

NEW YORK STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

CORONAVIRUS AID, RELIEF AND ECONOMIC
SECURITY ACT (CARES)

REQUEST FOR APPLICATIONS



**Homes and
Community Renewal**

**Housing
Trust Fund
Corporation**

OFFICE OF COMMUNITY RENEWAL

ANDREW M. CUOMO, GOVERNOR
RUTHANNE VISNAUSKAS, COMMISSIONER/CEO

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I. FUNDS AVAILABLE

NYS Homes & Community Renewal (HCR) proposes to utilize up to \$60 Million in Community Development Block Grant (CDBG) funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act to help communities throughout the state to safely reopen and restart their local economies in the wake of COVID-19. HCR proposes funding for a series of activities to prevent the spread of the virus, respond to the impacts of the virus, safely reopen and prepare businesses and facilities for new safety protocols.

No less than \$30 Million of this amount must be allocated to non-entitlement communities. Awards will be made based on factors that may include, but are not limited to, need, impact, capacity, relationship to coronavirus, and geography.

All proposed activities must meet critical thresholds that include but are not limited to:

- Compliance with HUD's National Objectives
- Explicitly prevent, prepare for and respond to Coronavirus
- Can be completed within 12 months of award.

These requirements are more fully detailed below.

Additional CDBG-CV funds will be made available in future rounds to continue to address the needs of New Yorkers.

II. FUNDING LIMITS

| | Minimum | Maximum |
|---|----------------|----------------|
| <i>Towns, Cities and Villages:</i> | \$100,000 | \$ 500,000 |
| <i>Counties and New York City:</i> | \$100,000 | \$1,000,000 |
| <i>All Municipalities - Combined Activities</i> | \$100,000 | \$2,000,000 |

These limits are provided as guidelines for expected award limits. The maximum awards are not intended to serve as a target for funding requests. The amount of CDBG assistance must be based on the extent of need and cannot be used to reduce the amount of other financing for the project. Larger awards may be approved based on demonstrated need and capacity to complete proposed activities within 12-month term. For economic development projects, public benefit standard (award amount per job retained/created) will be based on need but will generally follow the requirements of the regular CDBG funding rounds. More information can be found here: <https://hcr.ny.gov/community-development-block-grant-economic-development-program>.

HUD typically allows for \$35,000 in assistance per full-time equivalent job created under the business assistance activity. For CDBG-CV funded activities only, an alternative standard of up to \$85,000 per job is permissible. However, applicants must demonstrate the need for higher per-job assistance by documenting economic hardship as a result of COVID-19.

Applicants may generally request up to 18% of the CDBG award in program delivery, administration, and engineering costs combined. Of the 18%, administration must not exceed more than 5% of the total CDBG award. Please note that these limits may vary by activity.

III. ELIGIBLE ACTIVITIES

The approved uses of CDBG CARES funding granted to New York by HUD fall under four general categories: Small Business Assistance, Public Facilities/Infrastructure, Housing Improvements, and Public Services. Within these general categories, HCR is accepting applications for the eligible activities as outlined below. In all cases, applicants must submit a Project Consultation Form to the Office of Community Renewal (OCR) for additional guidance prior to submitting a full application. Projects that do not fall into these eligible categories may submit under the “special projects” category for consideration.

- **Supporting Small Business**

Grant funds will be made available to support microenterprises as well as small businesses with fewer than 25 employees that have been impacted by the pandemic and that have been unable to access other state and federal resources. Assistance will be offered on a single-site or programmatic basis and will be deployed to address improvements that support customer and staff safety and improve business resiliency related to future occurrences of the virus or other disasters. Businesses will be required to demonstrate job retention or creation to access funds, as well as to demonstrate how proposed use of funds will enable the business to respond to and prevent impacts of COVID-19.

Uses may include new equipment or fixtures to guide social distancing, technology to increase efficiency and implement post-COVID business practices or working capital to resume operations following the business closures. Applicant communities are encouraged to prioritize businesses unable to access other state or federal resources for support and conduct a duplication of benefits review. Assistance to larger businesses (over 25 employees) will be subject to demonstration of need and impact on the remaining small businesses in the community not receiving assistance.

