarily disqualify themselves from voting on a particular Proposed Project or Featured Project that poses a potential conflict of interest, they must seek an opinion from the NYRCR Program Ethics Officer. Only with the prior written approval of NYRCR Program Ethics Officer may a member vote on a Proposed Project or Featured Project that poses a potential conflict of interest.

(b) Potential Conflicts of Interest. Voting members must disclose any potential conflicts of interest that exist between themselves and their voting on a Proposed Project or Featured Project for inclusion in the NYRCR Plan. A potential conflict of interest exists when due to the nature of a Proposed Project or Featured Project:

(i) a member, a member's family member, or a member's business associate stands to receive a benefit, either directly or indirectly;

(ii) a business entity, non-profit organization, or enterprise in which a member, a member's family member, or a member's business associate is an owner, officer, director, controlling person, fiduciary, employee, or consultant stands to receive a benefit, either directly or indirectly;

(iii) the member, a member's family member, or a member's business associate has an interest or association which might reasonably be construed by the public as a conflict of interest given the member's position on the Planning Committee; or

(iv) a unit of local government or government agency in which the member is an employee, officer, or director stands to receive a direct benefit.

(c) Procedure for Possible Disqualification. All voting members must submit a completed Acknowledgement of Receipt and Review form (attached below) to the NYRCR Program Ethics Officer via email (Ethics@stormrecovery.ny.gov) prior to voting on Proposed Projects or Featured Projects to be contained in the NYRCR Plan. Voting members must attach (either by attachment or email text) descriptions of all potential conflicts of interest, as described in subsection (b) of this section, posed by any Proposed Project or Featured Project to the Acknowledgement of Receipt and Review form. For each Proposed Project or Featured Project that poses a potential conflict of interest, the potentially conflicted member must indicate on the form attachment that they either (1) voluntarily disqualify his or her self from voting on that particular matter, or (2) request an opinion from the NYRCR Program Ethics Officer as to whether disqualification is necessary in accordance with subsection (d) of this section found below.

(d) Ethics Opinion. If a member chooses to request an opinion from the NYRCR Program Ethics Officer authorizing them to vote on a particular Proposed Project or Featured Project, the request must include a detailed description of the potential conflict, including relevant information, as appropriate, such as:

(i) the nature of the benefit giving rise to the conflict;

(ii) the nature of the relationship between the member and the individual or entity that stands to receive a direct or indirect benefit;

(iii) whether other similarly situated individuals or entities stand to receive a similar benefit; and

(iv) any other relevant considerations.

The NYRCR Program Ethics Officer will determine whether a member must disqualify his or her self from voting on a Proposed Project or Featured Project on a case-by-case basis. If necessary, the NYRCR Program Ethics Officer may request additional information from a member. The NYRCR Program Ethics Officer shall disqualify a

member from voting on a Proposed Project or Featured Project if, in the discretion of the NYRCR Program Ethics Officer, such member's participation would likely undermine the credibility of the Committee or would create the public perception of impropriety. Determinations by the NYRCR Program Ethics Officer are final.

(e) All disclosures made by a member pursuant to this Code of Conduct shall be kept confidential; however, the NYRCR Program Ethics Officer may disclose the fact that disqualification is necessary with regard to individual Proposed Projects or Featured Projects to the NYRCR Regional Leads. In turn, NYRCR Regional Leads may communicate that disqualification is necessary to the NYRCR Planning Committee members or Co-Chairs.

In no circumstance will the facts supporting such a determination be communicated without the express permission of the member.

Section 4. Impermissible Conflicts Prohibited for Covered Persons and Absolute Disqualification

(a) Impermissible Conflicts Prohibited and Absolute Disqualification Required. No member who is a "covered person" may vote on a Proposed Project or Featured Project in which they stand to obtain or receive a financial interest or benefit from a proposed activity, or have a financial interest in any contract, subcontract, or agreement with respect to a proposed activity, or with respect to the proceeds of the proposed activity, either for themselves, a family member or those with whom they have business ties, during their tenure or for one year thereafter. Such a conflict shall be considered an impermissible conflict and subject any conflicted member to absolute disqualification from voting on that particular Priority or Featured project. When faced with an impermissible conflict subject to absolute disqualification, a member must disclose the conflict to the NYRCR Program Ethics Officer via email (Ethics@stormrecovery.ny.gov), and shall refrain from voting on the NYRCR Plan with respect to the project or action giving rise to such a conflict.

