

Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE)

Local Program Administrator Manual



**Homes and
Community Renewal**

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I. INTRODUCTION

Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE) funds are available as grants to support the cost of emergency repairs to eliminate conditions in homes that pose a threat to life, health, or safety of low-income elderly homeowners when the homeowners cannot afford to make the repairs. The RESTORE Program is critical to seniors in New York State who prefer to remain in their homes but need emergency repairs to ensure safe, adequate housing conditions.

This Administrative Manual describes the policies and procedures that must be followed by a Local Program Administrator (LPA) in the implementation of its NYS RESTORE Program. Policies and procedures contained in this manual supplement the program grant agreement and Administrative Plan and are enforceable along with all aspects of the program agreement.

Program documents and forms referred to in this Manual are available on the HCR website at: <https://hcr.ny.gov/restore-program#forms---documents>.

Any questions regarding the contents of this Manual or the RESTORE program may be directed to RESTORE program staff at OCRStatePrograms@nyshcr.org.

A. **Notice of Funding Availability and Request for Applications**

Funding for the RESTORE Program is awarded by the HTFC through an annual competitive funding process.

The Housing Trust Fund Corporation (HTFC), through the Office of Community Renewal (OCR), releases a request for applications (RFA) upon availability of funding for the RESTORE Program. Applications are submitted through the Community Development Online (CDOL) application system.

The RFA provides the general framework for the RESTORE Program and includes application deadlines, general program requirements, and evaluation and selection criteria that will be used by the OCR to determine award recipients.

The eligible funding amount is specified in the RFA. The RFA is widely distributed and made publicly available on the HCR website at: <https://hcr.ny.gov/restore-program#funding-round-materials>.

In response to a publicly-issued RFA, eligible applicants submit program proposals detailing how they will administer local RESTORE programs. The program designs describe the selection of eligible recipients, construction monitoring, and compliance with program requirements. Applicants are awarded on a competitive basis and must be approved by the Housing Trust Fund Corporation Board of Directors.

B. **Application Process**

1. Notice & Submission

Once a Notice of Funding Availability (NOFA) is made available, applicants must to submit RESTORE program application exhibits and attachments electronically using the Community Development On-Line System (CDOL), which is accessible online at <http://www.nyshcr.org/Apps/CDOnline/>.

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using HCR's CDOL. Requests for approval to submit a paper application must be sent to:

NYS Homes and Community Renewal
Office of Community Renewal
ATTN: RESTORE PROGRAM
Hampton Plaza
38-40 State Street, 4 South
Albany, NY 12207-2804

Applicants are assigned a SHARS ID number as part of the application process. All communication with the OCR regarding application status should include the SHARS ID number.

Only on time applications submitted electronically using HCR's CDOL or pre-approved paper applications will be accepted for review. Incomplete and/or late applications will not be accepted either through the CDOL system or paper submission.

2. Application Review & Scoring

All RESTORE Program applications are reviewed according to eligibility and review criteria specified in the RFA. The criteria are derived from the regulatory and policy requirements of the RESTORE Program.

Award decisions are made in the context of a competitive process. To the extent feasible, the OCR allocates its resources to meet housing needs and achieve a geographic distribution of funding across the State, while promoting community development policies that emphasize the needs of underserved communities and which advance smart growth principals and healthy living environments.

3. HTFC Board Approval

The OCR must present all proposed RESTORE Program award recommendations to the HTFC Board, which must approve such awards and provide the OCR with authorization to proceed with notification of awards and execution of Program Agreements.

3. a.) Application Review for Applicants Not Selected

An Application Review is offered by the OCR after award determinations have been announced. The Application Review serves as a debrief to provide feedback and guidance for unsuccessful applicants and is designed to help applicants prepare for future application rounds. Instructions for requesting an application review are included in the notification letter from OCR.

C. Execution of Program Grant Agreement

The HTFC expects to enter into a Program Agreement within 45 business days of the RESTORE award recipient's compliance with all submission requirements. Program activities must not commence until a Program Agreement is executed with the HTFC.

The LPA may subcontract with a municipality, not-for-profit or private firm to provide additional services or support for the administration of a RESTORE Program. The LPA, however, must execute the RESTORE program agreement and remain responsible for the overall program compliance.

1. Insurance Requirements

Award recipients are required to obtain and maintain proper insurance and bonds.

At a minimum, copies of the following must be provided:

- A Certificate of General Liability Insurance (\$1,000,000 minimum);
- Automobile coverage;
- Workers' Compensation and Disability Insurance; and
- A Fidelity Bond in the amount of the largest anticipated disbursement.

Insurance documents must name the Housing Trust Fund Corporation and New York State as loss payee in accordance with the program agreement requirements. Disbursement requests that exceed the amount of the fidelity bond will be rejected.

2. Grant Agreement Documents

The following items comprise the completed Program Agreement:

- **RESTORE Program Agreement** – Contains the overall requirements and contents of the agreement between the LPA and the HTFC.
- **Schedule A – Awarded Budget & Projected Accomplishments** – Schedule A summarizes the awarded budget, approved service area and projected accomplishments. Schedule A is prepared using information from the original application. Changes must be approved by OCR and may require an amendment to the program agreement.
- **Schedule B – Administrative Plan** – The program agreement includes the administrative plan that outlines the basic procedures an LPA must follow to administer the RESTORE Program. LPAs are expected to supplement these basic procedures with local policies and procedures that best meet the needs of the service area. Components of the administrative plan include, but are not limited to:
 - Outreach & Coordination;
 - Project Selection;
 - Project Development;
 - Construction Monitoring & Quality Control; and
 - Ongoing Maintenance.
- **Schedule C – Participation by Minority Group Members, Women and Service Disabled Veterans with Respect to State Contracts: Requirements and Procedures** –The Housing Trust Fund Corporation (HTFC) is required to implement the provisions of New York State Executive Law Article 15-A and 5 NYCRR Parts 142-144 ("MWBE Regulations"), and New York State Executive Article 17-B and 9 NYCRR Section 252 ("SDVOB Regulations") for all State contracts as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction. Schedule C outlines the requirements and procedures for meeting NYS M/WBE requirements.

No work on the Program may begin, nor reimbursable costs incurred, until the Program Agreement is executed.

