RESPONSES TO PUBLIC COMMENTS

This section describes the comments received from the public following the release of the initial Partial Action Plan A and subsequent proposed amendments. The section reflects the comments, modifications, and clarifications made to the Plan following the public comment periods indicated below.

I. Proposed Action Plan Amendment 1

- Release Date: July 12, 2013
- Comment Period: July 12, 2013 – July 18, 2013
- Approved by HUD: August 23, 2013
- Number of comments received: 31

Housing Comments

General

The City received three comments that were positive feedback on the Action Plan Amendment related to housing, specifically regarding funding for unmet needs, reimbursements and the rental assistance funding reallocation.

Prioritization

That City received one comment that requested more information about the financial criteria necessary for receiving assistance from the Build it Back program.

As described in the Action Plan, the Build it Back Program will prioritize registrants based on level of damage and financial need. Those with the most damage and highest financial need will receive a higher priority. Financial need is determined by an applicant's household income and level of damage is determined by the damage assessment. Program priorities can be found in the Housing section of the Action Plan under NYC Houses Rehabilitation and Reconstruction.

Eligibility for Housing Types

The City received three comments that asked questions about whether single-family homes and small rental units are eligible for the program and requested more information about the program pathways for owners of various building types. One comment asked about how Build it Back plans to address unique needs in each community and clarification on the process for community outreach.

All residential buildings that are not second homes, located in New York City and are impacted by Hurricane Sandy are eligible for the program. The full Action Plan has been revised to reflect eligibility for housing programs based on the number of units in a building. The outreach team is analyzing unmet need against program registration and adjusting outreach plans accordingly.

Community Partnerships

The City received one comment that suggested the Action Plan incorporate partnerships with community-based organizations, particularly those interested in working with the City on community development and housing recovery efforts.

The City has developed partnerships with nonprofit stakeholders and community-based organizations to both provide direct services to homeowners and to enhance the City's outreach efforts. This includes the development of a $15 million mold remediation program, which is administered by Neighborhood Revitalization NYC, an affiliate of the Local Initiatives Support Corporation, a community development not-for-profit corporation with 30 years of experience working in New York City. Other programs with which that the City is working in close partnership include: the NYC Housing and Neighborhood Recovery Donors Collaborative, a group of sixteen foundations and financial institution that are giving grants to community-based organizations to support medium- and long-term planning and rebuilding of New York City's low- and moderate-income housing and neighborhoods. The outreach team will continue to work with community-based organizations and nonprofits to help fellow New Yorkers rebuild and recover from the storm.

Pathway determination

The City received two comments that asked questions related to the pathway determination process when applying to the Build it Back program.

The process to determine the appropriate pathways will be managed by a Housing Recovery Specialist (HRS), assigned to each individual applicant. The HRS will work with each applicant to assess and verify funds received for rehabilitation, calculate unmet need, and provide a menu of options for rehabilitation and reconstruction.

Eligibility for Second Homes

The City received four comments about second homes and asked for further explanation on whether second homes are eligible for Build it Back assistance.

The HUD Federal Register Notice, at 78 FR 14329, dated March 5, 2013, prohibits second homes, as defined by IRS Publication 936, as eligible for rehabilitation assistance, residential incentives or to participate in a CDBG-DR buyouts program.

Eligibility and prior awards

The City received three comments about the eligibility and the prior receipt of an SBA loan; one comment asked about how potential alternative government funding sources will be applied towards the Build it Back grant.

1. *SBA loans: Receipt of or denial of other funding for rehabilitation, such as SBA loans or insurance payments, does not deem an applicant ineligible from the CDBG program. These payments will be taken into consideration with regard to calculating the CDBG grant amount that each applicant is eligible for based on federal guidelines. This process is described as Duplication of Benefits. In response to comments to the original approved Action Plan, the City's plan clarified federal policy that an applicant's SBA loan status must be taken into account with regard to calculating unmet need, but does not make him or her ineligible for this program. Pursuant to recently released guidance from HUD, the City has the ability to provide CDBG-DR grants for portions of SBA loan amounts that were approved, but not accepted, provided that certain rules are followed. In these cases, the Build it Back program may ask for further justification from the applicant.*

