

**The City of New York Action Plan Amendment 7 (non-substantial) – December 12, 2014
For CDBG-DR Funds, Disaster Relief Appropriations Act of 2013 (P.L. 113-2)**

Hurricane Sandy hit New York City on October 29, 2012. Over the course of 48 hours, wind, rain, and water destroyed approximately 300 homes, left hundreds of thousands of New Yorkers without power, damaged critical public and private infrastructure, and left many New Yorkers vulnerable with limited access to food, drinking water, healthcare, and other critical lifesaving functions. The City of New York's immediate preparation and response to Hurricane Sandy was one of the largest mobilizations of public services in the City's history.

The response to Hurricane Sandy has demonstrated the dedication of the City's workforce and the perseverance of New Yorkers to recover and rebuild. The Community Development Block Grant Disaster Recovery (CDBG-DR) program provides communities with resources to address a wide range of community development needs; the programs outlined in this Action Plan describe how New York City will use its CDBG-DR allocations to support recovery from Hurricane Sandy and to build more resiliently against the to the challenges of climate change. The programs in this Action Plan include programs to build and support housing, businesses, resiliency, and New York City infrastructure and other City services. On May 7, 2013, the Department of Housing and Urban Development (HUD) approved the City's initial Action Plan, which detailed the City's plans for its first allocation of \$1,772,820,000 of CDBG-DR funding. On November 18, 2013, HUD announced a second round of funding and the City of New York was awarded an additional \$1,447,000,000.

Any change greater than \$1 million in funding committed to a certain program, the addition or deletion of a program, or change in the designated beneficiaries of a program constitutes a substantial amendment and will be available for public review and approval by HUD. A comment period of at least thirty (30) days and a public hearing are required for all substantial amendments. From time to time, the City may also make non-substantial amendments to its Action Plan. Non-substantial amendments do not require a public comment period but must be posted on the City's website.

The City posted its first substantial amendment (Amendment 1) on July 12, 2013, followed by a 7-day public comment period. The amended Action Plan was approved by HUD on August 23, 2013. Two non-substantial amendments, Amendments 2 and 3, were acknowledged by HUD and published to the City's web site on August 5 and October 4, 2013, respectively. The City posted its second substantial amendment (Amendment 4) on October 4, 2013, followed by a 7-day public comment period and was approved by HUD on November 25, 2013.

The City's third substantial amendment (Amendment 5) was posted on December 27, 2013, followed by a 66-day public comment period and was submitted to HUD on March 21, 2014. This substantial amendment was broken into two components, Amendment 5A and Amendment 5B. HUD approved Amendment 5A on April 18, 2014. Amendment 5B was approved by HUD on June 13, 2014. Amendment 5B updates the Action Plan to include the second round of CDBG-DR funding. Amendment 6, a non-

substantial amendment, was published to the City's website on July 16, 2014 and acknowledged by HUD on July 24, 2014. The current Action Plan incorporates Amendments 1-7 and was acknowledged by HUD on December 17, 2014. The City will post all Action Plans, amendments, and its responses to public comments on the City's CDBG-DR website: www.nyc.gov/cdbg.

Amendment 7 (non-substantial)

Housing: Build it Back Multi-Family Building Rehabilitation

Action Plan Amendment 7 adds a Public Facilities eligible activity and the Limited Clientele (LMC) and Area Benefit (LMA) national objectives to the Build it Back Multi-Family Rehabilitation Program. This amendment will accommodate comprehensive scopes of work required to meet the rehabilitation needs of certain supportive housing projects.

Through implementation of the Multi-Family program, the Department of Housing Preservation and Development (HPD) has determined that certain supportive and affordable housing projects receiving assistance require rehabilitation to non-residential spaces within the structures in order to address storm related damage. As a result, this amendment adds Public Facilities as an eligible category. Rehabilitating such spaces, such as food pantries and day care facilities, within these buildings is critical for operations and financial recovery for the project. The facilities serve either the building residents or low- and moderate- income communities. There also may be projects in this portfolio, such as housing facilities that serve as shelters for the homeless or high-need populations, for which the overall scope will be classified as a public facility. The amendment adds Rehabilitation/Reconstruction of Public Facilities as an eligible category and adds Limited Clientele (LMC) and Area Benefit (LMA) as national objectives under the Multi-Family program. The particular National Objective used will depend on the project details.

This adjustment will allow the Build it Back Program to assist critical supportive housing buildings with their comprehensive recovery needs through one, streamlined program.

Infrastructure and Other City Services: Covered Projects

Action Plan Amendment 7 incorporates "Covered Projects" into the City's Action Plan, including detail on scope and funding.

HUD's Federal Register for the second allocation of CDBG-DR funding (78 FR 69104) included additional requirements for assessing major infrastructure projects and set the threshold for determining if a project is considered a "Covered Project." As stated on page 69107, major infrastructure projects are: "defined as having a total cost of \$50 million or more (including at least \$10 million of CDBG-DR funds), or benefit multiple counties. Additionally, two or more related infrastructure projects that have a combined total cost of \$50 million or more (including at least \$10 million of CDBG-DR funds) must be designated as major infrastructure projects. Projects encompassed by this paragraph are herein referred to as "Covered Projects."

The March 27, 2014 Federal Register Notice adds further detail to the definition of Covered Projects. The Notice states that, “the infrastructure requirements described in paragraph 2 at 78 FR 69107 will not apply to Hurricane Sandy grantees with PA [FEMA’s Public Assistance Grant Program] projects where funds have been obligated by FEMA on or before November 25, 2013. The infrastructure requirements described in paragraph 2 at 78 FR 69107 apply in full to PA projects where funds have been obligated by FEMA after November 25, 2013.” The October 16, 2014 Federal Register Notice amends the March 27, 2014 Notice to require Grantees to provide estimates of total project cost and of other funding sources in the Covered Project descriptions.

Each Covered Project must address five (5) different analysis criteria within the Action Plan:

- Project Identification/Description;
- Use of Impact and Unmet Needs Assessment, the Comprehensive Risk Analysis and the Rebuild by Design Collaborative Risk Analysis;
- Transparent and Inclusive Decision Processes;
- Long-Term Efficacy and Fiscal Sustainability; and
- Environmentally Sustainable and Innovative Investments.

As part of Amendment 7, the City identified eight Covered Projects in its Action Plan that may receive CDBG-DR funding and provides descriptions of each project that address the five criteria listed above.

The following is a list of Covered Projects and the Action Plan chapter they are described in:

1. DPR - Rockaway Boardwalk / IOCS Chapter
2. DOT - Movable Bridges and Underpasses (6 Covered Projects) / IOCS Chapter
3. Red Hook Integrated Flood Protection System / Resilience Chapter

The City initially submitted these Covered Projects for approval as part of Action Plan Amendment 5B, which went through a public comment period. These projects were initially described in that process.