

# New York State COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

2017 Imminent Threat Program  
Lake Ontario Flood Relief Program  
Application & Instructions



**Homes and  
Community Renewal**

**Housing  
Trust Fund  
Corporation**

**OFFICE OF COMMUNITY RENEWAL**  
38-40 STATE STREET  
ALBANY, NY 12207  
(518) 474-2057

[WWW.NYSHCR.ORG](http://WWW.NYSHCR.ORG)

**ANDREW M. CUOMO, GOVERNOR  
RUTHANNE VISNAUSKAS, COMMISSIONER**

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## I. INTRODUCTION

New York State Homes and Community Renewal will make available up to \$10 million in federal Community Development Block Grant (CDBG) funding to assist local municipalities impacted by the recent flooding along the Lake Ontario coastline. The program would be open to eligible municipalities, **as applicants**, in counties that were identified in Governor Cuomo's May 2, 2017 emergency declaration (Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne).

The purpose of this program is to assist local units of government to make essential repairs to public infrastructure that has been impacted by recent flooding along Lake Ontario.

## II. REQUIREMENTS

Per federal regulations, HCR is required to have an application for funding. To expedite the application process, HCR will implement an abbreviated application for use by applicants (see below). **CDBG regulations require that each applicant hold a full legislative body public hearing** in compliance with NYS Citizen Participation requirements, prior to submitting an application for funding. See the public hearing template located in the back of this document.

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 expenditure of funds prior to approval of the NEPA review would not be eligible for CDBG reimbursement.

Urgent need (imminent threat) qualified activities must meet the following criteria:

- The existing conditions must pose a serious and immediate threat to the health or welfare of the community;
- The existing conditions are of recent origin or recently became urgent. A condition will generally be considered to be of recent origin if it developed or became critical within 18 months preceding the state grant recipient's certification – 24 CFR 570.483(d).
- The unit of general local government certifies and the state determines that:
  - The unit of general local government is unable to finance the activity on its own; and
  - Other sources of funding are not available.

## III. PROGRAM ADMINISTRATION

Per Federal regulations, CDBG funding is considered the funding of last resort. Municipalities 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.

- Assistance is strictly limited to flood damage associated with the Governor's disaster declaration of May 2, 2017.

- There will be an administrative component of five percent (5%) of the CDBG award to cover the costs for administering the CDBG funds.
- Preliminary and full engineering reports associated with the Governor’s disaster declaration will also be allowed as a project cost.
- An applicant may choose to use a third party consultant to help administer the projects; federal procurement rules apply.
- If necessary to address the needs of certain applicants, program funds can be supplemented with other sources of funding.

#### **IV. ELIGIBLE ACTIVITIES**

CDBG funding is limited to flood recovery efforts as determined for local units of government impacted by the recent flooding along the Lake Ontario coastline and includes, but is not limited to public: water/sewer systems, storm sewer drainage, repairs to flood walls, roads, sidewalks and culverts.

- Private individual wells and septic systems, the construction of new flood walls, and privately owned floodwalls are not eligible. These activities may be eligible under the Lake Ontario Homeowner Recovery program

#### **V. ASSISTANCE LEVEL**

Funding limits per applicant may be determined based on need established through Office of Emergency Management (OEM) assessments or by third party engineering reports.

#### **VI. APPLICATION INSTRUCTIONS**

##### **Submission Instructions**

Applicants wishing to be considered for funding must submit one complete electronic copy of an application forms and proposal to OCR at:

**OCRinfo@nyshcr.org**  
**Attention: Imminent Threat Application**

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

##### **Technical Assistance**

OCR will provide technical assistance regarding the application, proposed projects, and program regulations to applicants upon request. Potential applicants with questions regarding the application and/or the NYS CDBG Program should contact Charles Philion, Program Director, at 518-474-2057 for assistance.

**OFFICE OF COMMUNITY RENEWAL  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
IMMINENT THREAT APPLICATION**

**FORM 1 – PROJECT CONTACT INFORMATION**

**1. Municipal Information**

Municipality Name					
Type	<input type="checkbox"/> County <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village				
Mailing Address					
City		State	NY	ZIP + 4	
Phone		Fax			
Primary Email					
Website					
EIN		DUNS			
FY End					

**2. Chief Elected Official - CEO (If term is ending, please provide new contact information)**

Name		Title			
	Term Effective Date		Term End Date		
New CEO Name		Title			
	Term Effective Date		Term End Date		
City		State	NY	ZIP	
Phone		Fax			
Email					

**3. Primary Local Grant Contact (Must be a municipal employee other than CEO)**

Name		Title			
Address					
City		State		ZIP + 4	
Phone		Fax			
Email					

**4. Municipal Clerk**

Name		Title			
Address					
City		State		ZIP + 4	
Phone		Fax			
Email					

**5. Municipal Treasurer or Chief Financial Officer**

Name		Title			
Address					
City		State		ZIP + 4	
Phone		Fax			
Email					

**6. Applicant Political District Information**

Congressional District(s)				
Assembly District(s)				
Senate District(s)				

