NEW YORK STATE OF OPPORTUNITY. | Homes and Community Renewal

CDBG Housing Program Updates

April 2, 2024

CDBG Housing Program Updates

Agenda

1. **Addressing Radon in CDBG Housing Rehabilitation**

2. **Contractor Agreement**

3. **Security Instrument**
   - **Declaration of Interest (Housing Rehabilitation Activities)**
   - **Grant Enforcement and Compliance Mortgage (Manufactured Housing)**

6. **Tier II Checklist**

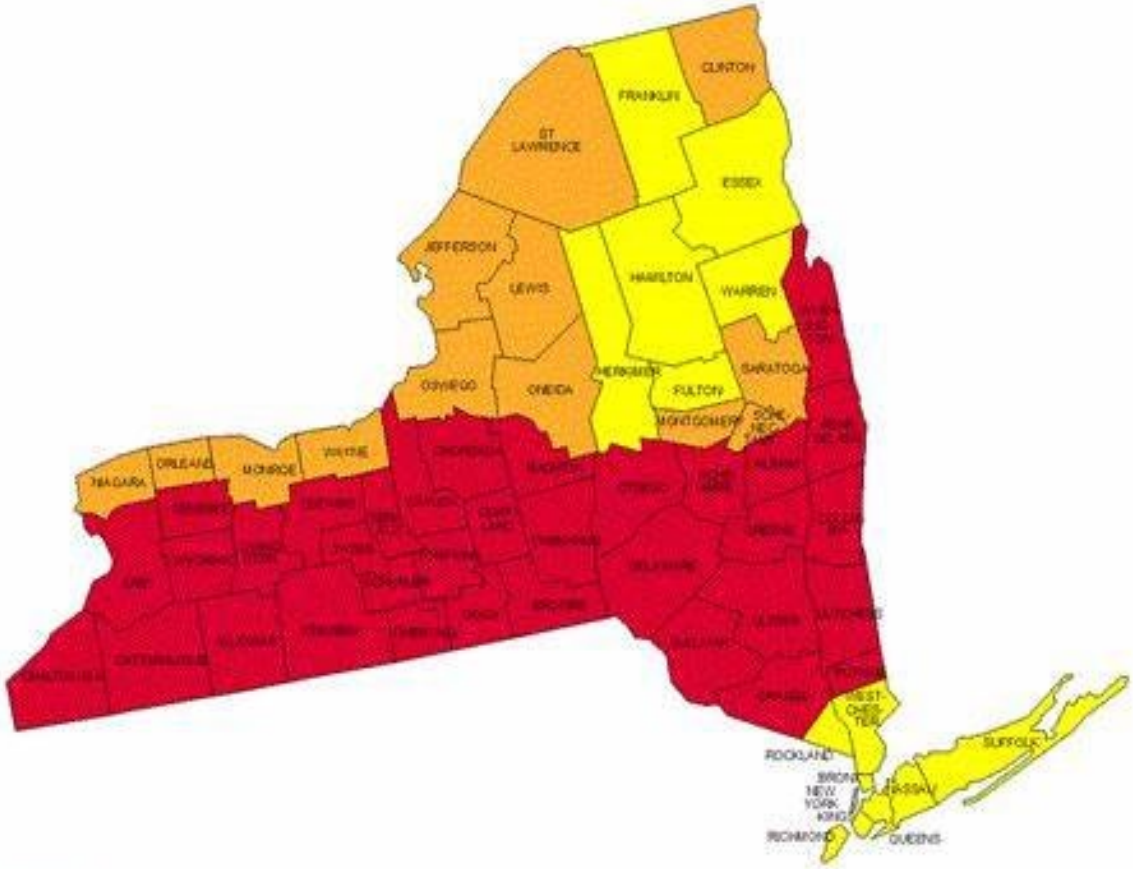
7. **First File Review**

8. **Amended Schedule C** (for 2023 housing awardees only)

