

# **New York State** **COMMUNITY DEVELOPMENT BLOCK GRANT** **(CDBG) PROGRAM**

## **2021 HOUSING ACTIVITIES** **REQUEST FOR APPLICATIONS**



**OFFICE OF COMMUNITY RENEWAL**

**Homes and  
Community Renewal**

**Housing  
Trust Fund  
Corporation**

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## I. FUNDS AVAILABLE

The Housing Trust Fund Corporation (HTFC) will make available approximately \$20 million in Program Year 2021 NYS CDBG Program funds through this Request for Applications (RFA).

## II. FUNDING LIMITS

These limits are provided as guidelines for expected award limits.

	MAXIMUM
<b><i>Single Family Housing Rehabilitation</i></b>	
<b><i>Multi-Family Housing Rehabilitation</i></b>	
<b><i>Homebuyer Down Payment Assistance</i></b>	
<b><i>Standalone Water &amp; Wastewater Systems/Laterals</i></b>	
County	\$1,000,000
City, Town, Village	\$500,000
<b><i>Manufactured Housing Replacement</i></b>	
County	\$1,500,000
City, Town, Village	\$750,000

## III. ELIGIBLE APPLICANTS

Eligible applicants are non-entitlement units of general local government (County, Town, City, or Village), excluding metropolitan cities, urban counties, and Indian Tribes that are designated Entitlement Communities. Non-entitlement areas are defined as cities, towns, and villages with populations of less than 50,000 except those designated principal cities of Metropolitan Statistical Areas, and counties with populations of less than 200,000. A list of eligible communities is available at on the OCR website under [Program Guidelines](#).

When a joint effort is required to solve a common problem faced by two or more eligible local governments, a joint application may be submitted. Local governments, however, must not only share a common problem that crosses their municipal boundaries but must also be able to demonstrate that a joint effort is required to solve the problem. A cooperation agreement between the local governments must be included as an attachment to the application. Joint applications submitted only for administrative convenience are not eligible and will not be considered for funding. Note that each Applicant individually must adhere to citizen participation requirements. Each participating municipality must hold a public hearing prior to application. Consultation with OCR is strongly encouraged.

CDBG funding may be used for eligible activities as outlined below. This is not intended to be an exhaustive list of eligible activities and applicants are encouraged to develop projects in response to local need that may not fit neatly in any one category. In these cases, applicants are encouraged to contact the Office of Community Renewal (OCR) for additional guidance prior to submitting an application.

## IV. ELIGIBLE ACTIVITIES

### A. Single Family Housing Rehabilitation

Repair or rehabilitation of single-family homes. All CDBG assisted units must meet NYS and/or Local Code upon completion of construction activities.

Examples:

- Minor scattered site housing rehabilitation – Unit of local government requests CDBG funding to complete minor level repairs. This might include environmental remediation and health & safety improvements identified locally as priorities i.e., replacing polluting heat sources, supplementing weatherization resources, lead paint remediation/abatement, handicapped accessibility, and utility hookups.

- Moderate/Substantial scattered site housing rehabilitation – Unit of local government requests CDBG funding to provide comprehensive rehabilitation for low-income homeowners. This may include rehabilitating all items that do not meet code or it may involve what is sometimes called “whole house rehabilitation,” meaning undertaking substantial repairs throughout the home in order to bring it up to code and to improve the overall livability and functionality of the unit.
- Reconstruction of existing housing - Unit of local government requests CDBG funding to provide comprehensive reconstruction for low-income homeowners. This includes demolition of an existed owner-occupied residential unit when the cost of rehabilitation is prohibitive or is more than the cost to replace.
- Vacant housing – Unit of local government requests funds to rehabilitate dilapidated or severely substandard property owned by Land bank or other not-for-profit subrecipient for sale to eligible homebuyer. Homebuyer Down Payment Assistance funds can be requested to support the homebuyers.

## **B. Multi-Family Housing Rehabilitation**

Repair or rehabilitation of multi-unit dwellings. Applicant must differentiate between properties containing 2–3-units and those containing 4 or more units.

