



STATE OF NEW YORK
GOVERNOR'S OFFICE OF STORM RECOVERY

PROGRAM GUIDE
RESIDENTIAL TECHNICAL ASSISTANCE
PILOT PROGRAM

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PREPARED BY

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Section 1 – Introduction

Superstorm Sandy's impacts on residential property owners included damage and the loss of housing across New York City. Thousands of homes -- detached, semi-detached, attached, and apartment buildings -- were damaged in multiple communities as a result of storm surge and floodwaters. The threat of future flooding, coupled with increased costs for flood insurance, are especially burdensome for vulnerable populations such as low and moderate income individuals, the elderly, families with children, or families with short term financial crises. Addressing a need that is common across multiple New York City NY Rising Community Reconstruction (NYRCR) Communities, the Residential Technical Assistance Pilot Program has been devised to ensure that qualifying residential property owners have the tools and capacity to rebuild their storm-damaged residential structures in a resilient and sustainable manner. The program will target the New York City NYRCR Communities of Canarsie, Gravesend and Bensonhurst, Howard Beach, Lower Manhattan, Red Hook, Rockaway East, and Southeast Brooklyn Waterfront. During the NYRCR planning process, these communities developed their own version of an educational and technical assistance program targeted to residential resiliency needs. These projects are proposed for implementation in the final NYRCR Plan of each Community and can be viewed at the Governor's Office of Storm Recovery (GOSR) website at <http://stormrecovery.ny.gov/nyrcr/final-plans>. Funding for this program will be derived from the Community Development Block Grant Disaster Recovery (CDBG-DR) allotment from each of these communities.

Section 2 – Intent

The intent of the Residential Technical Assistance Pilot Program is to provide property-specific technical assistance and financial counseling primarily to low- to moderate-income residential property owners in select NYRCR communities of Canarsie, Gravesend and Bensonhurst, Howard Beach, Lower Manhattan, Red Hook, Rockaway East, and Southeast Brooklyn Waterfront. The assistance focuses on providing a suite of services to qualifying residential property owners in these communities, including: (1) general education regarding the implementation of resiliency measures for residential structures; (2) specifically tailored, one-on-one counseling on topics including financial literacy, insurance, and cost-effective property retrofits; and (3) resiliency audits conducted by qualified building engineers. Aside from on-site audits, services will be provided at community-based offices or locations within each target community based on need.

Section 3 – Definitions

For the purposes of this Program Guide, the following terms have the indicated meaning:

Audit Report

A report will be provided to eligible residential property owners compiled and certified by professional engineers. The report will include short, medium and long term resiliency measures the property owner can undertake to make their home more resilient. Recommendations within each audit report are expected to be consistent with New York City's flood retrofit guide (NYC Department of City Planning - [Retrofitting Buildings for Flood Risk](#)), including but not limited to applicable New York City Building Code, city and state regulations, as well as federal building standards in the floodplain.

Community Based Organizations

Community Based Organizations or CBOs are qualified not-for-profit, 501(c)(3) organizations serving each of the program communities that have the capacity and on-the-ground experience to work with community members and the program administrator to develop and implement the program's scope of services.

100-Year Floodplain¹

The 100-year floodplain is a flood hazard area that is predicted to flood during a 100-year storm, which has a 1% chance of occurring in any given year.

500-Year Floodplain²

The 500-year floodplain is a flood hazard area that is predicted to flood during a 500-year storm, which has a 0.2% chance of occurring in any given year.

FEMA Non-Compliance

A determination of Federal Emergency Management Administration (FEMA) non-compliance constitutes FEMA's determination that an applicant who has applied for FEMA assistance has materially failed to comply with any term of an award, whether stated in a federal statute or regulation, an assurance, a State Administrative Plan or application, a notice of award, or elsewhere, including in Unified HMA Guidance. Applicants under the Residential Technical Assistance Pilot Program may be deemed

¹ All floodplain determinations will be based on the current Flood Insurance Rate Map Data (<http://www.region2coastal.com/preliminaryfirms>).