Addressing Radon in CDBG Housing Rehabilitation

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

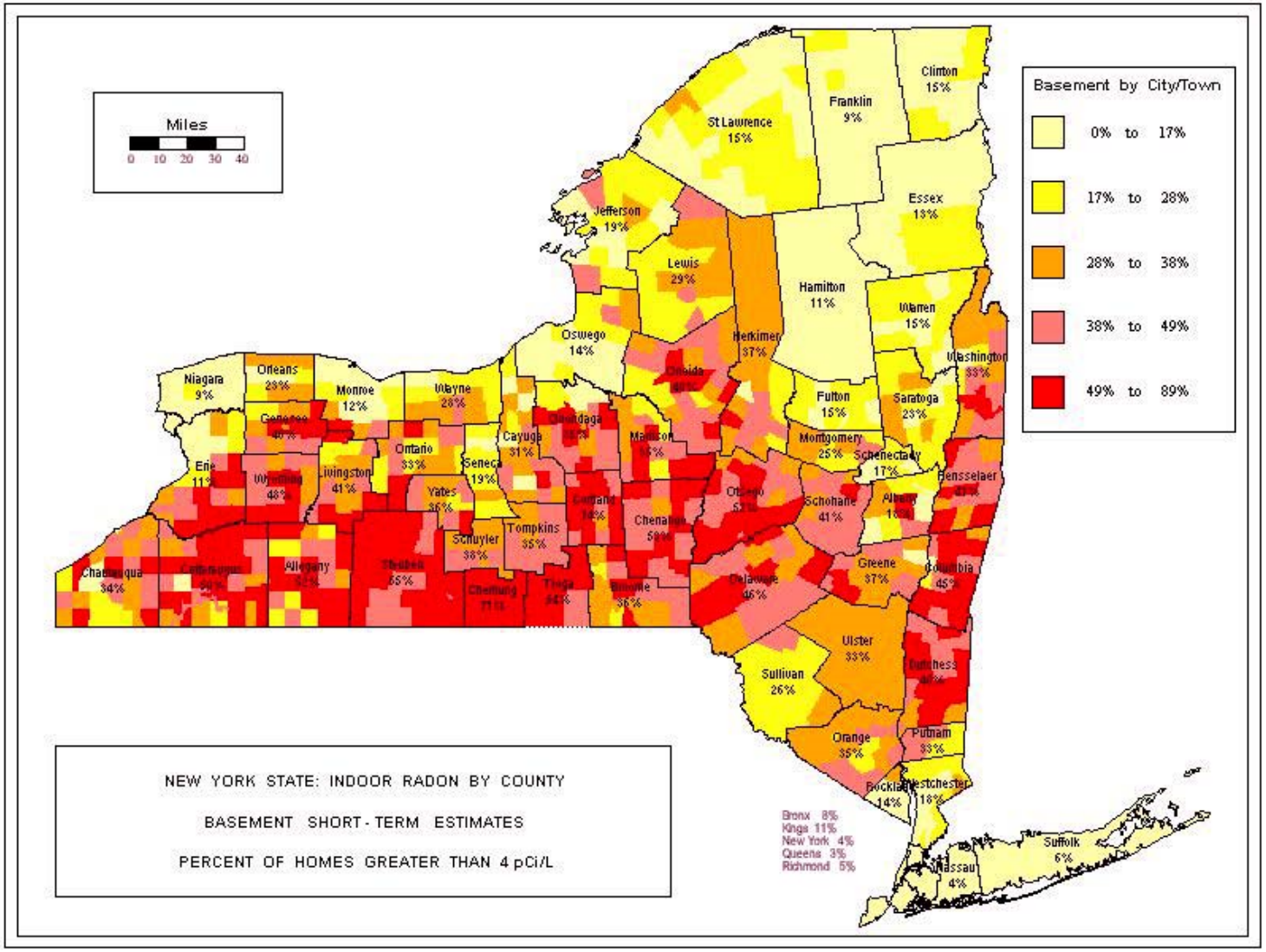
Radon



	High counties have a predicted average indoor radon screening level greater than 4 pCi/L (pico curies per liter) **(red zones)**	**Highest Potential**
	Moderate counties have a predicted average indoor radon screening level between 2 and 4 pCi/L **(orange zones)**	**Moderate Potential**
	Low counties have a predicted average indoor radon screening level less than 2 pCi/L **(yellow zones)**	**Low Potential**