Examples:

- Scattered site housing rehabilitation – Unit of local government requests CDBG funding to provide comprehensive rehabilitation for multi-unit properties in which private owner has committed to renting to low- to moderate income tenants.
- Public Housing Rehabilitation - Unit of local government requests funds to rehabilitate public housing units. Projects may be one or more buildings on a single site, or multiple sites that are under common ownership, management, and financing.

## **C. Homebuyer Down Payment Assistance**

Provide up to 50% of down payment and/or closing cost assistance to homebuyers to purchase a primary residence (owner-occupied), single, or multifamily (up to 4) unit(s). The unit(s) can be an existing home(s) or a newly constructed home(s). LMI thresholds must be met if a multifamily unit are purchased.

Funds may also be requested in conjunction with homeownership assistance to assist with housing rehabilitation for the obligations, budgeting, and overhead cost, and minor rehabilitation of certain houses that are otherwise structurally sound.

## **D. Manufactured Housing Replacement**

Demolish and dispose of a sub-standard owner-occupied manufactured or mobile home and replace with a new manufactured home, stick built or modular single-family home. The replacement unit must be constructed on the same lot.

Utility upgrades and replacement of and/or upgrades to existing on-site drinking water wells and septic systems should be included as part of the manufactured home replacement project.

## **E. Standalone Residential Water & Wastewater Activities/Laterals**

Replacement or new installation of infrastructure for residential water or wastewater for low- and moderate-income homeowners. Including:

- On-site sanitary septic system
- On-site drinking water (private) well
- Lateral connections to public drinking water and/or sanitary sewer systems

- Related plumbing modifications
- Targeted replacement of lead water supply laterals and plumbing

## V. **APPLICATION PROCESS & SUBMISSION**

Funding round materials will be available on the [Funding Opportunities](#) of the Homes and Community website beginning Monday, August 30, 2021.

Applications will be accepted through the [Community Development Online](#) (CDOL) system.

### A. **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 an application for funding. A public hearing template is available online with the funding round materials.

### B. **Technical Assistance**

OCR will provide technical assistance regarding the application, proposed projects, and program regulations to applicants upon request and will continue to be available to answer questions regarding the application and/or the NYS CDBG Program until the application is submitted or the submission date and time has expired, whichever occurs first. Applicants can contact OCR staff at [OCRINFO@nyshcr.org](mailto:OCRINFO@nyshcr.org) or 518-474-2057 for assistance.

### C. **Application Deadline**

Application Open Date: Wednesday, September 1, 2021

Application Submission Ends: Friday, October 29, 2021 4:00 PM

The above-stated application deadline is firm as to date and hour. 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 CDOL system. Requests for approval to submit a paper application must be sent to: Crystal Loffler, President, NYS Homes and Community Renewal, Office of Community Renewal, Hampton Plaza, 38-40 State Street, 4<sup>th</sup> Floor South, Albany, NY 12207.

### D. **Administrative Funds and Project Delivery**

Applicants may apply for up to 5% of the total award for administrative costs and up to 13% of the total award for project delivery costs.

### E. **Applicant Capacity and Prior Experience**

Applicants for NYS CDBG Program funds, as with all competitive OCR Program funds, are subject to an evaluation of prior program funding history, prior program administration performance and organizational capacity. Factors such as the rate of expenditure during the term of the contract, the number of contract extensions requested, if funds were de-obligated and compliance with all terms will be used to determine satisfactory performance for all applicants. Applicants may be negatively impacted by unsatisfactory performance or may be determined to be ineligible for a grant when prior performance evidence significant lack of capacity to carry out the proposed project or program

as required and according to the applicable laws, regulations, policies and procedures governing the program.

Applicants must resolve all outstanding monitoring and/or non-compliance issues that involve a violation of Federal, State or local regulations, and/or program and OCR requirements prior to the submission of an application for funding. Applicants that do not resolve monitoring and/or non-compliance issues will be deemed ineligible, and the application will not be accepted or reviewed. The OCR will provide, upon request, status information related to the above items for any potential applicants.