2. *Alternative Government Funding Sources: The eligible grant amount for each applicant in the NYC Houses Program will be based on 1) the scope of work and 2) the unmet need of the applicant. The unmet need for each applicant is the cost to complete (scope of work) minus assistance available for the same purpose. These funds include payments such as FEMA assistance, insurance payouts, SBA loans and philanthropic programmatic support. This policy is driven by federal Duplication of Benefits guidelines. Applicable federal law on this policy can be found in the full Action Plan.*

State Buy-Out program

The City received two comments that asked for information regarding home buyouts and one asked whether their neighborhood would be eligible.

The State of New York, as described in their Action Plan, is pursuing a buyout option for targeted areas. Applicants interested in this program will be referred to the state program after expressing interest through the Build it Back intake process. The Build it Back program is actively coordinating with New York State officials and more details on state buyout and the Build it Back acquisition pathway are forthcoming. Please visit www.nysandyhelp.ny.gov for more information about this program.

Elevation

The City received two comments that asked questions about elevation. Both requested additional information about the eligibility criteria for this pathway.

The eligibility criteria and program priorities for elevation and other building mitigation measures can be found in the Resilience section of the Action Plan under "Building Mitigation Incentive Program."

Under the Build it Back Rehabilitation and Reconstruction program, structures that sustained substantial damage, as defined by the NYC Department of Buildings, will receive resiliency measures, including elevation as part of the rehabilitation or reconstruction.

Rental Assistance

The City received one comment that requested more information about rental assistance.

Displaced homeowners in the Build it Back program should inform their Housing Specialists of their need for short-term housing assistance, and if otherwise qualified, they may be referred to Temporary Disaster Assistance Program (TDAP). More information about eligibility and program priorities can be found in the Housing section of the full Action Plan. Please note that for households that previously applied to FEMA, FEMA rental assistance and the Disaster Housing Assistance Program may be sources of rental assistance that should be utilized. Remaining housing funds for TDAP must be used towards the tenant share.

Mold

The City received two comments that expressed ongoing concerns about mold in their homes.

The Build it Back program will address mold if identified through the assessment process, as mold removal is an eligible activity under CDBG-DR.

Homeowners may also seek assistance through the Neighborhood Revitalization NYC program, which provides mold treatment services for eligible homeowners and renters in Queens, Staten Island, and Brooklyn. Interested homeowners can contact 311 to register for this program. More information can be found athttp://www.lisc.org/nyc/programs/superstorm_sandy_relief/index.php.

Resilience Comments

Coastal Protection

The City received six comments about coastal protection measures and the decision making process behind certain types of protection.

To determine the most effective coastal protection measures, the City analyzed Hurricane Sandy surge impacts and the future effects of climate change and reviewed best practices addressing these types of flooding in international, national, and local areas. The result of this analysis, outlined in "A Stronger, More Resilient New York," is a four-pronged strategy: increase coastal edge elevations, minimize upland wave zones, protect against storm surge, and improve coastal design and governance.

Based on this analysis, the City selected an integrated system of discrete coastal projects that together would constitute the elements of a multilayered approach also involving resiliency measures for buildings and protection for critical infrastructure. This approach has three advantages. First, it diversifies the City's exposure to given technologies, reducing overall risk. Second, this approach is scalable to available resources, rather than dependent upon securing all necessary funding. Third, elements of the plan can begin within the near-term, thereby making New Yorkers safer as soon as possible.

The decision to fund projects detailed in the Resilience section of the Action Plan were based on diversity, scalability, and project-readiness. Additionally, the City has allocated $5 million for an international competition to solicit pioneering integrated flood protection systems.

The Federal Emergency Management Agency (FEMA) is financing short-term beach nourishment, dune construction, and shoreline protection on Staten Island and emergency bulkheads repairs adjacent to Belt Parkway in Southern Brooklyn. These and other additional coastal protection measures are expected to be funded through FEMA, the US Army Corps of Engineers, and future CDBG-DR allocations. Expected funding sources for various projects can be found in the above-referenced report, which can be found at http://www.nyc.gov/html/sirr/html/report/report.shtml.