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

Radon



NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

Radon

Effective with any housing award made on or December 14, 2023:

- Radon test of every unit assisted must be tested for radon
- Any unit that tests high must include radon mitigation in scope of work
- This is mandatory for all units regardless of location on State radon map
- Testing must be completed as part of the inspection process; homeowners are not permitted to ‘self test’.
- More information on radon can be found on the HUD Exchange

Contractor Agreements

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

Contractor Agreements

AGREEMENT
FOR THE PERFORMANCE OF
HOUSING IMPROVEMENT WORK

PARTICIPANT(S): [_____]
PROPERTY STREET ADDRESS: [_____]
MUNICIPALITY: [_____] County
SECTION/BLOCK/LOT: [_____]
TOTAL CONTRACT AMOUNT: [_____]

Agreement made this [___] day of [_____], 202_ by and between [PARTICIPANT(S) NAMES] ("Participant"), and [CONTRACTOR NAME] having a principal place of business at [CONTRACTOR ADDRESS] ("Contractor").

WHEREAS, [LPA, RECIPIENT, or SUBRECIPIENT NAME] ("Local Program Administrator" or "LPA") received New York State Housing Trust Fund Corporation ("HTFC") grant funds under the [Insert Program Name] Program (the "Program"), the purpose of which is to assist Participants with housing unit repairs;

WHEREAS, the Participant intends to have the improvements completed on their property (the "Project"); and

WHEREAS, the Participant has accepted assistance for the Project from the LPA under the Program; and

WHEREAS, the Participant has selected Contractor to carry out the Project;

Now, therefore, the parties do mutually agree as follows:

1. Employment of Contractor.
   The Participant hereby engages the Contractor to perform the services and supply the materials upon the terms and conditions set forth herein.

2. Contract Price.
   Subject to the terms and conditions stated herein, the Contractor has agreed to perform the work under this Contract for the sum of $[_____].

3. Scope of Work.
   The Contractor shall perform all services and furnish all materials necessary to make the improvements described in the "Work Write-Up/Scope of Work" required by the Program and attached hereto as Attachment A. No charge for any extra work or material will be allowed unless the same has been ordered and approved by the

Contractor Agreements

- The Contractor Agreement is available for any housing rehabilitation activity and can be executed between the Property Owner and Contractor
- This contains all required provisions to undertake housing rehabilitation at the local level.
- It is not mandatory to use this, but it is strongly recommended
- The document is available on the OCR website at https://hcr.ny.gov/contractor-agreement-template

Security Instrument Chart

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

Security Instrument Chart

Security Instrument	Applicability
Declaration of Interest In Property	Single Unit Housing Rehabilitation Multi-Unit Housing Rehabilitation Wells and Septic Replacement Lateral Connection Assistance
Grant Enforcement and Compliance Mortgage	Manufactured Housing Replacement including replacement with stick-built or modular

Declaration of Interest in Property

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

NEW YORK STATE HOUSING TRUST FUND CORPORATION
COMMUNITY DEVELOPMENT BLOCK GRANT
DECLARATION OF INTEREST IN PROPERTY

Program funds granted by <<LPA>> to:

PROPERTY OWNER: <<OWNER'S NAME>>
PROPERTY: <<PROPERTY STREET ADDRESS>>
[MUNICIPALITY], COUNTY
SECTION/BLOCK/LOT:
AMOUNT OF GRANT ASSISTANCE:

This Declaration, made and executed this _____ day of _____, <<YEAR>>, is given to the Choose an item. of <<CITY/TOWN/COUNTY NAME>> ("Local Program Administrator") by <<PROPERTY OWNER'S NAME>>.