Prior to submitting an application, applicants should evaluate the progress of their open grant portfolio to determine if additional funds are warranted at this time. Interested parties are discouraged from applying for NYS CDBG Program funds if the program activities cannot be completed within the 2-year term or the amount of funding requested cannot be expended within the 2-year term.

The HTFC and the OCR reserve the right not to fund any application if it has been determined that the applicant is not in compliance with existing State and/or Federal contracts and has not taken satisfactory steps to remedy such non-compliance. The HTFC and OCR reserve the right to reduce funds requested based on a review of applicant capacity and existing contracts.

## **VI. APPLICATION REVIEW**

### **A. Application Threshold Review Requirements**

CDBG applications must present projects that:

- Meet a CDBG National Objective
- Demonstrate compliance with NYS Citizen Participation
- Request funding within the limits outlined above
- Can be completed within 24 months of award
- Do not provide assistance to a for-profit business in the form of lobbying or other political activities
- Do not exceed 18% overall soft costs (administration, program delivery, engineering). Of the 18% no more than 5% of the total request for grant administration.
- Do not request reimbursement of costs prior to award and approval of release of funds.
- Grantees must document compliance with the environmental review requirements at 24 CFR Part58 following the application to HCR and prior to reimbursement of any 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 – 19 Points**

The degree to which the Applicant has demonstrated:

- a need and market for the project and the services to be provided;
- that NYS CDBG funds are necessary to undertake the project and the community is unable to secure sufficient funding or assistance through other methods or resources, including other public resources.

#### **Impact – 15 Points**

The degree to which the Applicant has demonstrated that:

- the proposed project has long-term affordability, viability and sustainability, is appropriate in terms of capacity, and addresses the identified need;
- the project design includes components accommodating mobility, visual, and auditory handicaps where relevant.

### **Financial Capacity – 32 Points**

The degree to which the Applicant has demonstrated:

- that the project cost is financially feasible and includes the costs associated with regulatory compliance;
- that leveraged funds are available and committed at the time the application is submitted, and that there is no gap in funding;
- that the costs of program delivery and administration are reasonable and based on the actual work to be performed as described in the application. An explanation of how those costs are determined must be provided;
- a financial and administrative plan for future maintenance and operations.

### **Administrative Capacity – 34 Points**

The degree to which the Applicant has demonstrated:

- a clear understanding of the program requirements and measures to ensure compliance with program requirements, including applicable Federal and State regulations, such as environmental, lead-based paint, labor standards, historic preservation, and procurement;
- that no impediments exist, or the degree to which all potential impediments, such as regulatory compliance, community support, site control (i.e. easements, acquisition etc.), and permits and clearances, have been addressed;
- project readiness and the ability to implement the program upon award;
- the ability to complete the project within twenty-four (24) months of award

### **Minimum Score**

Applicants must achieve a minimum score of forty (40) for financial and administrative and an overall score of sixty-five (65) to be considered for funding. The OCR reserves the right to adjust these criteria.

### **Program Penalty Deductions**

The Applicant's prior performance is considered at the time of application. Up to 20 points may be deducted for:

- Unresolved CDBG administrative issues, including not meeting program schedule monitoring findings and concerns (based on severity) for each CDBG contract.
- Unresolved administrative issues (based on severity) for each HCR contract from other HCR programs identified as being in poor standing.
- Poor standing for HOME, Access/Restore, AHC, NRPP, and other HCR program contracts. Poor standing could be unresolved findings that could result in recapture, significant return of unspent funds (more than one quarter of the award), default, or other significant noncompliance.
- If the applicant is the subject of investigation or audit of its activities (based on severity) by any governmental agency for, but not limited to the allegation of ineligible activities, misuse of any award, or failure to comply with the terms of an OCR grant (outside of original period of performance).

## **VII. PROGRAM ADMINISTRATION REQUIREMENTS**

The following is a listing, not all inclusive, of regulations and other program requirements that apply to the NYS CDBG Program. Applicants receiving awards will be expected to be familiar with and understand these governing regulations and will be periodically monitored throughout the administration of an awarded program or project to ensure continued compliance with these and other rules and regulations. The Federal regulations set forth at 24 CFR Part 92 govern of the NYS CDBG Program. For a full review of requirements see applicable [Administrative Plan](#).