² Ibid.

ineligible for assistance if FEMA has made a determination of non-compliance regarding their application for assistance.

Low- to Moderate-Income (LMI)

According to the U.S. Department of Housing and Urban Development (HUD), individuals having a median family income less than 50 percent of the Area Median Income (AMI) are considered Low Income. Individuals having a median family income of at least 50 percent and at or less than 80 percent of the AMI are considered Moderate Income.

Program Administrator

The 501(c)(3) Community Based Organization selected to manage the Program.

Qualified Applicants

An applicant who has applied for services under the program and is found to meet the eligibility criteria of the said program and may receive services.

Residential Property Owner

A residential property owner is an individual, family, or incorporated entity that owns a residential property within one of the communities that the program serves.

Resiliency Audit

The end deliverable of a resiliency audit is a report (see definition above) issued to a residential property owner that summarizes the scope of the audit and correlated recommendations. Designed to ensure that any scope of work under this program results in actionable initiatives on behalf of the resiliency of a particular property, resiliency audits are conducted by licensed professionals, who will certify and explain the audit reports.

Section 4 – Program Services and Structure

The Residential Technical Assistance Pilot Program will have two core components applicable to each of the initial seven NYRCR communities:

- **Education and Outreach:** This component involves the creation and implementation of educational tools for residents who need to be well-versed in the intricacies of residential resiliency construction and planning, including financial literacy issues. This component will include:
 - **Community-wide:** General education and outreach in the form of web-based educational tools, literature and presentations to residential

property owners regarding the implementation of resiliency measures for residential structures.

- **One-on-One:** Specifically tailored, one-on-one counseling to program participants regarding key areas of resiliency, such as training on financial literacy, insurance, and cost-effective property retrofits.
- **Resiliency Audit Services:** An audit program where qualifying residential property owners will seek services at an office or other location in a community and professionals will audit each applicant's home for potential resiliency measures. Under this component of the program, participants will receive a resiliency audit report that may be utilized as a guide if the participants choose to implement the recommendations of the audit. Case managers will walk each homeowner through the audit report to explain findings.

To initiate the program, the Governor's Office of Storm Recovery will release a Notice of Funding Availability (NOFA) to identify a qualified not-for-profit organization to function as the subrecipient (program administrator) of the CDBG-DR funding. The program administrator will work across all communities to administer program service. With oversight and input from GOSR, the program administrator will partner with CBOs in each of the referenced NYRCR communities to implement program activities and ensure the appropriate level of community support and involvement. The program administrator will be responsible for advocacy of the program, outreach to potential clients, case management, and day-to-day staffing of offices.

The implementation of program activities may require the program administrator to compliantly procure the services of firms that can be on call to complete resiliency audit reports of residential properties for qualifying applicants, unless the administrator has qualified professionals on staff.

Where the program administrator does not already have access to a publically-accessible space to host local program services, it will be expected to work with local CBOs to create or occupy community-based offices that may serve as a place where residential property owners can apply for audits, technical assistance and one-on-one counseling. This space would include a help desk or education center for residential property owners to receive general education and financial counseling on residential resiliency, as well as individualized services to explain audit reports to property owners. The program may be operated from local offices in each NYRCR community as part of this program either on a permanent or temporary basis. For example, the program administrator may offer pop-up services (such as at libraries, schools, CBOs, etc.) in communities that do not have local office space available.

Section 5 – Program Clients

The Residential Technical Assistance Pilot Program provides services community-wide and directly to residential property owners. The program administrator will be required to prioritize LMI program participation, and reach out to residents in the 100-year and 500-year floodplains, and those impacted by Superstorm Sandy through means that will be determined by the program administrator and approved by GOSR. Communitywide services will be available at each location for all residents.