(b) A member who is a covered person subject to absolute disqualification under subsection (a) of this section may submit a written request for an exception (waiver) to the prohibition and requirements of subsection (a) of this section to the NY Rising Community Reconstruction Program Ethics Officer, disclosing the nature of the conflict. Waivers will not be granted retroactively. In considering whether an exception will be granted, the following factors will be considered:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(ii) Whether an opportunity was provided for open competitive bidding or negotiation;

(iii) Whether the member is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class; (iv) Whether the member has withdrawn from his or her functions or responsibilities or the decision-making process with respect to the specific assisted activity in question;

(v) Whether the interest or benefit was present before the member was conflicted;

(vi) Whether undue hardship will result either to the recipient or member when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

Section 5. Miscellaneous

(a) Ethics Officer. Questions concerning this Code of Conduct can be sent to the NYRCR Program Ethics Officer at Ethics@stormrecovery.ny.gov.

(b) Breach. A Committee Member found to be in breach of the provisions of this Code of Conduct may be removed from the Committee by the Director of NY Rising Community Reconstruction Program.

(c) The Director of the NYRCR Program may disqualify any member from voting on any matter for any reason, in his or her sole discretion.

(d) Attendance. Committee Members are expected to attend Committee Meetings and Public Engagement Meetings. Each Committee will decide the appropriate number of excused absences for Committee Members. Committee Members absent for more than the agreed upon excused absences may be removed from the Committee.

(e) Acknowledgement. All Committee Members must execute an Acknowledgement of Receipt and Review, in the form provided by the NY Rising Community Reconstruction Program. The Acknowledgement of Receipt and Review form is located at the end of this Code of Conduct.

Exhibit 4 – Sample Initial Assessment



INITIAL ASSESSMENT REPORT

DATE:

REGION:

COUNTY:

SUBRECIPIENT:

CDBG-DR FUNDING ALLOCATION:

SUBRECIPIENT CAPACITY ANALYSIS CONDUCTED ON:

INITIAL MEETING CONDUCTED ON:

ATTENDEES:

DOCUMENTS DELIVERED:

FOLLOW-UP MEETING(S) CONDUCTED ON:

ATTENDEES:

PRIMARY POINT OF CONTACT & CONTACT INFORMATION:

PRIOR CDBG ACTIVITY/EXPERIENCE:

SUBRECIPIENT AGREEMENT STATUS:

POTENTIAL NUMBER OF PROJECTS:

POTENTIAL PROJECTS: (COMPLETE THE FOLLOWING INFORMATION FOR EACH POTENTIAL PROJECT)

1. NAME OF PROJECT

- 1. PRIORITY STATUS**
- 2. PROJECT DESCRIPTION**
- 3. ESTIMATED PROJECT COST**

ACTION ITEMS:

SUBMITTED BY:

INSERT TYPED NAME HERE

DATE

HGA

Exhibit 5 – Sample Risk Assessment



INSERT NAME OF PROJECT Risk Assessment

RATING	Low	Moderate	High	RATING	WEIGHT	SCORE
	1	2	3			
Sponsoring Entity	- Unit of Local Government - Cities - Municipalities	- Non-Profits - State Agencies	- Public Authorities - Public-Private Partnerships	0	5%	0%
Complexity of Project	- Single entity - Single phase typical project	- Multiple phase / Single entity - Single phase / Multiple entity - Non-typical project	- Multiple phase / Multiple entity - Economic Development or Housing Project	0	10%	0%
Entity's Experience	- Prior positive experience with CDBG or other Federal programs (i.e. no significant problems)	- Well established, but little prior CDBG or Federal experience - Or, experience but prior problems	- Newly created entity with no prior CDBG or Federal experience - Or, some experience but major problems	0	20%	0%
Funding	- CDBG funds only	- Other funds committed	- Other sources of funds indicated, but not committed - Additional funds committed, multiple sources	0	15%	0%
Environmental Factors	- Exempt or Categorically Excluded, Not Subject to 58.5	- Requires an Environmental Assessment (EA) or Categorically Excluded, Subject to 58.35(a)	- Requires an Environmental Impact Statement (EIS)	0	20%	0%
Land Acquisition/Relocation Factors	- No land acquisition required	- A moderate amount of land acquisition required	- Extensive land acquisition and or relocation activities required	0	15%	0%
Involvement by Additional Entities	- No other entities involved	- One additional entity involved	- Developer or more than one additional entity involved	0	15%	0%

Risk Score (Scale):	
■	0% - 40% = LOW
■	41% - 70% = MODERATE
■	71% - 100% = HIGH

Risk Score **0%**

APPLICATION RISK LEVEL **LOW**

"Risk Score" is an estimate of the probability that a project will not succeed. Success is defined as completing a project in a CDBG compliant and timely manner. It is calculated by taking either 1/3 (low), 2/3 (Moderate), or 3/3 (high) of the "weight" in percentage and then summing to produce a "risk score."

Exhibit 6 – Sample Pre-Application

PRE-APPLICATION REPORT



PRE-APPLICATION REPORT
SUBMITTED BY:
PRINTED NAME:
TITLE:
DATE:

PROJECT DESCRIPTION

1. PROJECT NAME AND ADDRESS:

Insert the physical address of the proposed project, or of the entity if the project is a program/planning activity. If a project does not have a physical address, then provide latitude/longitude of the project site.

TARGET AREA: State the geographical area or limited clientele to benefit from the project.

LATITUDE/LONGITUDE OF PROJECT SITE:

2. SUBRECIPIENT/APPLICANT NAME AND CONTACT PERSON:

Insert all contact information for both the subrecipient/applicant and the contact person. At a minimum, include the name, mailing and physical addresses, Federal ID Number, DUNS Number, and SAMS CAGE Code of the subrecipient and the name, telephone number, and email address of the contact person.

3. CDBG-DR ELIGIBILITY:

State the eligible activity(ies), including the regulatory/statutory citations(s), and how this project fits that/those eligible activity(ies).

HUD MATRIX CODE: Please provide the HUD Matrix Code.

4. NATIONAL OBJECTIVE:

State the National Objective and how the project meets that National Objective.

5. TOTAL PROJECT COSTS, SOURCE, STATUS, AND USE OF FUNDS:

PROJECT FUNDS	AMOUNT	SOURCE AND STATUS	USE
CDBG-DR	\$0.00		
LOCAL FUNDS	\$0.00		
PRIVATE FUNDS	\$0.00		
OTHER STATE FUNDS	\$0.00		
FEDERAL FUNDS	\$0.00		
OTHER FUNDS	\$0.00		
TOTAL	\$0.00		

6. PROJECT DESCRIPTION:

Insert concise description here. What is the project? What is being torn down, built, provided, etc.? What are the objectives of the project? What are the expected results? Does the project involve the construction of a new facility or modifications or repairs to an existing facility? Are any historic or landmarked properties impacted? Will the project break ground? Is land acquisition involved? What are the previous and proposed uses of the impacted property or site?

PROJECT STATUS:

Has any component (i.e., procurement of A/E, construction, etc.) of the project begun:

No Yes

If yes, please provide a description as to which project activities (1) have been completed; (2) are currently underway and the percent complete; and, (3) if the intent is to use CDBG-DR funds to pay for activities either completed or currently underway.

PROJECT CONTEXT:

Narrative should provide answers to questions such as: Is this part of a larger plan/project? If so, is it sufficiently separate from that plan or project, in the sense that it does not rely on it and does not trigger CDBG-DR requirements on other parts of the plan/project?