RECITALS

WHEREAS, the undersigned is/are the owner(s) ("Owner") of the property described above and in the attached Exhibit A ("Property"); and

WHEREAS, the Local Program Administrator entered into a Community Development Block Grant Agreement (the "Agreement") with the Housing Trust Fund Corporation ("HTFC") dated <<AGREEMENT DATE>>; and

WHEREAS, pursuant to the Agreement, Local Program Administrator provided Community Development Block Grant ("CDBG") funds to Owner for the purposes of Choose an item. a <<____>> -unit housing project on the Property; and

WHEREAS, such CDBG funds will provide <<$PER UNIT ASSISTANCE AMOUNT>> of assistance per unit of housing to be Choose an item. on the Property; and

WHEREAS, the Owner must comply with HTFC Policies and Procedures and/or the provisions of 24 CFR § 570.505(a) as they relate to the Property for a period of Choose an item. years after the closeout of the grant from which the assistance to the Property was provided;

NOW, THEREFORE, the Owner hereby declares that for a period of Choose an item. (the "Regulatory Period"), which commenced on <<DATE>> and terminating <<TERMINATION DATE>> ("Termination Date"), the Property shall at all times be occupied as housing. Furthermore, the Owner may only change the use or planned use

Declaration of Interest

- A Declaration of Interest must be executed for every housing project completed over the course of your program.
- The Declaration must be executed between the Property Owner and the Recipient of NYS CDBG funds (County, City, Town, Village).
- The completed, fully executed document must be filed with the County Clerk.
- The document is available on the OCR website at https://hcr.ny.gov/community-development-block-grant#forms-and-documents

Grant Enforcement and Compliance Mortgage

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

Grant Enforcement and Compliance Mortgage

[INSERT NAME OF HOMEOWNER]

and

[INSERT NAME OF LPA]

NYS COMMUNITY DEVELOPMENT BLOCK GRANT
MANUFACTURED HOUSING REPLACEMENT PROGRAM

GRANT ENFORCEMENT AND COMPLIANCE MORTGAGE

DATED [ENTER DAY AND MONTH], [YEAR]

This instrument affects real and personal property situated in the State of New York, County of [INSERT COUNTY WHERE PROJECT IS LOCATED], [ENTER ONE OF CITY/TOWN/VILLAGE] of [INSERT NAME OF MUNICIPALITY WHERE PROJECT IS LOCATED], Section [INSERT SECTION NUMBER] Block [INSERT BLOCK NUMBER] Lot [INSERT LOT NUMBER], commonly known as [INSERT STREET ADDRESS OF PROPERTY].

RECORD AND RETURN TO:

HOUSING TRUST FUND CORPORATION
38-40 State Street
Albany, New York 12207
Attn: Office of Community Renewal – NYS CDBG Program

CDBG Project Number

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

Grant Enforcement and Compliance Mortgage

- A Grant Enforcement and Compliance Mortgage is specific to manufactured housing projects including replacement with a new manufactured unit or replacement of a manufactured unit with a stick built or modular unit.
- The Compliance Mortgage must be executed between the Property Owner and the Recipient of NYS CDBG funds (County, City, Town, Village).
- The completed, fully executed document must be filed with the County Clerk.
- A copy of the recording page and an electro
- The document is available on the OCR website at https://hcr.ny.gov/community-development-block-grant#forms-and-documents

Tier II Checklist

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

NYS CDBG
Tier II Site Specific Environmental Review Checklist

Section I- CDBG Recipient Information			
Recipient / Responsible Entity Name		CDBG #	

Section II- Site Information			
Street Address		Zip Code	
City or Town		Number of Units	
Village		County	Choose One

Section III- Project Description	
Activity Type	Choose One
Estimated Total Project Cost	

Section Section IV- Environmental Review Tier II Statutory Checklist Compliance		
Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	For each factor area below, indicate whether it was addressed in the Tier I or Tier II review. For those addressed at Tier II provide a brief compliance determination explanation and attach supporting documentation.	Compliance determination explanation
Airport Hazards	Tier I ◯ Tier II ◯	
Coastal Barrier Resources	Tier I ◯ Tier II ◯	
Flood Insurance	Tier I ◯ Tier II ◯	
Clean Air	Tier I ◯ Tier II ◯	
Coastal Zone Management	Tier I ◯ Tier II ◯	
Contamination and Toxic Substances	Tier I ◯ Tier II ◯	

