

Guidelines For Financial Assistance

**Lake Ontario-St. Lawrence Seaway
Flood Relief and Recovery Grant
Program**

Homeowner Recovery Fund

State of New York Andrew M. Cuomo, Governor

**New York State Homes and Community Renewal
RuthAnne Visnauskas, Commissioner/CEO**

Updated November 13, 2017



Lake Ontario – St. Lawrence Seaway Flood Relief and Recovery Homeowner Recovery Fund Program Guidelines

Program:

The Lake Ontario Homeowner Recovery Fund (the "Program") is a program administered by New York State Homes and Community Renewal's Affordable Housing Corporation.

Program Overview:

Pursuant to legislation, New York State Homes and Community Renewal has made available up to \$15 million in agency and non-agency funds, through its New York State Affordable Housing Corporation ("AHC") component, to support homeowners who have been affected by severe flooding and raised water levels in the vicinity of Lake Ontario, the St. Lawrence River, Seneca Lake, the Seneca River, the Oswego River, the Oneida River, Oneida Lake, and Cross Lake (each a "Covered Waterway"). The Program seeks to offer relief and recovery assistance for which insurance or other disaster recovery assistance is either not available or insufficient, providing up to \$50,000 for a homeowner to support repairs to residences that sustained direct physical flood-related damage as a result of the raised water level of any Covered Waterway occurring between January 1, 2017 and August 31, 2017 ("Coverage Period").

The program will be administered through not-for profit housing organizations seeking to help homeowners affected by the flooding. Homeowners seeking assistance are encouraged to contact the not-for-profit organizations serving their geographic area. This information can be found at <http://www.nyshcr.org/Programs/NYS-Flood/>.

Coverage Period:

January 1, 2017 to August 31, 2017

Homeowner Application Deadline:

Applications are due no later than 5:00 pm Friday, September 29, 2017. Applications submitted by mail must be postmarked by the application deadline.

Eligible Area:

Owners of residences that sustained direct physical flood-related damage as a result of flooding of the following waterways: Lake Ontario, the St. Lawrence River, Seneca Lake, the Seneca River, the Oswego River, the Oneida River, Oneida Lake, and Cross Lake (each a "Covered Waterway").

Eligible Applicants to Serve as Participating Entities:

The program will be administered through not-for profit housing organizations seeking to help homeowners affected by the flooding ("Participating Entities"). Grantees may include municipalities and their designees, municipal housing authorities, housing development fund companies and other not-for-profit and charitable organizations.

Ineligible Applicants to Serve as Participating Entities:

Organizations conducting political activities.

Eligible Activities:

Program funds shall reimburse, on an incurred cost basis, Eligible Home Owners for flood related repairs to structures, equipment, and for other flood related costs, all of which were not covered by any other federal, state or local recovery program or any third-party vendors, caused by Covered Waterway flood damages occurring during the Coverage Period. Eligible activities include but are not limited to:

- Environmental health hazard mitigation costs related to the repair of a Covered Waterway flood disaster-impacted residence and property appurtenant thereto (“Residence”) (i.e., lead based paint abatement, asbestos removal, mold remediation, or other health hazards) including testing and clearance costs; accessibility modifications, including those that are completed in relation to the Residence, if the Residence was not accessible prior to the damage;
- Repair/replacement of damage to real property, including, but not limited to:
 - Window/door repair/replacement;
 - Siding repair/replacement;
 - Flooring repair/replacement;
 - Drywall/finishing;
 - Insulation;
 - Bathroom repair;
 - Foundation repairs;
 - Kitchen cabinet replacement;
 - Well/septic replacement or connection to municipal system;
 - Electrical system repair/replacement; and/or
- Replacement of disaster-impacted non-luxury residential appliances, including but not limited to:
 - Water filtration system;
 - Washing machines, dryers;
 - Stoves;
 - Refrigerators;
 - Water heaters;
 - Heating systems;
 - Fuel tanks (oil/propane but not actual fuel replacement); and/or
 - Dishwashers;

- Site work: including shoreline hardening such as breakwall and rip rap;

Manufactured homes units with long-term ground leases may be eligible for Program assistance, to the extent that the Resident's unit is a Residence damaged by flooding resulting from raised water levels in a Covered Waterway during the Coverage Period.