Audit Program and One-on-One Technical Assistance

The program administrator will offer a residential audit program and one-on-one technical assistance to low- to moderate-income (LMI) residents in the NYRCR communities of Canarsie, Gravesend and Bensonhurst, Howard Beach, Lower Manhattan, Red Hook, Rockaway East and Southeast Brooklyn Waterfront. The program administrator will oversee an application process where qualified residential property owners can apply for services. The selected program administrator will prioritize residents by income and those residing in vulnerable residential areas (100-year flood plain) within the above communities, including but not limited to those in low-lying areas that were impacted during Superstorm Sandy. Applicants found eligible for these services are known as Qualified Applicants, as defined above.

Further information about Applicant Eligibility is defined in *Section 8 – Applicant Eligibility – One-on-One Counseling, Technical Assistance, and Resiliency Audit Services*.

Section 6 – CDBG-DR Program Eligibility and Requirements

Subject to revision in the program's design and development, activities under the program may be eligible under several CDBG-DR activity categories and utilize several national objectives. This section outlines the potential eligible activities, national objectives, recovery rationale, environmental and procurement/reporting requirements.

Eligible Activities. Several program activities may be eligible under the program, depending on final program design and implementation:

Public Services: Activities under the program may qualify as public services pursuant to Section 105(a)(8) of the Housing and Community Development Act (HCDA), which

indicates that the provision of a public service is a CDBG-DR eligible activity. Eligible public services include “those concerned with ... education” among other activities. Program activities that may be eligible include:

- Educational activities such as general education/outreach and one-on-one counseling services.
- The lease of office space or other temporary locations to create a physical presence in communities to facilitate the provision of the educational activities described above.
- Conducting resiliency audits on the property of applicants.

Other: The program may utilize other eligible activities subject to final program design and implementation.

National Objectives. The program will provide educational activities such as general education/outreach and one-on-one counseling services on best practices concerning resiliency improvements for residential properties. The services under the program will target low- to moderate-income individuals but also focus on areas and individuals most directly impacted by Superstorm Sandy, including properties located in the 100-year floodplain. Potential national objectives include:

- Low- to moderate-income (LMI) area benefit: This national objective may be utilized for general educational activities, such as seminars, literature, presentations, and web-based tools, which are open to all individuals in a discrete geographic area where at least 51 percent of the residents in the area are LMI.
- Low- to moderate-income (LMI) limited clientele: This national objective may be utilized for one-on-one counseling services, resiliency audit services, and the provision of funding to residential property owners for rehabilitation/reconstruction activities designed to implement resiliency audit recommendations where at least 51 percent of the beneficiaries of the activities are LMI.
- Urgent Need: This national objective requires that projects be designed to meet community needs having a particular urgency. Under the waivers for the CDBG-DR program, grantees must document how all programs and/or activities respond to a disaster-related impact. Any services or activities that do not qualify under an LMI national objective will qualify under the national objective of urgent need.

Tie to Storm Impact and Recovery Rationale. It is required under the CDBG-DR program that all CDBG-DR funded activities address impacts from Superstorm Sandy. This program will focus assistance on seven communities that Superstorm Sandy directly impacted. Program applicants that own residential property in a particular community that was damaged during Superstorm Sandy will be prioritized, with particular emphasis placed on properties located in the 100-year and 500-year floodplains. It is expected that the program's geographic scope, which focuses on communities that sustained extensive damage, is sufficient to establish a tie to Superstorm Sandy. The program also focuses on resiliency and equipping applicants with the knowledge to make resiliency improvements designed to ensure that community residents recover in a sustainable manner.

Environmental Review. The provision of CDBG-DR funding under the program 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, GOSR's parent corporation, as well as State agencies and units of local government in New York State, must comply with the State Environmental Quality Review Act (SEQRA). In addition, projects in New York City must comply with the City Environmental Quality Review (CEQR). For this program, GOSR will administer NEPA, SEQRA and CEQR and issue environmental clearance for any activity prior to the expenditure of CDBG-DR funding.