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

Tier II Checklist

- For all housing rehabilitation and manufactured housing activities, a Tier II environmental review must be undertaken prior to undertaking any activities
- A checklist must be prepared for each property where the sites were not selected at a programmatic level and must be completed prior to construction.
- SHPO and THPO consultation, as applicable must be completed as part of this process.
- Other federal compliance review items may include lead-based paint, radon
- Certain state requirements may also need to be documented
- The original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project.
- The checklist and related instructions may be found on the OCR website at https://hcr.ny.gov/tier-2-template-checklist along with instructions for completing https://hcr.ny.gov/tier-2-template-checklist-instructions.

First File Review

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

First File Review

NYS CDBG
Housing Rehabilitation
First File Review Checklist

Section 1-CDBG Recipient Information							
Recipient Name					CDBG #		
Site Information							
Address					Zip Code		
City/Town/Village					County		
Section-Block-Lot					Household Size		
Single Unit		Multi-Unit 2-4		MH		Well/Septic/Lateral	
Owner Occupied		Non-Owner Occupied					

Section 2-Project Documentation		
Submitted Prior to First Disbursement		
File Documents	**In File**	**Notes**
Homeowner's Application		
Authorization for Release of Information		
HUD Income Limits		
Verification of Income		
Proof of Ownership (Deed)		
Homeowners Insurance		
Proof that taxes are current (if applicable)		
Proof that Mortgage is current (if applicable)		
Flood Map and Insurance (if applicable)		
Grant Award Letter		
Owner's Written Grant Agreement		
Declaration of Interest or Grant Enforcement Compliance Mortgage		
Tier II Environmental Form		
Initial Property Inspection		
Detailed Work Write-Up		
Temporary Relocation Plan (if applicable)		
Bid Solicitation Package		
Contractor COI Clearance		
Contractor Agreement		
Notice to Proceed		
For Pre – 1978 Units		
Receipt for Renovate Right		
Calculating Federal Rehab Assistance		
Receipt for Unit LBP Risk Assessment		
LBP Homeowner Disclosure Receipts		
Contractor LBP Certification		

Section 3-Prepared By	
Name	
E-mail	
Phone Number	

March 2024

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

First File Review

- Prior to the first disbursement for housing activities, the OCR now requires a list of documents to be provided for each CDBG housing project before a disbursement can be released.
- This process is called a First File Review and is like a practice employed by HOME.
- The process helps confirms that every CDBG program is maintaining required documents.
- This will also help streamline the OCR Risk Assessment and monitoring process.
- The document is available on the OCR website at https://hcr.ny.gov/community-development-block-grant#forms-and-documents

Amended Schedule C

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

Upcoming Events
Wrap-up
Q/A

NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

Upcoming Events

Join us for “OCR Office Hours” on the first Wednesday of every month.

Representatives of all OCR programs will be available virtually via WebEx to offer a casual opportunity for program administrators or interested applicants to meet OCR staff, ask questions, and discuss project ideas.

When: Wednesday, April 3, 2024

Time: 1:00PM

Location: Click here and join via this WebEx link

Upcoming Events

CDBG and HOME Workshop Series:

Save the dates for NYS Office of Community Renewal presentations on CDBG and HOME federal funding.