- Home based businesses: Eligible Home Owners operating businesses from their Residences may be assisted under the Program, as long as Program funds are used solely to pay for Eligible Activities necessary to repair the Residence, and not used to support business recovery. Homeowners may be referred to Empire State Development for business assistance.

Ineligible Activities:

Below are items that may not be covered by Program funds:

- Any change that is cosmetic in nature;
- Docks;
- Boathouses (structures without a municipal residential occupancy permit);
- Personal property, such as vehicles, furniture, and household goods and clothing;
- General home improvements unrelated to damage directly resulting from flooding caused by raised water levels in a Covered Waterway occurring during the Coverage Period;
- Heating or cooking fuel replacement;
- Window unit air conditioners (health-based hardship exceptions allowed);
- Portable heaters;
- Any small countertop appliances, including, but not limited to coffee pots, toasters, blenders, etc.;
- Garage door openers;
- Swimming pools, hot tubs, saunas, etc. and associated equipment;
- Luxury countertops (i.e. no stone or composite stone);
- New fireplaces (wood, gas, or electric); repairs to storm damaged fireplace chimneys are allowed;
- Covered porches, patios, decks, or stairs: ineligible unless disrepair impedes access to structure or results in a safety hazard in a documented way;
- Central air conditioning systems unless existing at time of event;

Residential condominium and cooperative unit common area damage: Common area damage in a condominium or cooperative building is covered under the Small Business Recovery program administered by Empire State Development. For more information on that program, please visit their website: <https://esd.ny.gov/lake-ontario-small-business-recovery-fund>.

Application Process for Participating Entities:

The program will be administered through Participating Entities. To be considered for funding, an applicant's response to the RFP must include all required information, and must be organized according to the instructions contained in Flood Program Application Guidance Document. The Application Material is located on AHC's website, www.nyshcr.org. The RFP is available online from AHC's website, www.nyshcr.org. The completed forms must be printed and submitted to AHC in hard copy form, along with the other required documentation.

Homeowners seeking assistance are encouraged to contact the not-for-profit organizations serving their geographic area. This information can be found at <http://www.nyshcr.org/Programs/NYS-Flood/>.

Application Submissions for Participating Entities:

Applicants must submit one original and one copy of the Proposal, either to LakeOntario@nyshcr.org or to the attention of:

Mr. Dominic Martello

Vice President, New York State Affordable Housing Corporation

641 Lexington Avenue

New York, NY 10022

Application Review for Participating Entities:

Proposals received will be reviewed by AHC staff for completeness and compliance with application instructions and Program Guidelines. Based on the availability of funds, acceptable Proposals will be presented to the Members of the Corporation for authorization of grant funds.

Selection Criteria for Participating Entities:

AHC staff has devised an evaluation process for the Program applications that will consider the following criteria:

- Applicants demonstrate levels of administrative, organizational, and financial capacity, and relevant professional experience, to successfully execute and monitor projects;
- Applicants with prior flood recovery/disaster response experience;
- Applicants demonstrate capacity to serve multiple municipalities; and
- Applicants demonstrate prior experience in managing federal CDBG and/or HOME programs.

Eligible Home Owners

“Eligible Home Owner” shall mean the owner of any (primary or non-primary) residence that sustains direct flood related damage as the result of raised water levels in any Covered Waterway during the Coverage Period. With respect to non-primary residences, the owners will be eligible for assistance so long as no individual on the deed of the home—or married couple, if they file their taxes jointly—had income of more than \$275,000 in the 2016 taxable year. Eligible Home Owners shall submit applications for grants of Program funds through a Participating Entity.

Appeals Process for Home Owners:

If a homeowner submits an application for Program Assistance and believes that its application was unfairly denied, it may appeal such decision within twenty (20) business days of receipt of notification that its application has been denied. Such appeal must be made to AHC in writing and include all information the homeowner would like considered. A three member appeal committee, consisting of the President of the Office of Community Renewal, the General Counsel or Deputy General Counsel of HCR, and the Chief Operating Officer of HCR, or their respective designees, will consider all appeals. All decisions by the appeal committee shall be final. The appeals committee will be the sole arbiter in interpreting the intent and implementation of the Program and these Guidelines.