- **Improving Air Quality in Public Facilities**

Grant funds will be available to assist municipal public facilities, nursing homes, homeless shelters, senior centers, supportive and public housing developments and other critical institutions with reconfiguration and physical adjustments to comply with social distancing, reduced occupancy and other requirements following the COVID pandemic. These investments will allow local governments to prepare for and prevent the spread of COVID-19 through thoughtful redesign. The improvements will increase environmental and structural safety in public facilities such as nursing homes, daycares, and public housing.

Uses may include physical redesign of existing facilities to encourage reduced density, redesign and improvement of air filtering or ventilation systems, acquisition/development

of underutilized properties to expand public facilities and public space, redevelopment or design of a facility to serve a dual purpose such as a shelter for future disaster events.

Funds may not be used to support general operation expenses for local governments or improvements to buildings used for the general conduct of government.

- **Environmental Improvements in Housing for Safe Shelter**

Increased time in the home is increasing risk of lead poisoning for families in NYS. The connection between health and quality housing is well established and addressing the safety and quality of NY's housing stock has never been more critical given the recent crisis requiring sheltering in place and reducing density in both public and private spaces.

Grant funds will be made available to assist rental and single-family homeowners with repairs or upgrades critical to improving the overall health and safety of the housing. In addition to lead remediation, funds may be used to address ventilation and HVAC improvements related to indoor air quality, reconfiguration of communal spaces, other repairs that address emergencies and allow families to safely shelter at home. This assistance will help to prepare for and prevent future occurrences of the virus by making investments to reconfigure and update living spaces and physical systems for low/moderate income families.

Applicants are expected to prioritize assistance to vulnerable populations such as seniors and families that lost income as a result of COVID.

- **Conversion of Underutilized Buildings for Affordable Housing**

The pandemic has both increased commercial vacancies and generated an increased need for affordable and supportive housing. CDBG funds can be a critical component for addressing the needs of families and individuals experiencing homelessness or housing challenges as a result of the COVID-19 pandemic.

HCR will therefore accept applications for the repair of residential building stock or for the acquisition and conversion of other vacant structures to create new opportunities for affordable housing or for the development of public facilities, e.g. shelters, senior centers, or recreation facilities.

- **Vaccine Outreach and Awareness**

Funds will be made available to support community-based outreach in low-and-moderate income areas or to HUD designated vulnerable or underserved populations to ensure they are able to locate and access the COVID-19 vaccines as they become available. HCR expects that this assistance is primarily coordinated through non-profit organizations that may provide services and programming to those communities.

Uses may also include working with target populations to educate residents about vaccine safety and post vaccine federal guideline recommendations.

- **Wi-fi Connectivity for Underserved Communities**

Funds will be made available as a public service or infrastructure activity to ensure that families in underserved communities have Wi-fi access for remote education and

telehealth services through new and expanded broadband. Applicants must identify connectivity projects that can be completed within 12 months.

Public and community service providers expanded existing services and developed new programs to support increased and new community needs during the pandemic. CDBG grant funds can be provided to directly support the cost of delivering these critical programs to New York's most vulnerable populations at a local level.

- **Support for Mental Health Services**

The need for mental health services has increased during the pandemic. Applicants may request CDBG funds to support new or expanded mental health services. Grant funds can cover program costs related to domestic violence/abuse services, substance abuse treatment and recovery services, suicide prevention and other general mental health services.

HCR expects that this assistance is primarily coordinated through non-profit organizations that may provide services and programming to those populations. Consideration should be given to projects that utilize public service dollars to complement other activities undertaken using CDBG CV funds. Note that the public service activity must be for a new or expanded service and cannot support activities already funded by other parties.

- **Special Projects**

NYS HCR intends to make CDBG CV funds available to best serve needs created by the COVID-19 pandemic. Applicants that identify a critical need that falls outside of the above activities, but which are within the four categories approved by HUD, should contact HCR to discuss the proposal. Applications that meet the HUD mandated nexus to COVID and a CDBG National Objective may be considered for funding.