II. PROGRAM ELIGIBILITY

A. Eligible Applicants

Not-for-profit community-based organizations, county governments, municipalities, and other entities incorporated pursuant to the not-for-profit Corporation Law, which have been in existence and providing relevant housing services to the community for at least one year prior to the date of application are eligible to apply for RESTORE Program funds and, if awarded, administer a local RESTORE program. All areas of the state are eligible as RESTORE target areas.

Two or more eligible entities may partner in the RESTORE program under a contract or Memorandum of Understanding (MOU) for the duration of the proposed project period. However, one of the collaborating partners must serve as the applicant and LPA, if awarded, and be contractually responsible to carry out the program activities.

1. Not-For-Profit Prequalification

Not-for-profit organizations must be prequalified by submitting an online Prequalification Application through the Grants Gateway. The Prequalification Application is comprised of five components to gauge the organizational structure and the types of services provided.

The required forms and document uploads are all part of the Grants Gateway Document Vault. Resources to complete the application and associated document vault can be found in the Quick Links Section of the Grants Gateway page at <http://grantsreform.ny.gov/>. Applicants that are not prequalified in the Grants Gateway by the application deadline do not meet the minimum threshold requirements and may not be scored.

B. Eligible Participants

RESTORE Programs are directed toward emergency repairs to eliminate conditions in homes that pose a threat to life, health, or safety of low-income elderly homeowners when the homeowners cannot afford to make the repairs.

1. Age Eligibility

The owner-occupant must be 60 years of age or older at the time of application and named on the deed to be eligible to receive RESTORE funds. The LPA must collect documentation of age eligibility.

2. Homeownership

Each assisted household must own and occupy as primary residence the unit receiving assistance, and the LPA must obtain documentation of ownership.

The following forms of ownership are permissible:

- Ownership in fee simple title;
- Ownership of unit or manufactured housing with long-term leasehold interest;
- Condo or co-op unit ownership – with condo/coop board approval;
- Life estate or life lease – right to live in the property until death, does not pay rent, and all named in the life lease sign the PMD;

- Inherited property – age 60 or over occupant shares ownership with other non-resident heirs, but pays all costs of ownership; all who share ownership must sign the PMD; or
- Beneficiary deed ownership – occupancy by beneficiary age 60 or over, and all named in the life lease sign the PMD.

Right to possession under a contract for deed, installment contract, or land contract (pursuant to which the deed is not given until the final payment is made) is not ownership.

The ownership interest may be subject only to mortgages or other liens or instruments securing debt on the property or any other restrictions or encumbrances that do not impair the good and marketable nature of title to the ownership interest. All owners or beneficial parties must sign the PMD.

If the building is multi-unit, only the unit occupied by the owner and the common areas are eligible.

In addition, the owner must have evidence of property insurance and be current on all property taxes.

3. Income Eligibility

The LPA may choose the method for calculating income and determining eligibility to be used consistently across all clients; however, the Part 5 (or Section 8 method) definition of gross income is the recommended definition for use in determining income eligibility. The following materials explain the Part 5 method:

- The HOME “Technical Guide for Determining Income and Allowances for the HOME Program” is available at: https://www.hud.gov/sites/documents/19754_1780.PDF.
- An online income calculator is available at: <https://www.hudexchange.info/resource/2079/cpd-income-eligibility-calculator/>.
- Additional guidance on HUD determinations of income eligibility is available at <http://www.huduser.org/portal/datasets/il.html>.

C. Project Eligibility

1. Eligible Properties

RESTORE funds are available for any part of New York State. An applicant, however, must identify the proposed service area. If awarded, the local RESTORE program must be carried out in the defined service area (the community, neighborhood, or jurisdiction where RESTORE funds will be invested).

Repairs may be made in 1-4 unit homes that are owned and occupied by eligible households. If the home is a multi-unit building, repairs may only be made in the unit where the elderly owner resides or in common areas.

2. Previously Assisted Property

A building may receive RESTORE Program assistance more than once. However, the expenditure of RESTORE funds may not exceed a total of \$10,000 for one or more repairs to a given property within the regulatory period of a Property

Maintenance Declaration.

The LPA must confirm with the OCR program staff if previous assistance has been provided and if the regulatory period is active or has expired.

- If a property has previously been served and is in its regulatory period but did not receive the maximum amount, the household can be served again until it reaches the building maximum cumulatively.
- If a property has been assisted but the previous award's regulatory period has expired, it may be eligible for further assistance through the RESTORE Program.

For example: Mr. John Doe receives a RESTORE grant for his home at 123 Main Street in the amount of \$5,000 on April 13, 2016. The regulatory period begins on the completion date of the project. Mr. Doe's home address at 123 Main Street is eligible for additional RESTORE assistance of \$5,000. A new Property Maintenance Declaration Form is filed by the LPA upon completion of the second \$5,000 emergency repair. Mr. Doe is not eligible for additional assistance from the RESTORE Program until the regulatory period has passed.

3. Leveraged Funding

The LPA may use RESTORE funding as part of a larger, more comprehensive project. However, the repairs for RESTORE must:

- Demonstrate a documented emergency;
- Be clearly defined on bid documents and invoices; and
- Be completed within RESTORE timeframes.

D. Eligible & Ineligible Improvements

Eligible activities are emergency in nature. An emergency repair will eliminate hazardous conditions in the home or unit that otherwise threaten the health and safety of elderly residents. To warrant RESTORE assistance, the faulty structural component or system:

- Must be non-functional or non-operative; or
- Pose an imminent threat to the viability of the structure and/or make the unit unsafe to occupy (such as a sudden need for disability modifications related to a medical condition or procedure).

1. Eligible Repairs & Improvements

The Program defines an eligible emergency repair to be a repair that will eliminate a hazardous condition or physical deficiency that poses an immediate threat to the life, health, or safety of the elderly resident(s) or an imminent threat to structure habitability.

Typical repairs funded with RESTORE include (but are not limited to):

- Correction of serious structural issues including foundation, floors, doorways, and decks that provide entry or egress;
- Stabilization, repair or replacement of damaged or leaking roof and roof vents and gutters;
- Broken, inoperable or unsecured window or exterior door repair or

replacement;

- Repairs to deteriorated interior or exterior stairs and means of egress;
- Accessibility modifications;
- Repairs to or replacement of failed HVAC systems and chimneys;
- Plumbing repairs or replacement, including correcting issues with potable water supply, domestic hot water and sewage/septic;
- Mold remediation; and/or
- Electrical repairs or upgrades of electrical/utility systems to remove hazards.