Appeals should be submitted to:

Chris Leo
President, Office of Community Renewal
New York State Homes & Community Renewal
38-40 State Street
Hampton Plaza, NY 12207

Appeals may be sent by mail to the above address or by email to LakeOntario@nyshcr.org.

Non-Discrimination:

A Participating Entity shall not unlawfully discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status. The Participating Entity shall comply with all applicable federal, New York State and local fair housing and employment nondiscrimination laws.

Amendments to Guidelines:

HCR may amend these guidelines from time to time.

Administration:

AHC will administer the Program through the Participating Entities. Applications for such Participating Entities seeking to assist AHC in the collection and processing of applications for grants under the Program from Eligible Home Owners are available [here](#).

The Participating Entity shall:

- Compile and maintain documentation of flood-related damage to the Residence;
- Evaluate such damage;
- Report to AHC to confirm that the Program funds provided for each Eligible Home Owner have been expended for Eligible Activities, as defined above, pursuant to an agreement between the Eligible Home Owner and the Participating Entity in a form approved by AHC, or to notify AHC of any noncompliance with Program requirements; and
- Comply with the contract executed for the delivery of this program.

The Participating Entity shall give preference to applications that demonstrate the greatest need. The Participating Entity shall assist in administration of the Eligible Home Owner's grant pursuant to these Guidelines and AHC's instructions.

Eligibility of Grant Recipients:

In order to be eligible to receive assistance, Eligible Home Owners must have obtained ownership of the Residence before the date of the Governor's disaster declaration, May 2, 2017, and maintain such ownership of the Residence at least until the Participating Entity provides AHC with confirmation that the Program funds have been expended for Eligible Activities as recommended by the Eligible Entity.

Prioritization:

Preference shall be given to applicants that demonstrate the greatest need based on

information contained in a complete application as reviewed by the Eligible Entity and/or based on flood damage data provided by applicable state and/or federal agencies, if available.

Assistance Levels:

Program awards shall be made available up to \$50,000 per owner. This is the maximum amount of funding that may be invested in a single Residence or to one or more Residences in response to damage caused by the elevated water levels of any Covered Waterway.

Post Award Occupancy Requirements:

Except as otherwise provided herein, AHC AHODP Occupancy requirements have been waived for this emergency response program.

Article 15a:

Article 15a requirements have been waived for this emergency response program

Administrative Funding:

Up to ten percent (10%) of the Program funds are available for use for Grantee operating expenses, including expenses related to the organization, operating support and administration of the project. An additional three percent may be used for the administrative expenses identified above, if the Grantee is a Neighborhood Preservation Company (NPC) or Rural Preservation Company (RPC).

Bidding Requirements:

Wherever possible, homeowners should be required to collect at least two separate bids for work to be performed. Under all circumstances, the Participating Entity should review work scopes and bids to ensure that price gouging does not occur.

Reimbursement of Program Funds:

Participating Entities may reimburse expenses paid by Eligible Home Owners for Eligible Activities incurred between the dates of January 1st and August 31st 2017.

Other Certifications:

- State Environmental Quality Review (“SEQR”): Home improvement projects are identified in the State Environmental Quality Review Act as “Type II SEQR Actions” which do not require environmental assessments.
- State Historic Preservation Office (“SHPO”): SHPO Waiver issued
- Environmental Protection Agency Renovation Repair and Paint (“EPA RRP”) Regulations: Per EPA RRP Regulations, contractors performing work funded by this

program must have EPA RRP certification. NFP administrators are required to include this statement in their program material and contracts.

- Special Flood Hazard Area (“SFHA”): Renovations made to properties located within SFHAs must meet requirements as defined by federal and state law and regulations. Ultimately, the application and enforcement of this requirement rests with local municipalities. To determine whether a property resides within a SFHA and ensure that all renovations meet relevant requirements, please contact the local municipality. In addition, homeowners can go to FEMAs Map Service Center at <https://msc.fema.gov/portal> to search for the map that has the structure on it. Contact information for local flood plain administrators is available upon request to HCR.

Recapture:

AHC may recapture Program funds in the event that any such funds are disbursed in error, upon the basis of incorrect or incomplete documentation, disbursed for Eligible Activities which are not completed on a timely basis as determined by AHC, or for any instance of material misrepresentation in connection with the Program.