IV. APPLICATION PROCESS & DEADLINES

Funding round materials will be available on the [NYS CDBG web site](#) beginning March 17th, 2021. This application round will remain open until August 27th, 2021 or until funding has been exhausted.

A. PROJECT CONSULTATION FORM

Applicants must submit a Project Consultation Form to the Office of Community Renewal (OCR) to confirm activity eligibility and for technical assistance prior to submitting an application. This Form is available with the funding round materials on HCR's website and must be submitted to CDBG CARES@nyshcr.org.

Upon review of a Project Consultation Form, OCR staff will contact the applicant to advise on activity eligibility, request additional information or provide approval to proceed to submit a full application.

B. PUBLIC HEARING PRE-APPLICATION REQUIREMENT

Applicant communities must conduct a public hearing before a quorum of the full legislative body in compliance with NYS Citizen Participation requirements, prior to submitting a full application for funding. A public hearing template is available in the full application document and with the funding round materials on the website.

- (1) The municipality must provide a minimum seven (7) day period between the publication of the hearing notice and the hearing itself. Note that the date of publication is day "zero."
- (2) The hearing notice must be conspicuously posted in one or more public locations at least seventy-two (72) hours prior to the actual hearing. This may also be accomplished by posting to the municipal website
- (3) The hearing must be conducted by a quorum of the legislative body of the municipality only, not by a sub recipient, department or arm of the applicant
- (4) Public hearings must be held in a location accessible to persons with disabilities and/or provide reasonable accommodations to allow all interested parties to participate
- (5) The hearing notice, affidavit of publication, hearing minutes, and evidence of conspicuous public posting must be included as an attachment to the application
- (6) A copy of the application must be available for public inspection at the municipal office(s). Templates for both public hearings can be found in Chapter 8 of the NYS CDBG Grant Administration Manual (GAM) here: <https://hcr.ny.gov/system/files/documents/2019/11/cdbg-grant-administration-manual-chapter-8-filemaintenance.pdf>

C. SUBMITTING APPLICATION

Once an applicant has received approval to submit a full application, applicants must submit an electronic copy of the application to OCR at:

CDBG CARES@nyshcr.org

Subject: Application – Town/Village/City Name

The ORIGINAL application with all original signatures must be retained by the applicant.

D. TECHNICAL ASSISTANCE

OCR will provide technical assistance regarding the application, proposed projects, and program regulations to applicants upon receipt of the initial Project Consultation Form but will continue to be available to answer questions regarding the application and/or the NYS CDBG Program. Applicants should contact OCR staff at CDBG CARES@nyshcr.org or 518-474-2057 for assistance.

E. APPLICATION DEADLINE

Application Open Date: Wednesday, March 17th

Applications will be accepted on an open round basis with rolling awards beginning March 17th. The application period will close **4:00 pm Friday, August 27th, 2021 or earlier if all funding has been exhausted.**

The above-stated application deadline is firm as to date and hour. Unless otherwise specified by HCR, in the interest of fairness to all applicants, applications received after the specified date and time will be deemed ineligible and will **not** be considered for funding. Applicants should submit applications as soon as the proposal and required materials are ready to avoid risks of ineligibility resulting from unanticipated delays or problems.

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the provided email inbox. Requests for approval to submit a paper application must be sent to: Crystal Loffler, Deputy Commissioner, NYS Homes and Community Renewal, Office of Community Renewal, Hampton Plaza, 38-40 State Street, 4th Floor South, Albany, NY 12207.

V. APPLICATION REVIEW

A. APPLICATION THRESHOLD REVIEW REQUIREMENTS

CDBG-CV applications must present project proposals that:

- Prevent, prepare for, and respond to Coronavirus
- Meet a CDBG National Objective
- Address one or more of the specified activities:
 - Supporting Small Business
 - Improving Air Quality in Public Facilities
 - Environmental Improvements for Housing in Safe Shelter
 - Conversion of Underutilized Buildings for Affordable Housing
 - Vaccine Outreach and Awareness
 - Wi-Fi Connectivity for Underserved Communities
 - Support for Mental Health Services
 - Special Projects
- Request funding within the limits outlined above
- Can be completed within 12 months of award
- Do not provide assistance to a for-profit business in the form of lobbying or other political activities
- Applicants may generally request up to 18% of the CDBG award in program delivery, administration, and engineering costs combined. Of the 18%, administration must not

exceed more than 5% of the total CDBG award. Please note that these limits may vary by activity.