Transportation

The City received one comment related to transportation investments in Coney Island and one comment related to reconstructing below-grade streets to grade in Howard Beach.

The City agrees that expeditiously repairing streets in Sandy-affected communities remains a priority. The New York City Department of Transportation (NYCDOT) is working in close coordination with the federal Department of Transportation and FEMA to ensure federal funding is secured. Both agencies received funding after Hurricane Sandy to assist with emergency repairs to roadways, tunnels, ferry terminals and other critical transportation assets. Additionally, NYC DOT's capital program integrates climate resiliency features into future capital projects.

NYCDOT and the New York City Department of Design and Construction will determine the appropriate design standards, including grading and drainage, for all reconstructed streets.

Small Business Recovery

The City received one comment on using CDBG funds to support small business recovery and resiliency.

Almost $300 million has been allocated to a variety of programs designed to assist small businesses recover and become more resilient. More information can be found in the Business section of the full Action Plan.

Emergency Planning

The City received one comment related to planning money for community-based response teams within the Office of Emergency Management.

In the wake of Hurricane Sandy, neighborhood networks were critical to the recovery and rebuilding of hard-hit neighborhoods. The City must invest in making buildings and infrastructure more resilient, but must also give communities the resources to play a key role in emergency preparedness and response. Accordingly, in "A Stronger, More Resilient New York" the City has outlined four initiatives to support the Office of Emergency Management. First, the City will launch a pilot program to identify and address gaps in community capacity. Second, the City will continue and expand OEM's Community Emergency Response Teams (CERT). Third, the City will expand the Worker Connect information technology tool to serve as an Emergency Services Portal. Fourth, the City will explore the creation of a new online Emergency Notification System. The City will work to secure as much funding as necessary to support OEM and CERT. These projects may be funded through a future tranche of CDBG-DR funding.

Energy

The City received four comments related to energy resiliency. On this topic, four comments expressed interest in funding power resiliency for Brightwater Towers in Southern Brooklyn.

Multi-family residential buildings may be eligible for assistance from the Building Mitigation Incentives Program or under future CDBG-DR allocations. More information can be found in the Resiliency section of the full Action Plan and in "A Stronger, More Resilient New York."

Insurance

The City received two comments about insurance. On this topic, one comment advocated for a change in insurance law. An additional comment asked for confirmation that the City's resiliency measures would be accepted by the National Flood Insurance Program.

The City does not have the authority to regulate insurance companies. In New York State, the Department of Financial Services is the primary regulatory body that oversees the insurance market, reviewing and approving rates for policies.

The City is working with FEMA to develop national flood-protection standards for urban buildings, to complement and augment the City's retrofit standard, referred to as the "Core Flood Resiliency Measures" and to supplement FEMA's preferred elevation approach with other proven alternatives. The City will continue discussions that are already underway with FEMA, with the goal of achieving agreement on new standards by 2014.

Water and Wastewater

The City received one comment related to water and wastewater.

Hardening the City's water and wastewater treatment plants and pumping stations is critical. In "A Stronger, More Resilient New York City," the City proposes three strategies, composed of 15 initiatives, to protect the City's water and wastewater systems. The strategies include protecting facilities from storm surge, improving and expanding drainage infrastructure, and promoting redundancy and flexibility to ensure a constant supply of high-quality water. For example, the City is building out the Mid-Island Bluebelt, which will alleviate street flooding and includes additional flood prevention measures such as reinforced berms. In conjunction with shore protection along the coast, the City will reduce flooding driven by both rainfall and storm surge.

Buildings

The City received two comments related to hardening residential and commercial buildings. Specifically, the comments requested more detail about how buildings would be hardened and suggested funding the elevation of mechanicals and assisting with bringing buildings to grade.

