

New York State SOUTHERN TIER-FINGER LAKES RECOVERY PROGRAM

2019 Guidelines for Financial Assistance

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**Homes and
Community Renewal**

**Housing
Trust Fund
Corporation**

OFFICE OF COMMUNITY RENEWAL

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New York State Southern Tier-Finger Lakes Recovery Program

Program

The Southern Tier-Finger Lakes Recovery Program (the “Program”) is administered by New York State Homes and Community Renewal’s (HCR) Housing Trust Fund Corporation (HTFC).

Program Overview

Pursuant to the New York State FY2020 Enacted Budget and the State and Municipal Facilities Program and the Dedicated Infrastructure and Investment Fund appropriation authority provided therein, the Program will provide funding to assist Eligible Homeowners (as defined herein) with direct disaster caused damages sustained as a result of severe storms, and flash flooding that occurred in Broome, Chemung, Chenango, Delaware, Schuyler, Seneca and Tioga Counties (“Coverage Area”) from August 13-15, 2018 (“Coverage Period”). The Program will offer recovery assistance for which insurance or other disaster recovery assistance is either not available, or insufficient. Eligible Homeowners may be awarded up to \$50,000 in grant funding to support repair and recovery related to their Primary Residence (as defined herein) that sustained direct physical flood-related damage because of severe storms and flash flooding during the Coverage Period.

Coverage Period

August 13, 2018 to August 15, 2018

Program Administration

The Program will be administered through eligible not-for-profit housing organizations (Local Program Administrators or LPAs) designated as a Neighborhood Preservation Company pursuant to Article XVI of the New York State Private Housing Finance Law, or a Rural Preservation Company pursuant to Article XVII of the New York State Private Housing Finance Law, serving the Coverage Area.

LPAs shall:

- Compile and maintain documentation of disaster caused damage to the Eligible Homeowner’s Primary Residence;
- Evaluate such damage;
- Report to HTFC, in a form to be prescribed, to confirm that the Program funds provided for each Eligible Homeowner have been expended for Eligible Activities, (as defined herein), pursuant to an agreement between the Eligible Homeowner and the LPA in a form approved by the HTFC, or to notify HTFC of any non-compliance with Program requirements; and
- Comply with the grant agreement entered into between HTFC and the LPA for the administration of the Program.

- The LPA shall assist in administration of the Eligible Homeowner's grant pursuant to these Guidelines and HTFC's instructions.

Eligible Homeowners

Owners of a residence in the Coverage Area that sustained direct disaster caused damage, as a result of severe storms and flash flooding that occurred during the Coverage Period were eligible to apply. The property must be the owner's Primary Residence (as defined herein). The owner must have held legal title to the property during the Coverage Period and maintain such ownership at least until the LPA provides confirmation that the Program funds have been expended for Eligible Activities. Property that was unoccupied or did not have a Certificate of Occupancy, or other documentation to substantiate legal occupancy as a Primary Residence during the Coverage Period is not eligible to receive funding.

Determining Primary Residency

Although no single factor is solely determinative, factors which may be considered in determining if a property is occupied as a Primary Residence shall include, without limitation:

- (1) Listing by the owner of the property's address as his or her personal residence on any tax return, motor vehicle registration, driver's license, voter's registration form or other document filed with a public agency;
- (2) occupancy of the property by the owner as his or her personal residence for an aggregate of more than 183 days in the most recent calendar year, except for temporary periods of relocation for:
 - a. active military duty;
 - b. enrollment as a full-time student;
 - c. compliance with a court order;
 - d. employment requiring temporary relocation;
 - e. hospitalization for medical treatment;
 - f. or other reasonable grounds as determined upon application.

It is the responsibility of the LPA to determine primary whether the property qualifies as the owner's Primary Residence.