- Do not request reimbursement of costs prior to January 21, 2020. (Grantees must document compliance with the environmental review requirements at 24 CFR Part 58 following the application to HCR and prior to reimbursement of any costs, including eligible pre-award costs)

B. APPLICATION REVIEW CRITERIA

In addition to meeting the above threshold requirements, applications will be evaluated and scored based on the following criteria:

- **Need (25%)** – Demonstrated need for the project, strength of connection to Coronavirus response, leverage of other sources;
- **Impact (25%)** – Measurable impact of proposed activities, relevance to demonstrated need;
- **Capacity (25%)** - Organizational capacity and project design that demonstrates ability to complete project within contract term, strong plan/strategy for administration;
- **Feasibility (25%)** – Clear budget, all sources identified, project financially viable

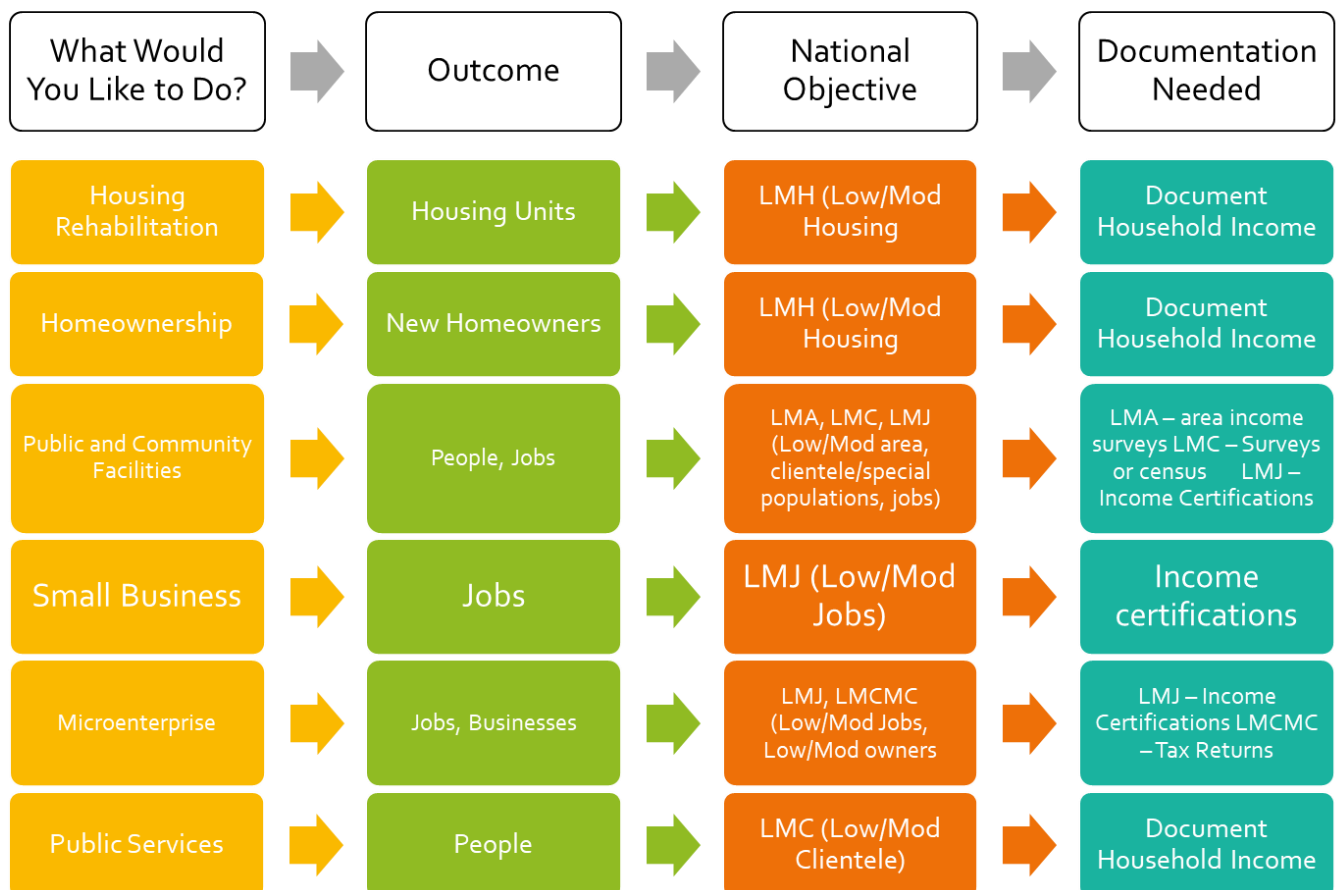
VI. PROGRAM ADMINISTRATION REQUIREMENTS

For general program guidelines, applicants may reference the NYS CDBG Grant Administration Manual here: <https://hcr.ny.gov/community-development-block-grant>. Some critical administrative areas to consider are:

- **Duplication of Benefits** – CDBG-CV grantees must have policies and procedures in place to prevent duplication of benefits with other state and federal. This means that grantees may not use CDBG-CV funds for costs already fully covered by other sources. Applicants will be required to complete and attach a *Duplication of Benefits* form. Additional certifications will be provided with each request for reimbursement for the duration of the project. Applicants will need to demonstrate loss and indicate any payments made by other agencies and/or private insurance. After those payments, any unmet need could be eligible for CDBG assistance.
- **Procurement** - An applicant may choose to use a third-party consultant and/or non-profit subrecipient to help administer the project. For professional service contracts, federal procurement rules will apply. For more information on both procurement and subrecipient relationships, please see Chapters 1 and 4 of the NYS CDBG Grant Administration Manual, “Getting Started” and “Procurement Standards”, respectively.

- **Environmental Review** - All CDBG projects are required to undergo a National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA) review. The length of time for the NEPA review varies based on the type of activities that are undertaken. Any non-exempt costs incurred prior to approval of the NEPA review would not be eligible for CDBG reimbursement. Certain pre-award costs may be eligible back to January 21, 2020. Please contact OCR to determine applicability. For more information, please see Chapter 2 of the NYS CDBG Grant Administration Manual, “Environmental and Historic Review”.