The LPA is responsible for determining if a repair meets the “emergency repair” threshold. The LPA must document the hazardous condition (with photos) and substantiate the imminent threat to the elderly homeowner and/or structure before conducting emergency repairs with RESTORE funds.

2. Ineligible Repairs & Improvements

Repairs that are not of an emergency nature or not a threat to health and safety of elderly homeowners are not eligible for RESTORE funding. For example, repairs to an old or leaking roof may not be warranted if the roof condition is not an immediate threat to the structure or household but might be warranted if the conditions indicate the potential for imminent collapse or compromise to the electrical system.

The following activities are not permitted in the RESTORE Program:

- Substantial renovations, such as kitchen or bathroom remodels;
- Landscaping;
- Replacement of appliances, unless there is an obvious health or safety hazard and approved by OCR program staff prior to purchase;
- Non-emergency or cosmetic repairs;
- Exterior egress repairs that are not necessary for safe access;
- New construction;
- Repairs to outbuildings and non-dwelling structures; and
- Repairs to units not occupied by eligible residents.

If the LPA has concerns about the eligibility of a particular repair, the LPA should contact OCR program staff prior to undertaking the repair activity. Activities undertaken that are not eligible will not be reimbursed or may result in the OCR recapturing the RESTORE funds for that project from the LPA. Additionally, the OCR may recapture and/or de-obligate the balance of RESTORE funds and terminate the program agreement.

3. Referral for Services

Any RESTORE client that needs assistance outside of the scope of services offered by the RESTORE Program shall be referred, by the LPA, to an appropriate service provider that may assist the individual.

The LPA shall establish a standard practice procedure that details the referral process to be used in coordinating the delivery of the RESTORE grant with other programs.

The LPA shall maintain files and records of the Service Provider Agreements in place that provide the following information: service provider name, a brief description of the type of service and copies of written commitment letters.

E. Eligible Costs

Eligible activities are repairs up to \$10,000 in any one building or property. Administrative funds are not included in the limit, but project delivery funds are part of the \$10,000 limit per unit.

Eligible costs include the hard costs of the repairs and improvements, plus permits and fees associated with such improvements. Architectural & design services are an eligible cost, provided that it is necessary and appropriate to the work being done.

RESTORE funds will be disbursed only for projects completed after the date of the execution of the Program Agreement, and only for projects with approved Project Set-ups. Projects completed prior to execution of the Program Agreement or without Project Set up and Office of Community Renewal approval will not be reimbursed.

1. Project Delivery Costs

The RESTORE program permits LPAs to incur very limited project delivery costs, which are soft costs incurred by the LPA for the repairs or improvements to a specific building or client. LPAs may consider the following project delivery costs for reimbursement to specific projects:

- Mileage for LPA program staff who perform project oversight;
- Fees for filing the Property Maintenance Declaration (PMD);
- Project-specific attorney fees;
- Health and safety testing costs, such as lead testing and clearances; and
- Staff salary/fringe costs directly associated with a project such as:
 - applicant intake and determining eligibility;
 - conducting site visits;
 - completing the scope of work; and
 - preparation of documents, such as executed contracts, invoices, etc.

The following are NOT permitted project delivery costs:

- Marketing and/or advertising the Access to Home Program;
- Staff salary/fringe costs NOT directly associated with a project; and
- Costs incurred by LPA to meet state insurance requirements as found in the Program Agreement.

The OCR may consider other project delivery costs not listed above for reimbursement. The LPA must submit a written request to the OCR and receive written approval from the OCR prior to the start of the project.

Total delivery costs may not exceed five (5) percent of the RESTORE award.

Requests are reviewed for reasonableness and adequate documentation, such as invoices, receipts and timesheets. Mileage must be described in terms of distance and rate per mile on the disbursement paperwork.

2. Administrative Costs

The LPA may be awarded up to seven and one half (7.5) percent of the total award for Administrative expenses to offset overall costs of implementing the RESTORE program for ALL awardees, regardless of the type of applicant. The cap is announced in the RESTORE RFA and application guidance.

LPAs may consider the following costs for reimbursement with administrative funds:

- Overall marketing of the RESTORE program being administered by the LPA;
- Insurance costs directly associated with implementing the program; and
- Offset salary of staff/fringe costs associated with implementing and/or monitoring the program.

The following are NOT permitted as administrative costs:

- Any costs that are charged directly to a project as “project delivery costs”; and
- Offset of salary/fringe costs of staff not associated with the RESTORE program.

3. Other Funding

LPAs are required to demonstrate adequate resources to administer the proposed RESTORE program during the application process. Additional sources of funding are strongly encouraged and may be necessary for costs that exceed the RESTORE program limit. There are a number of energy assistance and home rehabilitation programs funded by HCR and other agencies that can be of assistance for low income households. Information on HCR programs can be found at: <https://hcr.ny.gov/>.

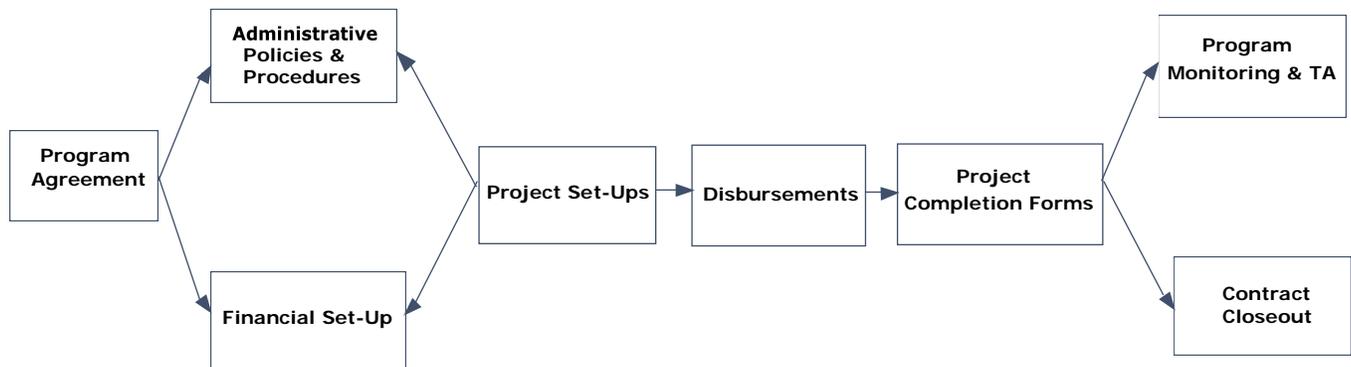
III. PROGRAM ADMINISTRATION

LPAs assume responsibility for: ensuring successful completion of all assisted projects; evaluating and selecting activities to be supported; entering into contracts with participating property owners; and assuring compliance with all local, state and federal laws and regulations.