Registration information will be available soon, CDBG Upcoming Events and Webinars

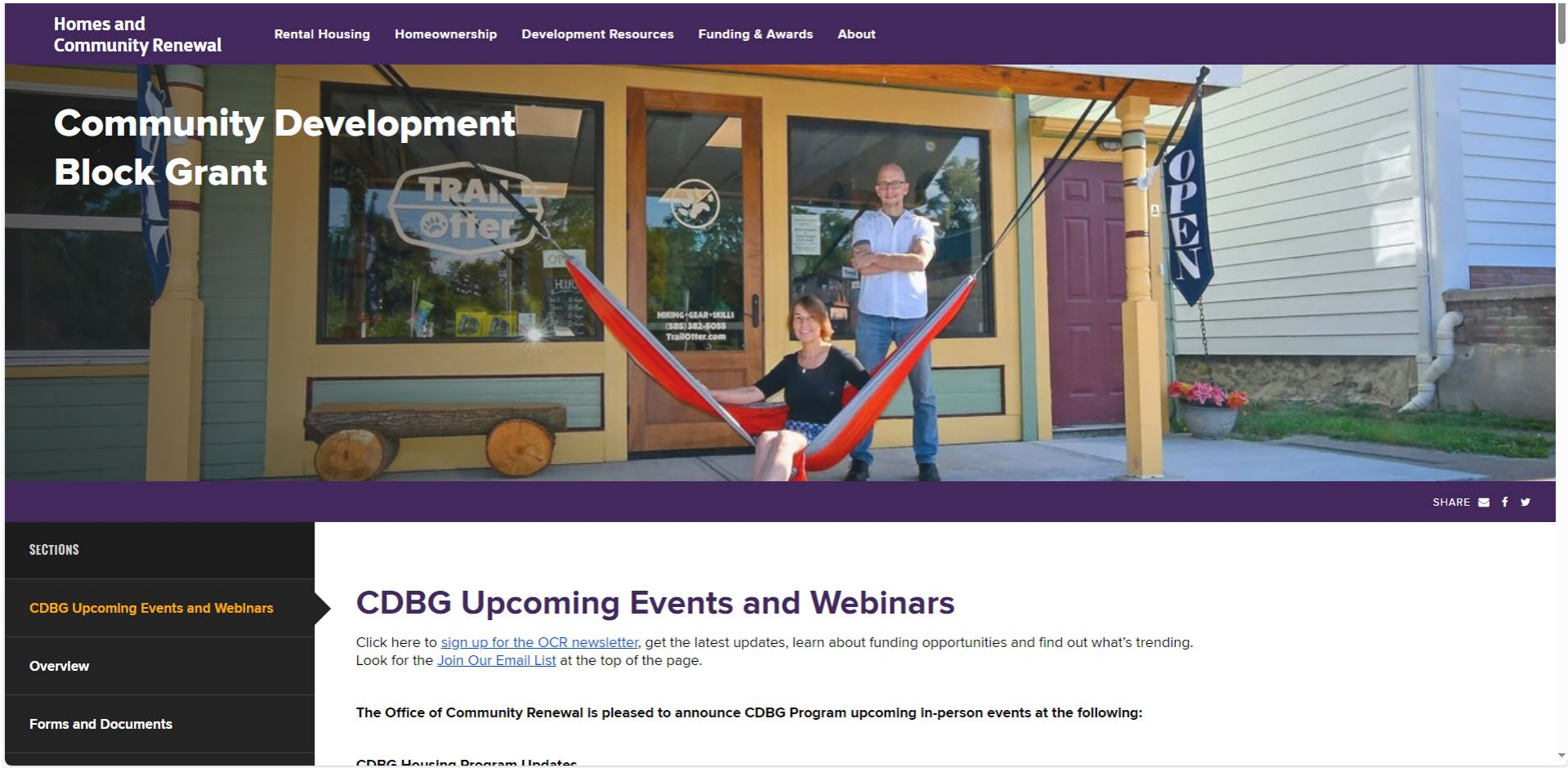
When: Tuesday, April 16, 2024

Where: Monroe County Office Building, 50 West Main Street, Rochester, NY 14614

When: Monday, April 29, 2024

Where: Warren County Office Building, 1340 State Route 9, Lake George, NY 12845

CDBG Web Site



NEW YORK STATE OF OPPORTUNITY. Homes and Community Renewal

Questions

Post all questions in the chat box, must be sent to all

If you have questions after this webinar:

- Email ocrinfo@hcr.ny.gov or
- Contact your Project Manager at 518-474-2057

Please visit the HCR website here.