For general program guidelines, applicants may reference the [NYS CDBG Grant Administration Manual](#).

**A. Contract Term**

Due to HUD CDBG Program deadlines for commitment and expenditure, if awarded, the contract term shall not exceed two (2) years. Requests for extensions to complete program activities will be limited or may not be approved.

**B. 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 Chapter 1 and 4 of the NYS CDBG Administration Manual, [Getting Started](#) and [Procurement Standards](#), respectively.

**C. Homeownership Value Limits (Maximum purchase price or After rehab value)**

The estimated value of the property at purchase cannot exceed HUD's Homeownership Maximum Sales Price Limits. These limits also determine the maximum property value after rehabilitation and are published annually for the local jurisdiction at the time of commitment, and available [here](#).

**D. Environmental Review**

All CDBG projects are required to undergo a National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA). 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 NEPA Review would not be eligible for CDBG reimbursement. This is a Tier 1 or programmatic review. Please contact OCR to determine applicability.

A site-specific environmental review or Tier 2 Review must be completed for each site/project selected for CDBG assistance. This second review is to ensure that a specific activity to be undertaken at a specific site will not harm the environment.

Under no circumstances will the HTFC approve the release of funds for a project or activity where an approved environmental review was not conducted in advance, and in accordance with all applicable rules and regulations. For more information, please see Chapter 2 of the NYS CDBG Grant Administration Manual, [Environmental and Historic Review](#).

**E. Smart Growth**

The Housing Trust Fund Corporation is subject to the New York State Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010) and must, to the extent applicable, make funding decisions consistent with the provisions of the Act.

**F. Lead Based Paint Regulations**

Applicants must comply with the lead-based paint requirements implemented at 24 CFR Part 35 if proposing activities involving residential properties purchased or rehabilitated in whole or part with CDBG funds.

The lead-based paint regulation defines work practices that must be followed when dealing with lead-based paint in older structures and expands requirements to protect occupants and workers from lead-based paint hazards until lead hazard reduction work is completed.

Lead hazard evaluation and reduction activities for rehabilitation projects are determined by the level of federal assistance received by the project and the per unit evaluation of hard costs. Interim controls



are required for projects assisted with less than \$25,000 in Federal Funds. Projects assisted in excess of \$25,000 in Federal funds are subject to the completion of Part 3 of 24 CFR Part 35. The Lead Based Paint Applicability Worksheet must be completed to document compliance.

Under no circumstances will the HTFC approve the release of funds for a project or activity where lead safe practices and lead safe clearance were not conducted in accordance with all [applicable lead based paint rules and regulations](#).

#### **G. Davis Bacon Related Acts**

Applicants preparing to undertake construction or rehabilitation activities on 8 or more units within the same construction contract must comply with the Federal Labor Standards requirements ([Davis Bacon Related Acts](#)) as outlined in 40 USC 276. This regulation requires that workers receive no less than the prevailing wages being paid for similar work in their locality.

#### **H. Section 3 Requirements**

Housing construction and rehabilitation projects as well as public works projects that receive more than \$200,000 in HOME Investment Partnership Program (HOME), Community Development Block Grant (CDBG), federal Housing Trust Fund or other funding from the U.S. Department of Housing and Urban Development (HUD) must comply with Section 3 of the Housing and Urban Development Act of 1968 ("Section 3").

Section 3 requires that economic opportunities generated by HUD funds be prioritized for low-income individuals and the businesses that hire or are owned by them, particularly in the neighborhood surrounding the project. All entities involved in the Section 3 Project (the Recipient of the HUD funds, the General Contractor, other contractors, and subcontractors) must, to the greatest extent feasible, engage in efforts to achieve Section 3 goals and objectives.

Projects that trigger Section 3 will be required to report on these numbers mid-year and end-year as well as at project close-out. More information and guidance on Section 3 compliance can be found in NYSHCR's [Section 3 Policy Manual here](#).

#### **I. Housing Rehabilitation Standards**

All CDBG-assisted activities must meet NYS and/or Local code upon completion.