A. Administration Cycle

The RESTORE Program Agreement is for a term of one year from the effective date stated in the agreement. This chapter outlines the policies and eligible activities of the Program. Closeout is expected to occur within 45 days after the end of the program agreement term.

The Administrative Cycle is depicted below:



1. Project Timeline: 5/14/60 Rule

Each project is subject to mandatory response and repair time frames that are established in the program statute. The time frames are intended to ensure that the emergency situation is addressed in a timely manner. When a referral is received, the following deadlines apply:

- The LPA must respond within 5 business days and inspect the home to determine if emergency repairs are needed and can be provided through the Program.
- If repairs are to be provided, the LPA is required to:
 - Commence work within 14 business days; and
 - Complete the repairs within 60 business days from the start of the repairs.

RESTORE program staff will monitor adherence to the project timeline. In the event the time frames cannot be met due to circumstances beyond the control of the LPA, the LPA must document the situation and stabilize the project site until the weather or other circumstances permit the work to occur.

Failure to meet the deadlines for the project repair timeline may result in the OCR recapturing funds for that project. Further, it may impact the remainder of the LPAs current program agreement (including possible recapture and/or de-obligation of remaining funds) and may impact future RESTORE program agreements.

2. Administrative Plan

Administration of each RESTORE program will be governed by the original proposal, this Manual, the Program Agreement and associated Administrative Plan.

The Administrative Plan consists of:

- Program activities and scope;
- The selection process for assisted units;
- Construction procurement and management procedures;
- Service program linkages;
- Program service area;
- Public outreach procedures;
- Staffing; and
- Fiscal management.

The Administrative Plan is enforceable along with the terms of the Program Agreement and will be reviewed by the OCR program staff as part of monitoring.

3. Marketing & Outreach

The LPA will conduct outreach in the awarded service area to make service agencies and potential participants aware of the availability of financial assistance for accessibility modifications. The LPA will develop and distribute informational materials to market program availability and explain program requirements. The LPA shall maintain all documents demonstrating outreach activities and be prepared to provide to OCR for monitoring.

4. Conflicts of Interest

LPAs must have a conflict of interest policy that applies to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, the LPA, or unit of general local government or any designated public agencies. The LPA is responsible for determining if a conflict of interest exists or may exist and reporting it to OCR program staff as necessary. An appropriate conflict of interest policy will be required as part of the application process. The policy may require adjustment prior to grant execution if it does not include all the elements required for RESTORE.

4. a.) Applicability

The procurement of supplies, equipment, construction, and services by the States, units of local general governments, and Local Program Administrators (LPA), and such cases include the emergency repair of real property and the provision of assistance with RESTORE funds by the local program administrator, to individuals, businesses and other private entities.

4. b.) Conflicts Prohibited

Except for eligible administrative or personnel costs, the general rule is that, unless prior written approval is obtained from the Office of Community Renewal (OCR), no covered person who exercises or has exercised any

functions or responsibilities with respect to RESTORE activities or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

LPAs will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or sub-grantee shall participate in selection, or in the award or administration of a contract supported by state funds if a conflict of interest, real or apparent, may be involved. Such a conflict would arise when:

- (i) The employee, officer or agent;
- (ii) Any member of his/her immediate family 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;
- (iii) His or her partner; or
- (iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The LPA's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. LPAs may set minimum rules where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the LPA's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

B. Environmental Review/SEQR

RESTORE Program awards are subject to the requirements of the State Environmental Quality Review Act (SEQRA) at 6 NYCRR Part 617. Documentation of compliance will occur at two stages: upfront programmatic clearance and site-specific clearance as sites are selected by the LPA:

1. Programmatic Clearance

The Programmatic Environmental Review is completed to review the general activities and service area and identify potential hazards and compliance requirements. HTFC's Environmental Analysis Unit (EAU) will prepare a Programmatic Environmental Review and issue a SEQR Type II Determination Letter. LPAs may not begin individual project work until the Type II letter is issued.

2. Site-Specific Clearance

As sites are chosen, a "Site Specific Certification and Appendix A" must be completed, signed and submitted to the OCR program staff to initiate site-specific clearance. This certification checklist will identify and document any issues that

must be resolved and address any environmental issues that might impact individual sites in your program. A PDF fillable Site Specific Certification, along with instructions on how to complete the certification checklist, are available for viewing and printing here: <https://hcr.ny.gov/restore-program#forms---documents>.

The Site Specific Certification and Appendix A must be completed and submitted to the OCR program staff prior to any work on each site. EAU may need to review and approve work in circumstances such as:

- Substantial improvement in a flood zone;
- Work on a building determined by SHPO to have historic or cultural significance;
- Ground disturbance;
- Zoning changes; or
- If the work constitutes a SEQR Unlisted action

The Certification must be submitted even if there are no “Circumstances” that warrant further review.

C. Contractor Procedures

1. Equal Employment Opportunity/Minority & Women Owned Business

Recipients are required to comply with Articles 15 A and 17 B of the New York State Executive Law. These requirements include equal employment opportunities for minority group members and women (“EEO”), and contracting opportunities for certified minority and women owned business enterprises (“MWBEs”) and Service-Disabled Veteran Owned Businesses (“SDVOBs”). Recipient’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements.

The Recipient will promote and assist the participation of certified MWBEs and SDVOBs as outlined and in accordance with Participation by Minority Group Members, Women and Service-Disabled Veterans with Respect to State Contracts: Requirements and Procedures attached to the grant agreement with Housing Trust Fund Corporation.

Please visit NYS Empire State Development’s Division of Minority & Women Business Development website for a directory of certified Minority and Women-Owned Businesses: <http://www.esd.ny.gov/MWBE.html>.