BENEFICIARIES/PUBLIC BENEFIT/TARGET AREA:

Provide a narrative answering questions such as: Who are the beneficiaries? What are the benefits to these beneficiaries, and where do they live?

RECOVERY RATIONALE:

Provide a narrative answering questions such as: How does this project address the impacts of Superstorm Sandy, Hurricane Irene, or Tropical Storm Lee? How does it foster the recovery of the community from these disasters?

DESCRIPTION OF CONSTRUCTION INVOLVED:

Provide a narrative answering questions such as: How extensive is the proposed construction? Is there digging/earthwork, etc.? The purpose of this subsection is to assist in determining the level of environmental review required.

DESCRIPTION OF ACQUISITION INVOLVED:

Describe the nature of any necessary land or property acquisition.

MITIGATION/RESILIENCY PLAN:

Provide a description as to how the design of the project considers and/or proposes a mitigation/resiliency plan to minimize damage in the event of future flooding or extreme weather.

7. PROJECT FEASIBILITY:

Provide a narrative as to the likelihood of the project being implemented. Is it contained in a NY Rising Community Reconstruction Plan? Does it have any necessary stakeholder support? Are there any significant regulatory hurdles to overcome, and are any problems or issues with entitlement anticipated? If the project requires additional financial support beyond the NY Rising Community Reconstruction Program funding, are those funds committed?

8. CONCEPTUAL SITE PLAN:

Provide a conceptual site plan depicting location of the project.

Exhibit 7 – Sample Application

STATE OF NEW YORK
INSERT NAME OF SUBRECIPIENT

NY STATE
CDBG-DISASTER RECOVERY PROGRAM



APPLICATION FOR FUNDING
INSERT NAME OF PROJECT

INSERT MONTH, YEAR

PREPARED BY

HUNT, GUILLOT, & ASSOCIATES, LLC
25 BEAVER STREET
2ND FLOOR
NEW YORK, NEW YORK 10004
(646) 797-4993

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General Description Form

Place a check mark in the appropriate box: Original Application Amended Application

Applicant Name, Address, Phone and Fax Nos.:		Project Name:
		Project Address:
Applicant's Contact Person Name, Address, Phone Number, Email Address, DUNS Number, and SAM CAGE Code Number.		Name, Address, Phone Number and Email Address of HGA Administrative Consultant: <i>(if applicable)</i>
		Name, Address, Phone Number and Email Address of GOSR Project Manager:
Name, Address, Phone Number and Email Address of Architectural/Engineering Firm:		National Objective to be Addressed (check one). <input type="checkbox"/> Activities Benefiting Low/Moderate Income Persons <input type="checkbox"/> Prevention/Elimination of Slums or Blight <input type="checkbox"/> Urgent Need <input type="checkbox"/> Not Applicable—Planning
Project Funds	Amount	Source and Status of Funds
CDBG-DR	\$0.00	
Local Funds	\$0.00	
Private Funds	\$0.00	
Other State Funds	\$0.00	
Federal Funds (non-CDBG-DR)	\$0.00	
Other Funds	\$0.00	
TOTAL FUNDS	\$0.00	
Signature (Authorizing Official) and Date Signed		Typed Name/Title (Authorizing Official)

6. Indicate by means of an "x" as to whether the proposed project will involve a community-wide benefit or a target area(s) and enter the zip code of the project. If a target area is involved, enter the name(s) and zip code of the target area(s).

___ Community-wide (Zip Code: _____) ___ Target Area(s)

Name and Zip Code of Target Area: _____

Name and Zip Code of Target Area: _____

Name and Zip Code of Target Area: _____

Community-wide projects should use the zip code of the location of city hall. Target-area projects should use the zip code of the target area where the majority of the construction funds will be spent (for each target area). If the target area(s) does not have a name, please provide a brief geographical description of the area such as "western portion of the city."