#### **J. Reasonable Accommodations and Modifications**

The applicant must work with any household with accessibility needs to address those needs as part of the scope of work and must be in compliance with the Fair Housing Act, Section 504, as applicable. Accommodations and modifications to address accessibility needs can and should be paid with CDBG funds.

#### **K. Minority and Women Owned Business Enterprise (M/WBE) Participation**

Section 281 of the National Affordable Housing Act requires recipients of CDBG funds to establish and oversee a minority outreach program. The program shall include minority and woman-owned businesses in all contracting activities entered into by the recipient to facilitate the provision of affordable housing authorized under this Act or any other federal housing law applicable to such jurisdiction. Minimum HUD standards for outreach effort to minority and women-owned businesses can be found [here](#).

If CDBG Program Funds are combined with New York State funds in a program or project, then applicants must adhere to State requirements. Article 15-A of the State Executive Law requires that only State certified (as certified by Empire State Development Corporation) MWBEs shall be given the opportunity for meaningful participation in the performance of State-assisted contracts and to facilitate the award of a fair share of State assisted contracts and subcontracts to such enterprises.

More information can be found in the [Minority and/or Women Business Enterprises \(MWBE\) Policy posted here and here](#).

For federal CDBG Program reporting purposes, applicants must report on all MWBEs (that meet the federal definition of business enterprises that are 51% minority or women owned) that have been hired to provide services for the NYS CDBG Program contract.

#### **L. Non-Discrimination**

No person in the United States shall, on the grounds of race, color, national origin, religion, or sex be excluded, denied benefits, or subjected to discrimination under any program funded in whole or in part by NYS CDBG Program funds. Applicants are subject to all federal and State fair housing and equal opportunity laws and orders, as referenced in 24 CFR Parts 92.350 and 92.351 to include: Title V of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), The Fair Housing Act (42 U.S.C. 3601-3620.), Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259), Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107). Refer to [FEHO](#) for more guidance on non-discrimination in the Administrative Plans.

#### **M. Uniform Relocation Assistance**

The HOME Program is subject to an overall policy of minimizing displacement and is subject to the Uniform Relocation Act and Section 104(d) of the Housing and Community Development Act of 1974, as amended.

The HTFC HOME & CDBG Residential Anti-displacement & Relocation Assistance Plan, available on the HCR website, establishes the policy to minimize displacement as a result of an investment by the federal HOME and CDBG programs. Applicants awarded NYS HOME program funds must provide reasonable benefits and relocation assistance to any person involuntarily and permanently displaced as a result of the use of NYS HOME Program funds. Applicants must further document that any purchase of property meets the requirements of the URA, including provision of notices to the seller identifying the transaction as a voluntary sale not under the threat of eminent domain. More information is available [here for additional guidance on Relocation requirements](#).