Reporting Requirements. The selected program administrator will be required to comply with GOSR's reporting requirements memorialized in the subrecipient agreement between GOSR and the program administrator, in addition to any other applicable reporting requirements associated with CDBG-DR funding or required by GOSR.

Data Management. The Program Administrator will record and maintain all file records for the life of the program and as required by GOSR in the subrecipient agreement between the parties.

Section 7 – General Procedures for Program Implementation

The program will be implemented through a multi-step process as described below.

Selection of Program Administrator and Development of CDBG-DR Pre-Application/Application. First, GOSR will select an overarching program administrator utilizing a NOFA. The program administrator should have experience administering community-wide programs similar to what is described herein. The program

administrator should also have the capacity to develop web-based educational tools for community residents in addition to print literature or in-person educational outreach sessions. Program administrators will have flexibility to propose a program design that includes partnering with specific CBOs or to provide direct service to communities if the program administrator possesses the requisite capacity and expertise. In addition, the program administrator may be a qualified non-profit entity (501(c)(3)), Community Development Financial Institution (CDFI), have an existing relationship with a CDFI or expected to work with a CDFI, to extend financing to qualified property owners to implement the scope of work articulated in their resiliency audits.

The program administrator will work with GOSR to develop program details, as well as a process for selecting and compliantly procuring CBOs and resiliency audit firms that can operate in each community, as necessary. The program administrator will be expected to work closely with the selected CBOs to develop project-specific educational opportunities in each community. The program administrator will also function as the primary subrecipient of CDBG-DR funding for the program and should have the capacity and experience to administer significant amounts of CDBG-DR funding on a cost reimbursement basis.

Once the program administrator is selected through the NOFA process, it is expected that the qualified non-profit (program administrator) will enter into a subrecipient agreement with GOSR.

Selection of Community-Based Organizations. As necessary, the program administrator will work with GOSR to select CBOs in each community that can help administer the program directly to community residents. It is anticipated that the program administrator will have a direct contractual relationship with the CBOs. The selected CBOs should have experience working at the community-level. Selected CBOs will be tasked with administering community help desks or education centers in each community where residential property owners can receive general education on resiliency improvements and apply for one-on-one counseling and technical assistance for resiliency audit services.

Establishment of Physical Presence in Communities. It is expected that the program will have a physical, accessible presence in each community, that will function as a help desk or education center for residential property owners to access information on resiliency measures for their properties. The program administrator will be expected to establish such a physical presence.

Provision of Resiliency Education and Counseling. Resiliency education and counseling services will be administered on-site and by utilizing online educational

tools.

Web-Based Education: It is anticipated that the program administrator will establish a set of web-based educational tools that may be accessible to community members.

General Education: It is anticipated that the program administrator will work with CBOs in each community to provide general education to interested residential property owners about financial and rebuilding products and best practices for enhanced resiliency. These services will likely encompass basic training in financial literacy and insurance, as well as related social services.

One-On-One Counseling and Technical Assistance: Residential property owners in each community may apply for one-on-one financial counseling and technical assistance regarding best practices for resiliency improvements.

Resiliency Audit Administration. As an additional technical assistance component, the program administrator will work with GOSR to procure the services of resiliency auditors unless the program administrator already possess the requisite capacity and expertise. These services will be made available to qualifying residential property owners to conduct audits of their properties to recommend cost effective resiliency improvements. Low- to moderate-income residential property owners and property owners whose properties are located in high risk or vulnerable areas will be prioritized. These audits will help ensure that resiliency improvements result in a measurable enhancement to the resilience of a particular property. The resiliency audit expert will work with eligible applicants to conduct audits of their properties and review proposed scopes of work to determine whether they are appropriate for addressing the items indicated in the resiliency audit. The program administrator may also be expected to work with a financing entity, such as a Community Development Financial Institution (CDFI), that may be selected by GOSR to extend financing to qualified property owners to implement the scope of work articulated in their resiliency audits. The program administrator may also have an existing relationship with a CDFI and CDFI's may apply to administer this program.

