

**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**

Lake Ontario – St. Lawrence Seaway Flood Relief and Recovery Homeowner Grant 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:

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 sustain 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

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:

Grantees include municipalities and their designees, municipal housing authorities, housing development fund companies and other not-for-profit and charitable organizations

Ineligible Applicants:

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, and other related costs, as well as for the repair and/or replacement of permanent fixtures. 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 (if energy efficient).
- Primary and non-primary residences: All owners of primary residences will be eligible for assistance under this program. The owner of a non-primary residence shall only be eligible with respect to such non-primary residence if such owner had qualified gross income no greater than \$275,000 for the taxable year
 - Shoreline hardening (boulders, rip-rap, etc.)
 - Site work
 - Manufactured homes units 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. Under this program, the owner must own the residential unit and the land it sits upon.
 - 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:

- 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.; and/or
- 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, unless replacing an existing covered porch;
- Central air conditioning systems unless existing at time of storm;
- Residential condominium and cooperative units: Residential units in a condominium or cooperative which suffer flood-related damage during the Coverage Period may apply for Homeowners Association assistance from ESD

Application Process:

The program will be administered through not-for profit housing organizations seeking to help homeowners affected by the flooding. 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:

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:

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:

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
- Applicants demonstrate prior experience in managing federal CDBG and/or HOME programs.

Appeals Process for Homeowners:

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 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 appeal committee will be the sole arbiter in interpreting the intent and implementation of the Program and these Guidelines.

Availability of Funds:

The disbursement of any Program Assistance is explicitly subject to the approval of AHC and the receipt by AHC of a sufficient amount of Program funds from the State of New York acting by and through the New York State Division of the Budget.

Non-Discrimination:

The Eligible 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 Eligible 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 participating municipalities or not-for-profit housing organizations (each a “Participating Entity”). 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](#). “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. The owner of a non-primary residence shall only be eligible with respect to such non-primary residence if such owner had qualified gross income no greater than \$275,000 for the taxable year. Such Eligible Home Owners shall respectively submit applications for grants of Program funds through a Participating Entity.

The Participating Entity shall:

- a. compile and maintain documentation of flood-related damage to the Residence;
- b. evaluate such damage;
- c. furnish AHC with its recommended response to each application, including the amount of any grant of Program funds, not to exceed \$50,000 per Eligible Home Owner; and
- d. report to AHC to confirm that the Program funds provided for each Eligible Home Owner have been expended for Eligible Activities, as defined below, 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.

In making recommendations to AHC in response to applications for Program funds, the Participating Entity shall give preference to applications that demonstrate the greatest need, based on available flood damage data furnished by applicable state and federal agencies. AHC shall take such recommendation into consideration in determining the relative preference to be given to an application, whether to assist an applicant, and the amount of any Program funds to be granted to such Eligible Home Owner. 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 obtain ownership of the Residence before or during the Coverage Period 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. Applications shall be processed on a first come/first serve basis, subject to the aforementioned requirements.

Assistance Levels:

Program awards shall be made available up to \$50,000. This is the maximum amount of funding that may be invested in a Residence 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 AHC funds may be used 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:

Participating Entities should endeavor to collect at least 3 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 retroactive to January 1, 2017.

Other Certifications:

Home improvement projects are identified in the State Environmental Quality Review Act as “Type II SEQRA Actions” which do not require environmental assessments. AHC’s Environmental Services Unit will make the final determination of whether a project for repairs pertaining to a Residence under the Program qualifies as a Type II Action for SEQRA purposes.

The following certifications must be submitted to the Participating Entity for reliance by AHC as part of the Program application from the Eligible Home Owner:

- The Project site is not listed on, or eligible for, the state and/or National Register of Historic Places, nor will the Project have an impact on such a site.

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.