7. Provide Lat/Long for the Project Location at or near the geographical center:
Latitude: _____ Longitude: _____
8. How many other projects funded with CDBG-DR funds relate to the project: ___
9. Does the project relate to any other project GOSR should be aware? _____
10. Does the project encompass multiple counties: ___ Yes ___ No
11. If the proposed project is a "covered project," please provide a narrative describing the "Resilience Performance Standards" to be used in the design/implementation of the project below.
12. If the proposed project is a "covered project," please provide a narrative describing the "Green Infrastructure Project Activities" to be used in the design/implementation of the project below. For the purpose of completing this section, green infrastructure is defined as the integration of natural systems and processes, or engineered systems that mimic natural systems and processes, into investments in resilient infrastructure. "Green Infrastructure" takes advantage of the services and natural defenses provided by land and water systems such as wetlands, natural areas, vegetation, sand dunes, and forests, while contributing to the health and quality of life of those in recovering communities.
13. If the proposed project is a "covered project," please provide a narrative describing the "Transparent and Inclusive Decision Processes" undertaken in selection of the proposed project. Include accessible public hearings and other processes to advance the engagement of vulnerable populations.
14. If the proposed project is a "covered project," please provide a narrative describing the "Long Term Efficacy and Fiscal Sustainability" plans to monitor and evaluate efficacy and sustainability, including how it will reflect changing environmental conditions (such as sea level rise or development patterns) with risk management tools, and/or alternate funding sources, if necessary.

15. If the proposed project is a "covered project," please provide a narrative describing how the project will align with the commitment expressed in the President's Climate Action Plan to "identify and evaluate additional approaches to improve our natural defenses against extreme weather, protect biodiversity, and conserve natural resources in the face of changing climate..."

16. Has an amendment to the Action Plan to include this project been submitted to HUD?
___ Yes; ___ No;

17. What is the status of the amendment request? Provide a narrative describing the status of the amendment request. (Include date of submission, date of approval, any requests for additional information, and current status)

18. Is this project receiving FEMA Public Assistance funding: ___ Yes ___ No

19. Is this project receiving FEMA Public Assistance 406 Hazard Mitigation Funds:
___ Yes ___ No
Please provide the FEMA Project Worksheet number(s) for this project application: _____
(The FEMA project work sheet number should include the FEMA disaster declaration number in the first four (4) digits and the project worksheet number in the last five (5) digits. A Hurricane Sandy related project with the project worksheet "567" would be entered as "4085-00567")

20. Is this project receiving FEMA Section 404 Hazard Mitigation funds:
___ Yes ___ No

21. Is this project receiving any Army Corps of Engineers funding:
___ Yes ___ No
If yes, please provide the type of funds applied for and application number: _____

22. Is this project receiving any Environmental Protection Agency funds:
___ Yes ___ No
If yes, please provide the type of funds applied for and application number: _____

23. Is this project receiving any Department of Energy funds:
___ Yes ___ No
If yes, please provide the type of funds applied for and application number: _____

24. Is this project receiving any Department of Transportation funds:
___ Yes ___ No
If yes, please provide the type of funds applied for and application number: _____

25. Is this project receiving any Department of the Interior fund:
___ Yes ___ No
If yes, please provide the type of funds applied for and application number: _____

BUDGET/COST SUMMARY FORM

PROJECT NAME:

(A) Costs by Activity	(B) CDBG-DR	(C) Other	(D) Total	(E) Source
1. Acquisition of Real Property	\$0.00	\$0.00	\$0.00	
2. Public Facilities and Improvements	\$0.00	\$0.00	\$0.00	
3. Rehabilitation Loans and Grants (Hook-ups)	\$0.00	\$0.00	\$0.00	
4. Clearance Activities	\$0.00	\$0.00	\$0.00	
5. Public Services	\$0.00	\$0.00	\$0.00	
6. Other (identify) - Planning	\$0.00	\$0.00	\$0.00	
7. Project Delivery Costs	\$0.00	\$0.00	\$0.00	
8. Administration	\$0.00	\$0.00	\$0.00	
TOTAL	\$0.00	\$0.00	\$0.00	

Architectural/Engineering (A/E) costs must be included in one of the activity costs above.