RESTORE program recipients awarded less than \$100,000 are not subject to Article 15A and 17B of the New York State Executive Law. LPAs are, however, encouraged to make efforts to meet the equal opportunity provisions of Section 312 of the Article. This includes affirmative efforts to ensure that New York State Certified Minority and Women-Owned Business Enterprises are afforded opportunities for meaningful participation in projects funded by the HTFC pursuant to Section 313 of the Article.

1. a.) MWBE Process Summary for RESTORE

- Prepare and submit a ***Contractor Bid Solicitation Plan***. This Plan will outline the goals (percentages are included in the existing grant agreement Schedule C), how the awarded organization intends to

conduct marketing and outreach, and efforts to include MWBE firms in contracting opportunities. Costs for activities that cannot be bid out (internal administrative costs) should be removed before preparing the calculations in this document.

- As activities proceed, the awarded organization will prepare a ***Bid Solicitation Log*** to document all of the contractors or vendors included in each outreach and bidding process. The awarded organization must also document its bid review and selection decisions.
- If an MWBE firm is contracted for a project, utilization information (FID and payment amount) and ***affirmation of payment to contractor*** will be reported when the awarded organization seeks reimbursement from the HTFC for a particular trade/invoice. The Project Detail Sheet used for disbursement requests includes a drop-down box to note MWBE/SDVOB firms.
- If the awarded organization is unable to reach the goals, a request for waiver must be submitted. The written request should be accompanied by a ***Certification of Good Faith Efforts*** form and supporting documentation to demonstrate its efforts. The documentation should demonstrate that the awarded organization followed the plan presented in the Bid Solicitation Plan and include documentation of each of the steps outlined above.

All forms are available here: <https://hcr.ny.gov/restore-program#forms--documents>.

2. Contractor Selection & Monitoring

The LPA is required to establish a standard procedure for contractor selection. Upon the determination of eligibility for program assistance and that environmental compliance is achieved, the LPA should proceed with contractor bidding and selection.

For each project, the LPA must issue a request for contractor bids that details the work that will be required to correct emergency conditions. Proposals must be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. An award may be made to the responsible bidder whose proposal will be most advantageous with price and other factors considered.

This process can take place individually for each project, or via a Contractor Bid List system.

The use of in-house crews is permitted in limited circumstances. “Limited circumstances” meaning where the LPA in-house crew has specific expertise and corresponding certifications to address a repair (such as lead-based paint or mold remediation); or where a repair bid solicitation receives no responses from local contractors. OCR preapproval is required.

1. a.) EPA Renovator

The EPA’s Renovation, Repair and Painting Rule (RRP) requires contractors or firms performing renovation, repair, or painting projects that disturb lead-based paint in homes built before 1978 to be licensed and use certified

renovators trained by EPA-approved providers and follow lead-safe practices. LPAs should require all of their contractors to be EPA licensed renovation firms and require a renovator to be onsite and supervise when any painted surface is being disturbed.

More information can be found here: <http://www2.epa.gov/lead/renovation-repair-and-painting-program>.

3. Creating Contractor Bid Lists

A Contractor Bid List system allows LPAs to streamline the procurement of contractors for a one-year period rather than procuring contractors separately for each job. LPAs should review their Contractor Bid Solicitation Plan for allowability prior to publishing an RFP. Further, LPAs must obtain OCR Program Manager approval of the system before setting up the first Contractor Bid List project.

3. a. Creating the Contractor List

- Identify typical work scopes by trade covering anticipated aspects of RESTORE rehabilitation needs in the service area;
- Complete cost estimates for each work scope for reasonableness comparison;
- Issue a Request for Proposal (RFP) asking that sealed proposals be returned via mail. The RFP request should include all documentation necessary to qualify contractor including references, proof of insurance, lead certification, non-collusion forms, etc. Contractors can be identified by trade or as general contractors;
- Contractor Bid Solicitation Plan should be followed for MWBE goal compliance;
- Compare responses to internal cost estimate, complete the contractor vetting process, and create a list of contractors by trade;
- Qualified contractors are placed on a Contractor Bid List and notified of qualification. The contractors on this list will be awarded jobs on a rotating basis;
- Create a contractor agreement that includes term, requirements, expectations, and grounds for termination;
- Participants of the program may not be prohibited from requesting the LPA to qualify and use a contractor not on the list. In such a circumstance, the contractor should be vetted appropriately, and the rehabilitation should be bid out to the list contractors and the new firm; and
- The contractor list must remain open during the grant period.

3. b.) OCR Review

Email project manager a single PDF for review including previously approved Contractor Bid Solicitation Plan, RFP, and resulting bidder list.

3. c.) Utilizing the List

- A participant is determined eligible for the program and an inspection is conducted;
- The inspector will create a work scope and send to the first applicable contractor on the list via email or USPS. The contractor will reply with pricing and availability;

- Compare the bid against the in-house estimate. If the contractor bid is too high, or the company cannot do the job, then the next contractor on the list will have an opportunity;
- Once a contractor accepts the job, normal monitoring of the job should commence;
- As activities proceed, prepare a Bid Solicitation Log to document contractors or vendors contracted for each project;
- If an MWBE firm is contracted for a project, utilization information and affirmation of payment to contractor will be reported for disbursement. The project detail sheet includes a drop-down box to note MWBE firms; and
- If the LPA is unable to reach goals, a request for waiver must be submitted. The written request should be accompanied by a Certification of Good Faith Efforts form and supporting documentation to demonstrate effort. This documentation should demonstrate that the LPA followed the plan presented in the Bid Solicitation Plan and include documentation of each of the steps outlined above.

4. Construction Monitoring

The LPA must also establish a standard practice for monitoring licensed contractors for adherence to deadlines and quality of workmanship.

This should include:

- Verification of work performed prior to payment; and
- Final inspection prior to the release of final payment to ensure that the entire scope has been completed and the owner will sign off.

D. Financial Management

RESTORE program recipients must follow these instructions to report on project activity and to receive disbursements of funds. LPAs should also refer to the RESTORE Program Agreement and direct all questions to OCR program staff before undertaking activities where there are questions or concerns. Failure to follow these instructions in the administration of a RESTORE Program award may result in the repayment, recapture, or de-obligation of funds awarded for this purpose and may adversely impact the future eligibility of an LPA to receive these or other program funds awarded by the HTFC.