Award Amount

Eligible Homeowners may be awarded up to \$50,000 in grant funds for disaster caused damage to their Primary Residence, or for certain shoreline hardening and site work, all of which were not covered by any other federal, state, or local recovery program funds, or any third-party insurers. This represents the maximum grant amount per Primary Residence and is not intended to cover all losses sustained during the Coverage Period. All, or a portion of this amount may be awarded to the Eligible Homeowner, dependent upon the eligible scope of work.

Application Deadline

Applications from homeowners were accepted beginning Monday, November 5, 2018. The deadline to apply was Monday, February 4, 2019.

Applicants who can substantiate they missed the deadline due to extended hospital stay, or active military duty may submit an Appeal. A copy of the original application and denial letter must be submitted with the Appeal Form, along with written justification and supporting documentation. See "Process for Submitting an Appeal" herein.

The Appeal must be filed within a reasonable timeframe to be considered for good cause. The deadline for appeals based upon a missed deadline is Tuesday, November 5, 2019.

Prioritization

Preference may be given to Eligible Homeowners that demonstrate the greatest need based on housing affordability, health and safety, or other such measures considered by the LPA; and/or based on disaster caused damage data provided by applicable State and/or federal agencies, if available.

Eligible Activities

Program funds shall reimburse, on an incurred cost basis for direct disaster caused damage to the Primary Residence, not covered by any other federal, state, or local recovery program funds, or any third-party insurers. To the extent practicable, direct disaster caused damage should be supported with before and after photographs, videos, receipts or other evidence. The program is not intended as a substitute for insurance, or to pay for all losses sustained during the Coverage Period. It is primarily intended to meet up to a maximum grant amount of \$50,000, basic standards for a safe and habitable home. Eligible Activities may include, but are not limited to:

- Environmental health hazard mitigation activities related to the repair of disaster caused damage to a Primary Residence. This may include, lead based paint abatement, asbestos removal, mold remediation, or remediation of other health hazards, including testing and clearance costs
- Electrical and plumbing systems repair or replacement
- Sump pump repair or replacement, (if ancillary to a larger repair or replacement project)
- Furnaces, water heaters, water filtration systems, heating systems and sump pumps repair or replacement
- Refrigerators, cooking stoves and built-in appliances, such as dishwashers, repair or replacement
- Laundry washers and dryers repair or replacement
- Permanently installed paneling, wallboard, bookcases and cabinets repair or replacement
- Drywall or finishing
- Insulation
- Foundation repair
- Window and door repair or replacement

- Siding repair or replacement
- Flooring repair or replacement
- Bathroom repair
- Well or septic replacement, or connection to a municipal system
- Fuel tanks (oil or propane, but not actual fuel replacement)
- Dehumidifiers (eligible for replacement if ancillary to a larger repair or replacement project)
- Roof repair or replacement

Additional Eligible Activities

- **Coverage of Vacant Land.** The installation of rudimentary shoreline protection on a separate lot of vacant land may be considered as an Eligible Activity when it is adjacent to the Primary Residence of an Eligible Applicant who has received Program assistance for disaster caused damage. The basis for such rudimentary shoreline protection, must be to mitigate vulnerability to the neighboring residence and/or to protect an investment made by the State.
- **Shoreline Hardening/Site Work.** Rudimentary shoreline improvements and site work are acceptable if the Eligible Homeowner has damage that threatens the safety of their Primary Residence and/or major systems such as wells and septic. Such work may include shoreline hardening, break wall installation and riprap to prevent scour and erosion.
- **Gabion Structures/Wood Decks.** Repairs to such structures may be considered as an Eligible Activity if it mitigates a threat to the Eligible Homeowner's Primary Residence. The replacement of basic decking removed to allow access to the gabion may be considered as an Eligible Activity. Decking and structures not required for access to shoreline hardening structures shall remain ineligible.
- **Bridges, Docks, Driveways, Private Roads.** Repair, restoration, reconstruction or replacement of bridges, docks, driveways, or private access roads that sustained direct disaster caused damages may be considered in limited circumstances. Compelling evidence must be provided that such infrastructure is the only access to the Primary Residence, and access to the home with the damaged infrastructure is impossible, or the safety of the occupants adversely affected. Such activities may only be considered to restore infrastructure as it existed immediately prior to the disaster and will be evaluated on a case-by-case basis.
- **Destroyed, or At-Risk Homes.** In limited circumstances, if a Primary Residence is structurally compromised, or destroyed making safe and habitable repair prohibitive, the Program may fund up to the maximum award amount to safely reposition and rebuild. Costs reasonably necessary to demolish, complete site remediation, and integrate flood resiliency and mitigation measures will be eligible for reimbursement. If the Primary Residence is to be rebuilt in a Special Flood Hazard Area, the homeowner shall be required to comply with flood insurance purchase requirements and local flood codes and requirements. To close out the Eligible Homeowner's contract the LPA shall request proof of insurance which may include, but not be limited to, a written application, method of premium payment, or the declarations page with the policy number and insurance company name.