- **National Objective** - Each project proposed for CDBG assistance must meet a National Objective (NO) as defined by HUD. For a majority of projects, this objective can be met by ensuring that at least 51% of the beneficiaries assisted are low-to-moderate income households and/or individuals. The narrative for the Project Proposal, question C, must describe how this standard will be met, and any relevant supporting information must be attached to the application. Below is a general guide to meet NO by activity type. Applicants are strongly encouraged to consult with OCR staff to address any questions about these requirements.

1. *Benefit to low-moderate Income (LMI) persons*



National Objective Documentation for LMI Persons

- Household Income (LMH, LMCMC) – For all housing activities, the household occupying the assisted unit must be determined to be low/moderate income at the time of assistance. This is most frequently accomplished by gathering all income sources and projecting future income over the next year. HUD provides an online income calculator here: <https://www.hudexchange.info/incomecalculator/>. For multi-family properties, a majority of the assisted units must be occupied by low/moderate income households. For microenterprise projects, National Objective can be met if the owner of the business is determined to be from a low/moderate income household at the time of assistance.
- Household Income (LMJ) – For economic development activities, at least 51% of the jobs created or retained must be held by or made available to low/moderate income persons. HUD allows a self-certification of household income. OCR uses a Family Income Form found here: <https://hcr.ny.gov/system/files/documents/2018/10/familyincomeform.pdf>. For more information on meeting the national objective for economic development projects, please see program guidelines here: <https://hcr.ny.gov/system/files/documents/2019/01/economicdevelopmentprogramguidelines-openround.pdf>.
 - **Special Rules for Retained Jobs:** In order to consider jobs retained as a result of CDBG assistance, there must be clear and objective evidence that permanent jobs will be lost without CDBG assistance. For these purposes, “clear and objective” evidence that jobs will be lost would include:
 - Evidence that the business has issued a notice to affected employees or made a public announcement to that effect, or
 - Analysis of relevant financial records which clearly and convincingly shows that the business is likely to have to cut back employment in the near future without the planned intervention.

