



## NY Rising Small Business Recovery Program Opt-In Form

This form is to be used by Small Business Owners to certify an intention to “opt-in” to eligible activities under the NY Rising Small Business Storm Recovery Program

Applicant ID: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Damaged Property Address: \_\_\_\_\_

### AWARD TYPE

Please select **ONE** of the following three options below by entering “X” on the line next to the type of Small Business Grant Award assistance you are requesting.

\_\_\_\_\_ **OPTION I GRANT AWARD FOR NON-CONSTRUCTION- RELATED EXPENSES ONLY**

1. This award is for the following types of activities:
  - a. Working Capital
  - b. Inventory
  - c. Movable Machinery and/or Equipment
  - d. Furniture
2. Flood insurance and covenant requirements may apply.<sup>1</sup>
3. Limitations on uses of funds may apply if the business is located in a Coastal Barrier Resource Area (CBRA) or in a floodway.<sup>2</sup>
4. Length of environmental review: approximately one week.
5. *If the request is for funds to purchase any proposed expenses, you may not purchase proposed items until the environmental review has been completed and the written environmental clearance has been provided. Failure to wait for environmental clearance may cause your business to be ineligible for funding under the program.*
6. You will be required to provide detailed copies of invoices, receipts, proof of payment, etc. for any expense for which you are requesting reimbursement.
7. Applicant may be reimbursed for expenses that are directly attributable to damages incurred as a result of the qualifying storm event. Applicant is required to provide reasonable support documentation demonstrating the value and pre-storm ownership of requested replacement items AND copies of invoices, receipts and proof of payment for any expense for which you are requesting reimbursement.

<sup>1</sup> Please refer to NY Rising Small Business Recovery Program Flood Insurance Requirements Fact Sheet for more information

<sup>2</sup> Please refer to NY Rising Small Business Recovery Program Coastal Barrier Resources Area Fact Sheet for more information

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## OPTION II GRANT AWARD FOR CONSTRUCTION-RELATED EXPENSES ONLY

1. This award is for the following types of activities:
  - a. Machinery and/or Equipment that requires construction related installation
  - b. Rehabilitation and/or repair of building/structures or surrounding property
  - c. Fixtures
  - d. Other construction related activities, including mitigation activities
2. Flood insurance and covenant requirements may apply.<sup>3</sup>
3. Limitations on uses of funds may apply if the business is located in a Coastal Barrier Resource Area (CBRA) or in a flood way.<sup>4</sup>
4. Length of environmental review: minimum 90 days. Please note: ***If a project does not clear the environmental review process it will be ineligible for funding under this program.***
5. Applicant must provide all building and environmental permits. If the required permits were not obtained prior to commencement of construction, you may not be eligible for program assistance for applicable activities.
6. Applicant must provide proof of Substantial Damage and/or Substantial Improvement, as applicable. Substantial Improvement means any repair, reconstruction, modernization or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair started or if the structure has been damaged before the damage occurred OR any repair reconstruction etc. that results in an increase of more than 20% of dwelling units or peak number of customers and employees (24 CFR 55.2(b)(8) The Substantial Damage and/or Substantial Improvement letters will likely originate from a local building official within the local floodplain management office.
7. Applicant may be reimbursed for construction expenses that were incurred within one year from the date of the qualifying storm for work that has already been completed. You are required to provide detailed copies of invoices, receipts and proof of payment for any expense for which you are requesting reimbursement.
8. For construction or construction related work that is underway, you should ***IMMEDIATELY STOP WORK*** if you anticipate requesting assistance for these activities from the Program. Only those expenses incurred after the date of environmental clearance will be eligible for reimbursement.
9. For future and/or ongoing construction work, the project will be required to comply with Davis Bacon and Related Acts, and therefore for any contracts that include the use of Program funds in whole or in part, construction contractors and subcontractors will have to pay their employees the prevailing wage rates for the work they will carry out. This provision may potentially increase the cost of the construction contract and should be discussed with potential contractors and/or subcontractors to determine the impact that this compliance requirement will have on the costs of the project. It will also add an administrative burden to the construction contractors and subcontractors, as they will have to submit weekly payrolls to the Program to demonstrate compliance.
10. For future construction work, applicants must provide a copy of the construction contract and ensure that all applicable Community Development Block Grant-Disaster Recovery (CDBG-DR) requirements are included in the contracts. The Program will be available to assist you through this process.
11. For ongoing and/or future work, if the grant assistance will not be sufficient to cover the total project costs, applicants must provide proof of commitment of other funding sources needed

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<sup>3</sup> Please refer to NY Rising Small Business Recovery Program Flood Insurance Requirements Fact Sheet for more information

<sup>4</sup> Please refer to NY Rising Small Business Recovery Program Coastal Barrier Resources Area Fact Sheet for more information

to cover all uses of the project.

- 12. Multiple inspections of the property may be required as part of the application review process. Program staff will coordinate inspections with the applicants.
- 13. For future construction work, assistance will be disbursed in the form of monthly progress payments, as eligible construction costs are incurred.

\_\_\_\_\_ **OPTION III GRANT AWARD FOR COMBINATION OF NON-CONSTRUCTION AND CONSTRUCTION RELATED EXPENSES**

- 1. See limitations and requirements above for Option I and Option II.
- 2. Businesses may choose to request two environmental reviews for those activities that are functionally distinct from one another:
  - a. For non-construction-related activities and;
  - b. For construction-related activities, to include construction-related mitigation activities.

The determination of the split between non-construction and construction-related activities will be made by the GOSR Program Certifying Officer.

Two environmental reviews will allow the business to access the non-construction related activities funding earlier than construction-related activities funding\*.

**\* If a business selects two environmental reviews, please note ANY funding received for eligible non-construction related activities CANNOT be used to start, resume or incur any construction or construction-related activities (to include executing contracts) for which the business has requested assistance. Construction or construction-related work or expenses may only be started, resumed or incurred AFTER an applicant has received environmental clearance for the requested construction-related activities.**

■ *Please note that in no event can the total award to any Small Business Owner exceed the Program Award Cap*

I \_\_\_\_\_, owner of the above listed Small Business certify that I understand that I am choosing to pursue federal disaster funds for particular types of recovery activities as outlined in Option (enter selection here)\_\_\_\_\_ and that there are associated compliance and processing requirements that accompany this selection. I acknowledge that the information contained in this form is complete and accurate. Your typed name will serve as signature for this Opt In Form.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Date: \_\_\_\_\_