- **Leased Land.** Primary Residences on leased land may be eligible for consideration if there is a long-term lease of one year, or longer, and the land owner executes a landowner agreement in a form acceptable to the LPA, agreeing to the repair work.
- **Mobile and Manufactured Homes.** Repair or replacement of mobile and manufactured homes, and related shoreline hardening/site work (as defined herein) may be eligible for consideration if the home is a primary residence and permanently located. Distinguishing features may include poured concrete pads, permanent utility hookups, regular mail delivery to the address, or taxation as a residential property.
- **Travel Trailers and Fifth Wheel Trailers.** Travel trailers, fifth wheel trailers and related shoreline hardening/site work (as defined herein) may be eligible for consideration if the home is a primary residence and a permanently located. Distinguishing features will include poured concrete pads, permanent utility hookups, regular mail delivery to the address, or taxation as a residential property. Boats, motor vehicles, pop-ups, toy haulers, truck campers, motor homes and other vehicular structures designed for recreational, camping, travel or seasonal use are ineligible.
- **Materials.** Reimbursement for material purchases must be related to disaster caused expenses only and must have been purchased during, or after the Coverage Period. The Eligible Homeowner must submit verifiable date stamped receipts, or other documentation that demonstrates the materials purchased were for disaster caused recovery. The LPA shall conduct a site visit and document an inspection to confirm that repair work for Eligible Activities was completed and materials were used at the Eligible Homeowner's Primary Residence.

Ineligible Activities

Ineligible Activities include:

- Repairs that are cosmetic in nature
- Docks
- Boathouses (structures without a municipal residential occupancy permit)
- Guest homes, pool houses, sheds, detached garages
- Personal property, such as vehicles, furniture, household goods, electronic equipment, window coverings and clothing
- General home improvements not related to direct disaster related damage
- Heating or cooking fuel replacement
- Portable and window air conditioners (exceptions for health-based hardships will be considered)
- Portable heaters, microwaves, and dishwashers
- Small countertop appliances, such as coffee pots, toaster, or blenders
- Garage door openers
- Swimming pools, hot tubs, saunas, or associated equipment
- Walks, decks, patios, fences, lawns and landscaping
- Luxury countertops, such as stone, granite, composite, or high-end luxury fixtures and appliances
- Fireplaces including wood, gas, or electric (exceptions for disaster caused damage to chimneys will be considered)
- Covered porches, patios, decks, stairs or driveways (exceptions will be considered if access to Primary Residence is impeded, or poses a documented safety hazard)

- Central air conditioning systems (exceptions for health-based hardships will be considered)
- Common areas of residential condominium and cooperative buildings, or associations.
- Food freezers
- Loss of use or access to the waterfront, beachfront for personal enjoyment
- Pre-existing damage or repairs resulting from deferred maintenance, and not directly disaster caused
- Moving and storage fees

Additional Ineligible Activities

- **Reimbursement for Labor.** A contractor, or his/her immediate family members cannot receive Program funding for labor performed on a property that s/he owns. A conflict of interest exists due to the unique information and influence that the Eligible Homeowner has over developing work scopes, use of material, soliciting bids and evaluating satisfactory performance. Immediate family is defined as a spouse, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law or daughter-in-law. Materials may be reimbursed subject to the Eligible Activities stated herein.