NOTE: All forms required for the RESTORE Program are available on the HCR website, here: <https://hcr.ny.gov/restore-program#forms---documents>.

1. Program Budget

The Program Budget is approved prior to execution of the program agreement and is included as an attachment to the agreement (Schedule A). It is enforceable along with all program agreement provisions.

2. Financial Set-Up

The LPA is responsible for establishing a separate account for the receipt and disbursement of the RESTORE funds. Funds will be transferred directly into the LPAs designated account through an Automated Clearing House (ACH) procedure.

Two financial forms must be submitted prior to the start of the program agreement:

- An Authorized Signatory Form; and

- A Direct Deposit Form.

An Authorized Signatory Form for Request for Funds form must be completed prior to the start of all program agreements, and at any time an employee is added or removed as a signatory.

Recipients must send signed copies of each Authorized Signatory Form and Depository Designation Form to OCR program staff. LPAs are encouraged to submit signed, legible copies scanned into PDF and e-mailed to expedite processing and disbursement. Recipients are **not** required to submit an original hard copy of these forms to OCR program staff.

LPAs must submit to the following addresses with the initial Program Agreement or any time revisions are required:

RESTORE Program
Office of Community Renewal
Hampton Plaza, 4 South
38-40 State Street
Albany, NY 12207-2804

OR

E-Mail: OCRStatePrograms@nyshcr.org

E. Project Set Up/Disbursement

1. Project Set Up

A Project Set Up Form must be submitted to RESTORE program staff for each project before the LPA commences work on the unit and before any request for disbursement is submitted. The Project Set up Form allows program staff to confirm eligibility of costs and activities and formally commit RESTORE funds for a project site.

The Form must be accompanied by:

- The Environmental Checklist completed and attached;
- Written scope of work;
- Photograph of front elevation view of unit; and
- BEFORE pictures of all work to be performed with RESTORE funding.

Work may not commence until the Set Up Form is approved by OCR program staff. The Set Up Form should only be submitted after the LPA has executed a written agreement with the property owner to do the specific work.

The data gathered from the Set Up Forms allows HTFC to monitor the program status and to report to the Legislature on program accomplishments. The LPA is responsible for submitting accurate project Set Up Forms to the OCR program staff.

2. Disbursements

All payments will be on a reimbursement basis for costs that have been incurred. There are no advances of program funds. LPAs may request funds after the project work is completed.

To receive reimbursement, the LPA will submit a Disbursement Request. Each Disbursement Request must include the following:

- Disbursement Request Form signed by an Authorized Signatory on file with the OCR;
- Administrative Funds Detail Sheet if applicable with back up documents for OTPS;
- Project Detail Sheet that provides project-specific information on costs and activities. This form must specifically detail the work that has been completed;
- Supporting documentation for all project expenses, including invoices and receipts; and
- Proof of Payment

By signing and submitting the Disbursement Request Form, the LPA is certifying that the work was done satisfactorily and is in accordance with applicable program rules and local laws.

Copies of work write-ups, staffing records, invoices for materials and labor, cancelled checks and any LPA inspection reports of the completed work must be maintained in LPA files for periodic inspection by the OCR staff.

Disbursement Requests must be e-mailed to: OCRStatePrograms@nyshcr.org with a cc: to program staff.

HTFC will make payments to LPAs through an automated deposit system. While the timing of payments cannot be guaranteed, generally this process can be accomplished - from receipt of a complete and accurate LPA payment request to payment - within 10-20 business days.

The LPA must work with OCR program staff to determine the appropriate disbursement schedule to effectively administer the RESTORE Program.

Proof of payment to the contractor, vendor, and/or consultant should be provided with the disbursement request. Proof of payment must be provided within 45 days of the disbursement request submission.

Funds received by the LPA must be disbursed to the contractor or vendor within five business days of the electronic transfer.

3. Project Completion

The Project Completion Form must be submitted within seven days of completion of each project. Project Completion Forms may be submitted as part of a final disbursement.

The submission must include:

- The Completion Form;
- Final Disbursement materials, if applicable; and
- After Photographs (front elevation and all repairs done).
 - Digital photographs in .JPEG or .PDF format are preferred.

The Completion Form, along with final disbursement documentation, must be sent electronically to the RESTORE e-mail at OCRStatePrograms@nysocr.org.

The street address of the unit must be in the Subject Line of the e-mail.

- The body of the e-mail must include the LPA's name and the RESTORE SHARS ID number.

F. Ongoing Maintenance

Units that are repaired using RESTORE funds are subject to use restrictions of a Property Maintenance Declaration (PMD) for three (3) years after date of the most recent repair completion. LPAs are responsible for ensuring that the requirements of the PMD are met.

1. Property Maintenance Declaration

The LPA and the property owner must both sign a Property Maintenance Declaration (PMD).

The Property Maintenance Declaration acknowledges that the unit was improved using RESTORE funds provided to the LPA from the HTFC and states that, during the three year regulatory period, the owner will:

- Maintain the unit in good operating order and condition;
- Not sell, move, demolish or materially alter the property without the prior written consent of the LPA; and
- If the improved unit becomes vacant during the regulatory period, market the unit and make it affordable to persons of low-income.

The PMD is a subordinate lien to any mortgage given by the owner for the purpose of construction or permanent financing of the premises. The PMD may be no lower than third in priority order of repayment. The encumbrance runs with the land and is binding on the property owner.

The maintenance term, or regulatory period, must be calculated from the date of Project Completion. The date of Project Completion is the date of final, documented inspection and approval by the LPA and the client. The LPA must use this date to calculate the termination date specified on the Declaration form. If the final inspection report is not formally documented or available in the LPA files, the maintenance term will begin on the date of final disbursement of RESTORE funds. Please contact the OCR program staff to confirm this date.

If the eligible participant moves or leaves the unit for any reason within the three year regulatory period, or the PMD is otherwise breached, the RESTORE funds must be repaid on a pro-rated basis over the three years, as outlined:

Months 0-12:	100% repayment due
Months 13-24:	67% repayment due
Months 25-36:	34% repayment due
After the 36 th Month:	0% repayment due

2. Subordination of the PMD

A property owner who received RESTORE program funds may request an agreement to subordinate the PMD for the purposes of refinancing their existing

mortgage during the residency requirement period. The request must be approved by the LPA and then forwarded by the LPA to HTFC for review.