To meet the LMI jobs standard, 51% or more of the retained jobs must be either:

- Known to be held by LMI persons at the time CDBG assistance is provided and/or
- Jobs not known to be held by LMI persons, but which can be reasonably expected to “turn over” to LMI persons within two years. (This would involve the grant recipient and the business being assisted taking actions to ensure that such a job, upon turnover, will be either taken by or made available to an LMI person in a manner similar to a newly created job)

- Service Area Income (LMA) – Public or community facilities may meet a National Objective by demonstrating at the time of application that over 51% of the persons served are low/moderate income. This is most frequently done through neighborhood income surveys or through a survey of all users of the facility. Census data may be used only where it can be definitively shown that the service area of the facility perfectly coincides with the census block group or tract. For more information on income surveys, please see Chapter 5, Eligible Activities, of the CDBG Grant Administration Manual: <https://hcr.ny.gov/system/files/documents/2019/04/cdbg-grant-administration-manual-chapter-5-eligible-activities.pdf> .
- Special Populations (LMC) - Public or community facilities may meet a National Objective by demonstrating that the population served is presumed low/moderate income by HUD standards (low/mod clientele). Special populations that meet this definition include:
 - Abused children
 - Battered spouses
 - Elderly persons
 - Severely disabled adults
 - Homeless persons
 - Illiterate adults
 - Persons living with AIDS
 - Migrant Farmworkers

An example may include improvements to a senior center. Note that the removal of architectural barriers to improve handicapped accessibility of facilities and programs may also fall under this category.

2. *Urgent Community Development Needs*

Certain projects may include activities that meet the conditions for the Urgent Need National Objective. Urgent Need projects are defined narrowly by HUD and generally cover certain emergency situations that present immediate public health threats, such as those that come about from natural disasters. OCR will strive in every case to qualify projects and their activities under the LMI National Objective before considering Urgent Need. Projects meeting the Urgent Need National Objective must demonstrate that:

- The condition resulting in the need for the proposed activity is of recent origin or recently became urgent (e.g. a condition that developed, or became critical, within 18 months of application).
- The nature and immediacy of conditions pose a serious threat to the health and or welfare of the community.
- The Applicant is unable to finance the proposed activity on its own and other resources are not available to fund the proposed activity.

3. *Prevention or Elimination of Slums and Blight*

In certain cases, National Objective may be met by demonstrating the proposed activities will be undertaken in an area characterized by slums and blight, or that the activity will address a specific instance of blight at a particular location. OCR will strive in every case to qualify projects and their activities under the LMI National Objective before considering Slums and Blight. Documentation officially designating areas of slums and blight, include

- The year of official blight designation;
- A map of designated area;
- Provide the number of structures in area and the total number of structures that are dilapidated
- Describe the conditions that lead to a determination of slums and blight;
- Describe the Applicant's plan to eliminate the conditions that led to a determination of slums and blight.

Additional information on National Objective Compliance can be found at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/library/stateguide.

If satisfactory demonstration of compliance with a National Objective is not provided, the proposed activity will be considered ineligible and will not be considered for funding.

- **Fair Housing** – Applicants **are required to** provide a statement indicating whether, within the past ten (10) years, the applicant has been the subject of any housing discrimination proceeding before a federal, state and/or local adjudicatory body. The statement must:
 - Provide the final disposition or indicate that the proceeding is pending, if applicable;
 - Provide a brief description of the complaint and procedural history for cases that are pending or final administrative and/or court orders.

Recipients will have a continuing obligation through the contract period to disclose within thirty (30) days to HCR's Fair and Equitable Housing Office if the municipality becomes the subject of any fair housing proceeding before a federal, state and/or local adjudicatory body, or if it receives a final disposition in a proceeding involving fair housing law claims.