**7. Program / Project Information**

Name of Project				
Location				
Location Type:	Address Specific	<input type="checkbox"/>		
	Community-Wide	<input type="checkbox"/>		
Census Tract/Block Group				

**8. CITIZEN PARTICIPATION:**

Public hearing notice as published in the newspaper must be included with application

Date of Public Hearing	
Affidavit of Publication Attached (circle)	Yes <input type="checkbox"/> No <input type="checkbox"/>

## FORM 2 – IMMINENT THREAT NARRATIVE

***Attach a proposal that addresses the following questions. The proposal must be clear, concise and questions labeled appropriately. It must on letter sized paper in Arial 12 point font size and not exceed 5 pages.***

### **A. Community Development Need Description**

1. Describe the cause of the threat or emergency in terms of a natural disaster or other unforeseen and unavoidable circumstances as well as the nature and severity of the threat to the public health and safety, including any quantifiable information (for example, the number of people affected, area affected, etc.). Description, to the extent possible, should be based on need established through Office of Emergency Management (OEM) assessments or by third party engineering reports.

### **B. General Project/Program Description**

1. Provide a detailed Scope of Work and cost estimates to address the problem with an estimated completion date. How will the project be completed within the two year term of the grant?
2. Describe how the project will be implemented to ensure the goals and impact identified in the application. Where applicable, explain how the project reduces risks to the health, welfare or safety of the beneficiaries.
3. Describe the method used to determine the best approach and cost-effective method to address the need. List the sources and dates of third-party cost estimates including any special features that will result in an unusual or a costly design.
4. Describe any efforts taken to secure alternative or additional funds from other public and private sources
5. Provide a brief description of how the program will be administered, including the roles of the individuals involved in the administration and delivery of the program.

**FORM 2A – ACTIVITY DETAIL – PUBLIC INFRASTRUCTURE**

**APPLICANT NAME:**

**ACTIVITY NAME:**

<b>Public Infrastructure: Beneficiaries From Activity</b>		
<b>Median Income**</b>	<b># Of:</b>	
Source Of Data: <input type="checkbox"/> Income Survey      Census***: <input type="checkbox"/> Tract <input type="checkbox"/> Block Group	<b>HH</b>	<b>Persons</b>
0-30% of HAMFI		
31-50% of HAMFI		
51-80% of HAMFI		
81% and Above		
No Income – Vacant/Seasonal Units		
<b>Totals</b>		

\*\* HAMFI – HUD Adjusted Median Family Income





**FORM 3A – OTHER FUNDING SOURCES**

**APPLICANT NAME:**

NAME OF FUNDING SOURCE	FUNDING						
	AMOUNT	SOURCE	TYPE	INTEREST RATE	TERM	STATUS	DATE AVAILABI OR DECISION DATE
1							
2							
3							
4							
5							
6							

**Source of Funding Codes:** Federal (F), State (S), Private (P), Local (L), Other (O)

**Type of Funding Codes:** Loan (L), Grant (G), Tax Credits (TX), Equity (EQ), Private Contribution (PC), HUD Program Income (HPI), State Program Income (SPI).

**Funding Status Codes:** Committed (C), Application Submitted Notification Pending (AP)

## FORM 4 – CERTIFICATIONS

### CERTIFICATION REQUIRED BY TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, WITH RESPECT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

In accordance with the Title I of the Housing and Community Development Act of 1974, as amended, the Applicant hereby certifies that:

- a. It possesses legal authority to make a grant submission and to execute a community development and housing program;
- b. Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the person identified as the official representative of the Applicant to submit the subject application and all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the Applicant to act in connection with the submission of the application and to provide such additional information as may be required;
- c. Prior to submission of its application to the Office of Community Renewal (OCR), the Applicant has met the citizen participation requirements at 24 CFR 570.486 and New York State's Citizen Participation Plan as amended;
- d. The grant will be conducted and administered in compliance with:
  - Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 USC 2000d et seq.); and
  - The Fair Housing Act (Public Law 90-284, 42 USC 3601-20);
- e. It will affirmatively further fair housing;
- f. It has developed its application so as to give maximum feasible priority to activities that will benefit LMI families or aid in the prevention or elimination of slums or blight. The application may also include activities which the applicant certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. The grant shall principally benefit persons of LMI in a manner that ensures that not less than 70% of such funds are used for activities that benefit such persons;
- g. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under section 106 of the Act or with amounts resulting from a guarantee under section 108 of the Act by assessing any amount against properties owned and occupied by persons of LMI, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
  - 1) Funds received under section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or
  - 2) For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies that it lacks sufficient funds received under section 106 of the Act to comply with the requirements of subparagraph (1) above;
- h. Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the applicable laws and regulations found at 24 CFR 570.608;