The LPA request must contain the following information:

- LPA name, SHARS ID number;
- Client name and address where RESTORE funds were utilized;
- Total amount of RESTORE funds utilized for the project; and
- Explanation for subordination need.

The HTFC may approve refinances only under the following limited circumstances:

- a)** lower interest rate (no cash out permitted) on a first mortgage;
- b)** pay for major home renovation;
- c)** pay for major medical expenses;
- d)** death and burial of elderly spouse; or
- e)** pay for educational expenses.

Conditions for all circumstances must be well documented. With respect to refinancing, caution must be used. The LPA should document timely mortgage payments, a clear reduction in interest rate or mortgage term or both, and verification that the refinance will not result in cash to the borrower. The LPA should consider referring the homeowner to a local certified housing counseling agency for budgeting and other loan related education if the LPA does not have the capacity to provide education to the homeowner directly.

3. Waiver from Filing the PMD

An owner whose building received RESTORE program funds may request a *waiver* to filing the PMD. Generally, waivers are issued where a lien is prohibited by state or federal rule.

The request must be in writing and must come through, and be approved initially by, the LPA. The LPA will then forward the request to OCR program staff for review.

The request must contain the following information:

- LPA name, SHARS ID number;
- Client name and address where RESTORE funds were utilized;
- Total amount of RESTORE funds utilized for the project;
- Detailed explanation behind need for the waiver (LPA may be asked by HCR to determine how state's investment will be protected absent the Property Maintenance Declaration).

Upon receipt of the written request, OCR program staff will review and make a determination within approximately 30 calendar days. During the review period, OCR program staff may request additional information from the LPA and/or the client. OCR will issue a response of approve or deny.

IF APPROVED, the LPA and the client will be required to sign the Property Maintenance Declaration, but the signed document will not be filed with the County. The LPA must maintain the Property Maintenance Declaration in its program files for the duration of the three-year regulatory period.

IF DENIED, the LPA must file the signed document with the County for the full term of the three-year regulatory period. OCR will not consider appeals to determinations made on waiver requests.

IV. CONTRACT COMPLETION, MONITORING, & COMPLIANCE

A. Contract Completion

Within 30 calendar days from a Program Agreement end date, the LPA must submit all required RESTORE program documents, including final disbursement requests, to the OCR program staff.

Upon completion of the contract, the LPA will receive a closeout letter from the OCR program staff. The closeout letter will identify each unit assisted with RESTORE Funds under this contract. The letter will also state the LPA did or did not expend all RESTORE Funds. If all funds were not expended by the contract end date, the closeout letter will state the balance off RESTORE program funds to be de-obligated by the OCR. The LPA must review the closeout letter and, if the LPA concurs, sign the letter and return it to the OCR program staff.

If the LPA disagrees with the units assisted or amount of funds de-obligated the LPA should immediately contact the OCR program staff to resolve the dispute.

B. Records & Record Retention

Supporting documentation will be maintained by the LPA in the project files and will include the following:

- Participant application;
- Eligibility documentation (including ownership, income, age, prior assistance);
- Property documentation, including address and photos;
- Original inspection, work specifications & cost estimates;
- Bid documentation;
- Contracts between the participant and the LPA, contracts between the participant and the contractor;
- Documentation on historic preservation issues, lead-based paint, and environmental conditions and clearances, as applicable;
- Signed property maintenance declaration (s) with property owner(s) (deferred loan terms and conditional repayment agreement);
- Inspection reports and period of work performance;
- Contractor invoices & documentation of payment;
- Pre- and post-photographs of the modifications, as specified above;
- Copy of recipient sign-off of completed work;
- Copy of any warranties on equipment installed; and
- ALL correspondence between the LPA and the OCR.

LPAs are responsible for maintaining complete project files for a retention period of seven (7) years from Closeout.

C. Monitoring

Program progress will be monitored by the OCR program staff by desk reviews and site visits. LPAs will be contacted and notified in writing in advance of all scheduled site visits,

desk reviews, or other program reviews.

The OCR reserves the right to require files to be submitted for desk reviews, or to conduct onsite reviews. Project files may be subject to examination at any time by representatives of the HTFC or HCR whether as part of a scheduled site visit, desk audit, or any other RESTORE program review. The review of files can include though is not limited to:

- Client application (homeowner, prior RESTORE funding, age documentation);
- Household Size & income eligibility verification (SSI, pay stubs);
- Verification of homeowner's insurance;
- Verification of current taxes;
- Pre-construction Inspection;
- Service Provider/Referral Agreement(s);
- Work write-up/specifications;
- Lead-Based Paint (LBP), if pre-1978: -- disclosure, Renovator use, clearance;
- Cost estimate;
- Contractor bid package/proposals;
- Construction Documents (contract, insurance, permits, affidavit/waivers of lien);
- Contractor invoice(s)/vouchers;
- Evidence of contractor disbursement;
- RESTORE Project Detail Sheet;
- Pictures (front elevation, before & after); and/or
- Property Maintenance Declaration (PMD).

1. Technical Assistance

All award recipients are strongly encouraged to participate in the program implementation TA program, usually conducted as a Webinar. This technical assistance opportunity helps award recipients new to the RESTORE Program gain an understanding of day-to-day management and oversight of the program. The implementation program is also useful for past recipients because it highlights changes to the program made from previous funding rounds. The slides for the previous Webinar are typically posted online after the session is conducted.

OCR program staff also provide direct technical assistance as requested by participants in the program. The LPA may request technical assistance from the OCR program staff at any time during the Program Agreement term.

The OCR strongly recommends that a request for technical assistance be submitted as soon as the LPA recognizes the need. This will help ensure that the OCR and the LPA can work together to ensure the successful implementation of the RESTORE Program. Requests for technical assistance can be made directly to the OCR program staff or to OCRStatePrograms@nyshcr.org.

D. Compliance Findings

An LPA may be in non-compliance for a variety of reasons including, but not limited to:

- Lack of performance, including failure to meet goals agreed to in the executed program agreement;
- Misuse of program funds;
- Broader financial/audit issues within the company;
- Failure to submit required program documents in a timely fashion;
- In default or poor standing with other HCR programs; or
- Failure to comply with rules and regulations as outlined in this manual, in statute, or in the program agreement.