HUD Matrix Code: (Can be found at <http://www.hud.gov/offices/cpd/systems/dis/cdbg/Matrix%20Code%20Definitions.pdf>)

CDBG-DR PROGRAM TIME SCHEDULE

APPLICANT NAME:

MILESTONES	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Quarter 5	Quarter 6	Quarter 7	Quarter 8	Quarter 9	Quarter 10	Quarter 11	Quarter 12
Activity (list activity from budget/cost summary form)												
a. Study (H&H, Feasibility, etc.)												
b. Environmental Review												
c. A/E Design												
d. Construction												
e. Closeout												
Activity (list activity from budget/cost summary form)												
a. Acquisition												

Provide the following dates:
*Required

*ERR Complete Date: _____
Construction Start Date: _____
*Construction End Date: _____

Acquisition/Closing: _____
Design Complete: _____

ACTIVITY BENEFICIARY FORM						
<input type="checkbox"/> Community-Wide <input type="checkbox"/> Target Area <input type="checkbox"/> Combined				Project: Insert Name of Project Here		
<i>List name of each activity excluding Admin & Acquisition:</i>	1)		2)		3)	
	#	%	#	%	#	%
Persons (total):						
Total LMI Income:						
Low Income:						
Owner (for Rehab activity <i>only</i> , i.e. hookups):						
Renter (for Rehab activity <i>only</i> , i.e. hookups):						
Moderate Income:						
Owner (for Rehab activity <i>only</i> , i.e. hookups):						
Renter (for Rehab activity <i>only</i> , i.e. hookups):						
Medium Income:						
Owner (for Rehab activity <i>only</i> , i.e. hookups):						
Renter (for Rehab activity <i>only</i> , i.e. hookups):						
Race and Ethnicity	Percent (%)	Percent (%)	Percent (%)			
White:						
Black or African American:						
American Indian or Alaskan Native:						
Asian:						
Native Hawaiian or Other Pacific Islander:						
Other:						
Hispanic or Latino						
<p>Data Sources: Low and moderate income persons for area benefit activities were determined using the 2006-2010 American Community Survey.</p> <p>Percentages for race and ethnicity for area benefit activities were determined using the Census 2010 SF-1 100% data, Tables P3-Race, and P4-Hispanic or Latino Origin.</p>						
Page 7						

TARGET AREA MAP

Page 9

PROJECT SITE MAP

Page 10

PROJECT NAME:	Insert Name of Project Here
PROJECT DESCRIPTION:	Page ? of ?

PROJECT DESCRIPTION.
Insert Project Description Here

ARCHITECT/ENGINEER'S COST ESTIMATE	
Estimated Number of Parcels to be Acquired:	Not Applicable
Anticipated Approvals/Permits to be Acquired:	Not Applicable

PROJECT BUDGET

INSERT PROJECT BUDGET HERE

**Applicant/Recipient
Disclosure/Update Report**

U.S. Department of Housing
and Urban Development

OMB Approval No. 2510-0011 (exp. 8/31/2009)

Instructions (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information Indicate whether this is an Initial Report _____ or an Update Report _____

1. Applicant/Recipient Name, Address, and Phone (include area code):	2. Social Security Number or Employer ID Number:
3. HUD Program Name Community Development Block Grant – Disaster Recovery Program	4. Amount of HUD Assistance Requested/Received
5. State the name and location (street address, City and State) of the project or activity:	

Part I Threshold Determinations

- | | |
|---|--|
| 1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).
____ Yes ____ No | 2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of \$200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9
____ Yes ____ No. |
|---|--|

If you answered "No" to either question 1 or 2, **Stop!** You do not need to complete the remainder of this form. **However,** you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(Note: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

- All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
- Any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity (\$ and %)

(Note: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed \$10,000 for each violation. I certify that this information is true and complete.

Signature: X	Date: (mm/dd/yyyy)
-----------------	--------------------

Insert Typed Name and Title Here

APPENDIX A
INSERT NAME OF DOCUMENT