Section 8 – Applicant Eligibility - One-on-One Counseling, Technical Assistance, and Resiliency Audit Services

There is no application process to access the program's general educational tools, including web-based, print, or in-person presentations, which will be open to all residents of a particular community. However, residential property owners interested in one-on-one counseling or technical assistance, including resiliency audits, must be

individuals, families, or incorporated entities who solely own the residential property for which they are seeking assistance. For these applicants, the following criteria will apply.

Ownership.³ Applicants for one-on-one technical assistance or counseling regarding best practices for implementing resiliency improvements to their residential properties, including conducting resiliency audits, must currently own the residential structure and property in question. Applicants who do not own the property, but whose residence is located on family-owned land, will be considered on a case by case basis. Landlords for rental properties, including incorporated entities, may apply for services under the program so long as their residential properties are predominately occupied by tenants that would qualify as LMI clientele. Tenants residing in rental properties are ineligible to participate in the program as applicants.

Proof of ownership for applicant eligibility to the program will be required and criteria for ownership will be developed by the selected program administrator with consultation and oversight by GOSR. Such criteria may include:

- Tax Records demonstrating ownership for the person(s) and property requesting Program funds; and
- Copy of property deed with copy of mortgage documentation from lender certifying mortgage is in good standing.

Application for Assistance. Any applicant for one-one-one counseling or technical assistance, including resiliency audit services, as described herein, will be required to provide certain documentation as proof of household income in order to document LMI benefit. Contingent upon specific program design and development, such documentation may include:

- Applicant household income self-certification.
- Proof of household income via copy of any of the following three documents: (1) most recent Federal Income Tax Returns; (2) copies of check stubs for the last three consecutive months; or (3) copies of current supplemental income documents (Social Security/SSI, retirement, disability, unemployment benefits, Aid to Families with Dependent Children).

³ See definition of "Residential Property Owner" on page 3, which defines it as "an individual, family, or incorporated entity that owns a residential property within one of the communities that the program serves."

- Copies of other identification and support documentation, as requested.

Any applicant income information collected will be kept confidential and utilized only for the purposes of documenting LMI benefit. No documentation will be provided to any person or agency without explicit written permission from the applicant.

Applicant Review. All applications will be reviewed based on the established priorities developed by GOSR with support from the program administrator and CBOs. The selection process utilized in determining eligibility will be recorded and kept on file by the program administrator and CBOs. This information will need to be reported directly to GOSR at regular intervals.

Resiliency Auditor Assignment. The program administrator will establish a CDBG-DR compliant procedure to pre-qualify contractors who wish to participate and intend to place bids for the program in order to conduct resiliency audits for residential property owners. In order to participate in the program, all contractors must be appropriately licensed/bonded/insured and meet all local, state, and federal requirements as well as the minimum requirements applicable to contract work as defined by GOSR.

Section 9 – Duplication of Benefits

The program administrator with oversight from GOSR will review applications for technical assistance, counseling, and resiliency audits for duplication of benefits issues. A duplication of benefit may take place when funds from another source are expended on a project for the *same purpose* as that which CDBG-DR funds are being used on that project. To prevent duplication of benefits, all applicants will be required to execute a certification that will require the applicants to attest that they have not received prior compensation for the services described herein or to provide the source and amount of prior compensation, and are not FEMA-noncompliant.

Section 10 – Grievance Procedures

If an applicant for assistance files a complaint concerning the implementation of the program, it must be submitted in writing to the program administrator within sixty (60) days from the date of decision. The program administrator will respond in writing within ten (10) calendar days from the receipt of the written complaint. The response will include a copy of the program administrator's decision along with its basis. The program administrator will send all complaints along with the program administrator's decision to GOSR for review. GOSR will review the compiled documentation and have an opportunity to make a final decision regarding an applicant's complaint.

Section 11 – Conflicts of Interest/Ethics Policy

When there are questions or disagreements concerning the use of program housing funds by public officials or their immediate families, GOSR will moderate all such disputes.