Any LPA that is in non-compliance will be placed in default. The OCR will issue a default letter within 10 calendar days after the company is found to be in non-compliance.

The LPA will normally have 15 calendar days to cure the default. The OCR reserves the right to authorize other cure periods as deemed appropriate.

If the LPA submits the information within the cure period, the default will not be released until the Program Director has reviewed the submission in consultation with the OCR President and determined that the default has been resolved.

If the LPA fails to submit the information within the cure period or submits an incomplete or unsatisfactory reply to the default, the OCR will terminate the program agreement. Termination of the program agreement may include recapture and/or de-obligation of program funds.

1. Recapture of Funds

The OCR may recapture and/or de-obligate funds from the LPA for a violation of program rules, as a result of a program default, or in the event of a terminated program agreement. In the event of a violation of program rules by program participants, the LPA is required to recapture RESTORE funds and return the funds to HTFC. The OCR Program staff may require the LPA to recapture funds for program violations including, but not limited to:

- Change in residency of elderly homeowners assisted with RESTORE funds;
- Providing repairs not eligible for RESTORE funding;
- Excess project costs and/or improper use of project cost funds;
- Failure to meet project timelines;
- Failure to submit reports or other required documents to OCR program staff in a timely fashion;
- Improper or inadequate documentation of projects;
- Inadequate records retention for the full five years; and
- Failure to adequately monitor residency requirements for the three year regulatory period.

Funds recaptured from specific projects are for the full amount of RESTORE funds used for the building. OCR may withhold delivery of future funds for program violations until such time as they are corrected in accordance with RESTORE requirements and to the satisfaction of OCR.

Funds must be returned with the HTFC HCR Returned Funds Coversheet and a brief letter explaining the purpose including program name, SHARS Identification Number, and the client name and address. The HTFC HCR Returned Funds Coversheet is available on the HCR website here: <https://hcr.ny.gov/restore-program#forms---documents>.

V. DEFINITIONS & ACRONYMS

Applicant – A not-for-profit community-based organization, county government, municipality, or other entity incorporated pursuant to New York State not-for-profit Corporation Law submitting an application for funding from the RESTORE Program in response to a Request for Applications (RFA) released by the Office of Community Renewal (OCR).

Emergency Repair – A repair that will address an emergency that poses a threat to the life, health, or safety of the elderly resident(s).

Housing Trust Fund Corporation (HTFC) – Established by Chapter 67, Section 45-a of the Private Housing Finance Law of 1985, HTFC is a subsidiary public benefit corporation of the NYS Housing Finance Agency. HTFC contracts with the Division of Homes and Renewal (DHCR) to administer the Corporation's activities. HTFC's mission is to create decent affordable housing for persons of low-income.

Life Lease – A residential lease in which the tenant maintains exclusive occupancy or use of a unit for the life of the tenant. Where possible, the life lease should be registered on title to the same property as the deed.

Local Program Administrator (LPA) – An organization awarded funds to administer HCR programs, including the RESTORE Program. An LPA may be a not-for-profit community-based organization, county government, municipality, or other entity incorporated pursuant to New York State Not-For-Profit Corporation Law. Eligible LPAs must have been in existence, and providing relevant housing services to the community, for at least one year prior to the application date for program funding.

Low-Income Elderly Homeowner – A person owning and occupying a home as their primary residence who is over the age of 60 with an income that does not exceed 100 percent of area median income as defined by the US Department of Housing and Urban Development (HUD).

New York State Homes and Community Renewal (HCR) – Consists of all the State's major housing and community renewal agencies, including The Affordable Housing Corporation (AHC), The Division of Housing and Community Renewal (DHCR), Housing Finance Agency (HFA), State of New York Mortgage Agency (SONYMA), Housing Trust Fund Corporation (HTFC) and others.

Office of Community Renewal (OCR) – An office within HCR responsible for administering a variety of housing and community development programs, including the RESTORE Program.

Property Maintenance Declaration – An agreement signed by both the LPA and the homeowner that is subsequently filed with the county clerk's office. The Property Maintenance Declaration is a lien on the subject property and ensures that the LPA will be notified regarding the sale or transfer of title on the subject property.

Recapture – The HTFC may recapture funds from the LPA if funds are not spent within the approved program agreement period, if the funds are not spent in accordance with program rules, or for other reasons. Further, for a variety of reasons, the LPA may be required to have the homeowner return RESTORE funds to the HTFC. The LPA is responsible for the recapture and returning the funds to the HTFC.

Recipient – A not-for-profit community-based organization, county government, municipality, or other entity incorporated pursuant to New York State Not-For-Profit Corporation Law awarded funds by the Housing Trust Fund Corporation for the administration of a RESTORE program that has not yet signed an executed Program Agreement.

Request for Applications (RFA) – A public solicitation made by the Housing Trust Fund

Corporation (HTFC), through its Office of Community Renewal (OCR), to make funds available for the RESTORE Program. The RFA provides general requirements, application deadlines, evaluation criteria and other information for potential applicants to consider before submitting a funding application.

RESTORE – Acronym for the Residential Emergency Services to Offer (Home) Repairs to the Elderly Program.

SHARS – Acronym for the Statewide Housing Activity Reporting System. This is the database used by HCR to track LPA activity for a grant award. The system stores data related to housing units assisted in New York State. All organizations and municipalities that apply for funding receive an eight-digit SHARS identification number.

VI. FUNDING OVERVIEW SUMMARY TABLE

Program Year	Funding Limits	Administrative Funding	Project Delivery	AMI Limit	Building Maximum	Regulatory Period
2012	\$50,000	5%	r/c*	80%	\$5,000	5 Years
2013	\$50,000	5%	r/c*	80%	\$5,000	5 Years
2014	\$50,000	5%	r/c*	80%	\$5,000	5 Years
2015	\$150,000	5%	5%	120%	\$10,000	5 Years
2016	\$150,000	5%	5%	80%	\$10,000	5 Years
2017	\$150,000	7.5%	5%	80%	\$10,000	5 Years
2018	\$150,000	7.5%	5%	100%	\$10,000	3 Years
2019	\$150,000	7.5%	5%	100%	\$10,000	3 Years

* Reasonable and customary