- i. It will minimize the displacement of persons as a result of activities assisted with CDBG funds;
- j. It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 CFR 570.606 (c) governing the residential anti-displacement and relocation assistance plan under section 104 (d) of the Act (including a certification that the Applicant is following such a plan); and the relocation requirements of 24 CFR 570.606 (d) governing optional relocation assistance under section 105 (a)(11) of the Act;
- k. It has adopted and is enforcing:
  - 1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and
  - 2) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction;
- l. To the best of its knowledge and belief:
  - 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
  - 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
  - 3) It will require that the language of this anti-lobbying certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly;
  - 4) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- m. It will continue to provide a drug-free workplace by:
  - 1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - 2) Establishing an ongoing drug-free awareness program to inform employees about:

- i. The dangers of drug abuse in the workplace;
  - ii. The Applicant's policy of maintaining a drug-free workplace;
  - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
  - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- 3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);
- 4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will:
  - i. Abide by the terms of the statement; and
  - ii. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- 5) Notifying the OCR in writing, within ten calendar days after receiving notice under subparagraph (4) (ii) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- 6) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (4) (ii), with respect to any employee who is so convicted:
  - i. Taking appropriate personnel action against such an employee, up to and including termination consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposed by a Federal, State, or local health, law enforcement, or other appropriate agency
- 7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5) and (6).
- 8) The Applicant may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

\_\_\_\_\_  
\_\_\_\_\_

- 9) Workplaces under grants, for Applicants other than individuals, need not be identified on the certification. If known, they may be identified on the certification. If the Applicant does not identify the workplaces at the time of the application, or upon award, if there is no application, the Applicant must keep the identity of the workplace(s) on file its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the Applicant's drug-free workplace requirements.

10) Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g. all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

11) If the workplace identified to OCR changes during the performance of the grant, the Applicant shall inform OCR of the change(s), if it previously identified the workplaces.

12) This certification is a material representation of fact upon which reliance is placed when OCR awards the grant. If it is later determined that the Applicant knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, OCR may take action authorized under said Act.

- n. It will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the implementing regulations in 24 CFR part 135. Section 3 requires that employment and other economic opportunities arising in connection with housing rehabilitation, housing construction, or other public construction projects shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be given to low- and very low-income persons;
- o. It will comply with the other provisions of the Act and with other applicable laws;
- p. It is in compliance with a HUD-approved Consolidated Plan;
- q. It is in compliance with grant spending threshold requirements as outlined in the Application; and
- r. It will comply with all applicable federal/State/local affirmative action requirements.
- s. To the best of its knowledge and belief all data provided in this application is true and correct.

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Signature of Authorized Official

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Date

## FORM 5 – APPLICANT/RECIPIENT DISCLOSURE/UPDATE REPORT

Please follow the link to access the Applicant/Recipient Disclosure/Update form. The form must be completed and attached to the application

<https://portal.hud.gov/hudportal/documents/huddoc?id=2880.pdf>

## FORM 6 – FIRST PUBLIC HEARING NOTICE TEMPLATE

### LEGAL NOTICE

Notice of Public Hearing

Name of Community

Name of Community will hold a public hearing on Date and Time of Public Hearing (Hearing should be held at a time accessible and convenient to residents) at Location of Hearing (Hearing should be held in a publically accessible location) for the purpose of hearing public comments on the Name of Community's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the Current Year program year. The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments approximately Provide program year funding amount listed in current NOFA for the Current Program Year program year for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons. The hearing will provide further information about the CDBG program and will allow for citizen participation in the development of any proposed grant applications and/or to provide technical assistance to develop alternate proposals. Comments on the CDBG program or proposed project(s) will be received at this time. The hearing is being conducted pursuant to Section 570.486, Subpart I of the CFR and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended.

The location of hearing is/is not accessible to persons with disabilities. If special accommodations are needed for persons with disabilities, those with hearing impairments, or those in need of translation from English, those individuals should contact list contact name at list contact information, at least one week in advance of the hearing date to allow for necessary arrangements. Written comments may also be submitted to list contact name and contact information until last date to receive comments.

## FORM 7 – AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH)

### **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 Grant Administration Manual, Chapter 5 Section VII(E), provides additional information regarding fair housing obligations. To ensure compliance with the AFFH requirements the Recipient is required to:

- a. 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;
- b. 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
- c. 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 shall provide to HCR’s Office of Community Renewal within forty-five (45) days of the award of funds, the AFFH Checklist activities it will undertake. Additionally, the Recipient shall 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.

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](mailto:FEHO@nyshcr.org).

Recipients must be prepared to begin reporting 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. This will occur for the first time in January, 2018.

#### *1. Encourage community input on fair housing matters*

1. 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.



*II. Ensure public policy affirmatively furthers fair housing*

1. 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.
2. Survey special housing needs of minorities and women to determine possible effects of discrimination.

*III. Promote fair housing education*

1. 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.
2. Expert provides a fair housing education and training program for real estate professionals, including developers, sales and rental agents, lenders, and property managers.
3. 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.**