#### **N. Weatherization Assistance**

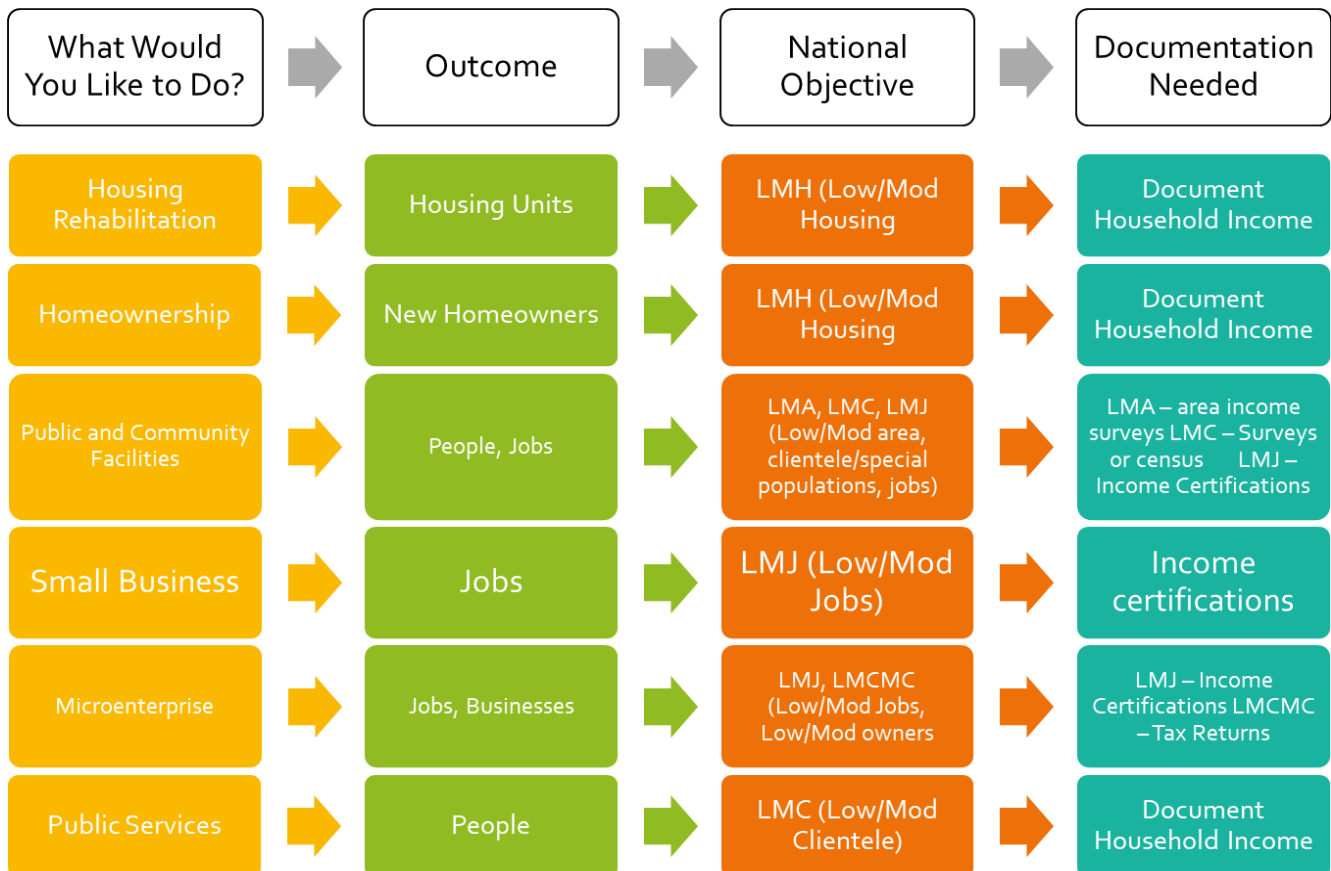
The NYS CDBG program partners with the NYS HCR Weatherization Assistance Program (WAP) to provide weatherization assistance for housing rehabilitated with CDBG funds. To the extent resources are available, WAP funds and construction services to perform weatherization activities will be made available to rehabilitated units through the HCR WAP provider located in the service area.

Applicants should partner with the WAP provider to ensure weatherization measures are incorporated into the scope of work. The WAP will provide the required Energy Audit for all units assisted with WAP funds. Priority should be given to senior citizens, families with children, and persons with disabilities. If a household contains a member who receives Supplemental Security Income (SSI), Public Assistance, Food Stamps, or Home Energy Assistance Program (HEAP) benefits, the household is automatically eligible for WAP.

## O. National Objective Guidance

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 beneficiaries assisted are low-to-moderate income households and/or 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.

- 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](#). For multi-family properties, 51% of the assisted units must be occupied by low/moderate income households.

### 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 [here](#).

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.

### **P. Affirmatively Furthering Fair Housing**

Awardees of NYS CDBG funds must comply with all federal, New York State, and local laws, executive orders and regulations pertaining to Fair Housing and Equal Opportunity. These include, but are not limited to:

- Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.)
- The Fair Housing Act (42 U.S.C. 3601-3620)
- Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259)
- Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107)
- New York State Human Rights Law (N.Y. Exec. Law 290 et seq.)
- New York State Criminal Conviction & Credit Individualized Assessment Policy