Affirmatively Furthering Fair Housing Checklist

Recipients of federal funds have a duty to affirmatively further fair housing (AFFH) pursuant to the Fair Housing Act. New York State will monitor the efforts of local government grantees to satisfy and certify their own duty to AFFH. In general, activities that AFFH should promote non-discrimination and ensure fair and equal access to housing opportunities for all. The

CDBG Grant Administration Manual, Chapter 7, provides additional information regarding fair housing obligations. To ensure compliance with the AFFH requirements Recipients **are required to:**

- Display fair housing posters and distribute fair housing materials prepared by New York State, the municipality, US Department of Housing and Urban Development (HUD), or fair housing organizations to community residents, landlords, real estate professionals and lenders;
- Pass a fair housing resolution that demonstrates a “good faith effort” in complying with fair housing requirements. The fair housing resolution adopted by the Recipient must also be publicized and promoted within the community; and
- Designate a fair housing officer who is familiar with the fair housing regulation, have him or her trained on their duties and responsibilities as a fair housing officer, and, through means reasonably calculated to reach the community, publicize the existence of the fair housing officer as the primary point of contact for all fair housing related issues.

The Recipient must carry out the AFFH actions within one (1) year of the award of funds and provide to HCR’s Office of Community Renewal proof of the activities undertaken as a record of the municipality’s activities to satisfy its AFFH requirements. Recipients must be prepared to report on efforts to Affirmatively Further Fair Housing on an annual basis. Reporting will occur on an annual basis through the OCR Annual Performance Report that is due in January of every year.

In addition to the abovementioned required activities, the Recipient’s AFFH Checklist should identify which of the below activities will also be undertaken. The below checklist does not include every fair housing activity that a municipality could or should undertake. It is however a good starting point of increasing community awareness, ensuring that clear procedures exist for addressing fair housing complaints, expanding the types of housing choice within the municipality, and generally providing all people with the opportunity to live in a community of their choice without discrimination.

If a Recipient intends to complete an action not included in the AFFH Checklist to satisfy one of the categories from the AFFH Checklist, it must apply to Fair and Equitable Housing Office (FEHO) for permission to do so. Questions related to fair housing obligations and/or the AFFH Checklist must be addressed to HCR’s Fair and Equitable Housing Office at (518) 473-3089 or FEHO@nyshcr.org.

Encourage community input on fair housing matters

- Hold an annual public meeting on fair housing. Provide to HCR an agenda, meeting notes, and reports concerning the steps that will be taken to address fair housing issues raised at these meetings. Include list of attendees/sign-in sheet, location and date.

Ensure public policy affirmatively furthers fair housing

- Sponsor, or work with a community development/planning organization, rural/neighborhood preservation, or fair housing organization to conduct a survey to assess the community's housing needs, including barriers to fair housing choice.
- Survey special housing needs of minorities and women to determine possible effects of discrimination.

Promote fair housing education

- Elected officials, municipality staff in charge of planning, zoning, building, housing, community and economic development, and their third-party consultants attend a fair housing training program.
- Expert provides a fair housing education and training program for real estate professionals, including developers, sales and rental agents, lenders, and property managers.
- Conduct a meeting with financial institutions that serve the community to discuss the importance of providing financial assistance for housing in all geographic areas and to all residents in the community.

Please note that the actions listed above represent the commitment of the Office of Community Renewal (OCR) to Affirmatively Further Fair Housing (AFFH), and supplement, but do not replace the responsibility of each grantee to AFFH as described in the CDBG Grant Administration Manual.

Additional Civil Rights Requirements – All applicants that receive CDBG funds must comply with all applicable cross-cutting regulations pertaining to Equal Opportunity, Section 3, Minority and Women-Owned Business Enterprises (M/WBE), and Affirmatively Furthering Fair Housing (AFFH) practices (described above). Recipients will be subject to regular reporting by NYS HCR on practices to comply with the above. Recipients will also be subject to project monitoring, and compliance with civil rights requirements will be reviewed at the time of monitoring. For more information, please see Chapter 7 of the NYS CDBG Grant Administration Manual, “Other Federal Requirements”.