Bidding Requirements

To the extent feasible, Eligible Homeowners shall be required to collect at least two separate estimates/bids for work to be performed. The LPA shall review the scope of work and estimates/bids to ensure cost reasonableness and prevent price gouging. The Eligible Homeowner may select a higher bidder, but the homeowner must agree in writing to contribute the difference in the bids. Exceptions may be considered on a case-by-case basis.

Process for Submitting an Appeal

Applicants have the right to appeal the decision of an LPA within (20) business days of receipt of notification that the application was awarded or denied. The deadline for appeals based upon a missed deadline is Tuesday, November 5, 2019. See “Application Deadline” herein.

A three-member Appeals Committee consisting of representatives of HCR who did not take part in the first determination will review appeals. All decisions by the Appeals Committee shall be final. The Appeals Committee is the sole arbiter in interpreting the intent and implementation of the Program and these Guidelines.

All appeals must be submitted on the prescribed Appeal Form and provide an explanation as to the basis for reconsideration. A copy of the award or denial letter, and documentation supporting the Applicant’s claim should be included along with the Appeal Form. The appeal will be decided based on the submitted written record. No hearings will be held. Appeals cannot be accepted by phone.

The Appeal Form and all supporting documents may be emailed to floodrecovery@nyshcr.org, or mailed to:

NYS Homes and Community Renewal
Office of Community Renewal
“Appeals Committee”
38-40 State Street
Albany New York 12207

Non-Discrimination

An LPA 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 LPA shall comply with all applicable federal, New York State and local fair housing and employment non-discrimination laws.

Amendments to Guidelines

HCR may amend these Guidelines, at any time and from time-to-time, to provide clarification during program administration.

NYS Executive Law Article 15-a

NYS Executive Law Article 15-A requirements that address employment and business opportunities on state contracts for minorities and women, are waived for exigent emergency disaster recovery circumstances. The LPA and Eligible Homeowners are encouraged, however, to promote and assist the participation of certified Minority and Women-owned Business Enterprises (MWBES).

Administrative Funding

Ten percent (10%) of Program funds awarded to an LPA may be used for eligible operating and administrative expenses.

Eligible Soft Costs

Eligible soft costs fall within the \$50,000 maximum grant award. If the LPA is covering soft costs and retaining a portion of the grant award for reimbursement, the homeowner’s contract shall clearly outline those costs and a reimbursement statement.

Other Certifications

- Eligible Homeowners (or their approved contractors) may not begin work on an approved property until all required building, or other permits have been issued.
- Home improvement projects are identified in the State Environmental Quality Review (“SEQR”) Act as “Type II SEQR Actions,” which do not require environmental assessments. In the case of lead, asbestos, mold or other remediation activities the

Eligible Homeowner (or their approved contractors) must adhere to all local, state or federal certification requirements.

- State Historic Preservation Office (“SHPO) is waived.
- Contractors must be certified under Environmental Protection Agency Renovation Repair and Paint (“EPA RRP”) Regulations. LPAs are required to include this statement in their program material and contracts.
- Renovations made to properties located within Special Flood Hazard Area (“SFHA”) must meet requirements as defined by federal and State law, and regulations. The local municipality is responsible for the application and enforcement of these requirements. To determine whether a property resides within a SFHA and ensure that repairs meet relevant requirements, please contact the local municipality. Homeowners may visit FEMA’s Map Service Center at <https://msc.fema.gov/portal> to conduct a search. Contact information for local flood plain administrators is available upon request to HCR.

Recapture

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