The City's building mitigation and resiliency plans, outlined in "A Stronger, More Resilient New York" focus primarily on a two-part strategy: 1) To strengthen new and rebuilt structures to meet the highest available standards and 2) To facilitate the retrofitting of as many existing buildings as possible. These strategy components are designed to reduce a building's exposure to climate risks, including flooding associated with storm surge and sea level rise, as well as increased wind events. In regard to physically hardening buildings and protecting their critical systems, the City has proposed Core Flood Resiliency Measures that include elevation or other flood protection measures (outlined below) of the following critical building equipment and utilities: fire protection equipment, electrical equipment, heating, ventilation and air conditioning (HVAC) equipment, plumbing equipment, telecommunications equipment, and emergency generators and associated fuel tanks and pumps. Some specific examples of the above might include the installation of backflow preventers for sewer connections to seal points of entry from floodwaters, increased lengths of telecommunications cables to reach elevations above the design flood elevation (base flood elevation plus 1-2 feet of freeboard), increased limits on the size of fuel tanks that can be located above grade, securing improvements for rooftop structures and equipment, etc.

These systems can be protected by physically elevating them to a point above the design flood elevation, either by moving the systems to an upper floor or placing them on raised platforms, dry flood proofing (watertight enclosure) the equipment in-place, and/or dry flood proofing the entire building structure. Furthermore, with the exception of life safety systems, an alternative approach may be pursued whereby temporary external barriers are installed (with the approval of DOB) prior to a storm event. Additionally for those buildings classified as being of "combustible" construction (typically 1-2 story buildings of light frame construction) the City will require additional support measures including foundation upgrades, reinforcement of exterior walls, and wet flood proofing measures designed to let water pass through a building without damaging the structure. These changes will in some cases require adjustments to the City's Building Code and Zoning Resolution and these efforts are currently ongoing.

Residential and non-residential buildings may be eligible for assistance under the City's Building Mitigation Incentive Program or the Business Resiliency Investment Program. More information can be found in the full Action Plan.

Climate Change Mitigation

The City received one comment on suggestions for how to address climate change and the increasing frequency of extreme weather events.

While broad climate change initiatives are outside of the scope of the CDBG-DR program, the City has undertaken extensive efforts to reduce its impact on the environment and prepare for the effects of rising sea levels and extreme weather events.

In 2007, Mayor Bloomberg launched PlaNYC, a comprehensive effort to make New York a more sustainable city, with activities coordinated by the newly created Mayor's Office of Long-Term Planning and Sustainability (OLTPS). Under PlaNYC, the City sought to understand its vulnerabilities as a coastal city as well as the effects that climate change were likely to have.

In addition, prior to Sandy, the City had started making resiliency investments to be better prepared for the increasing and more intense coastal storms expected as a result of climate change. For example, the City required a climate risk assessment for major developments in vulnerable areas. As a result, new buildings and infrastructure located in areas that flooded during Sandy survived with minimal damage.

In January 2013, the City reconvened the New York City Panel on Climate Change (NPCC) (first established in 2008) to update its projections to inform planning for rebuilding and resiliency post-Sandy.

The magnitude of the storm and the impact it had on so many neighborhoods, the City realized that it was important to redouble resiliency efforts begun under PlaNYC. The 257 initiatives outlined in "A Stronger, More Resilient New York" are designed to reduce the City's contribution to climate change.

Other/Off Topic Comments

The City received two comments unrelated to housing or resilience. One comment focused on community outreach, and one was off topic.

The City continues to take measures to engage all New Yorkers across the five boroughs. This includes translation efforts, citywide marketing campaigns, and targeted outreach. The City welcomes suggestions for how to improve their community engagement efforts.

II. Draft Partial Action Plan A

- Release Date: March 22, 2013
- Comment Period: March 22, 2013 – April 4, 2013
- Approved by HUD: May 10, 2013
- Number of comments received: 377

Housing Comments

General

1. One commenter stated that the HUD Notice requires grantees to describe how they will encourage the provision of disaster-resistant housing for all income groups, including an assessment of how

planning decisions may affect racial, ethnic, and low-income concentrations and that the Action Plan is missing this assessment.

This assessment is now included in the Action Plan in the "Housing Programs: Overview" section.

NYC Houses Rehabilitation and Reconstruction

1. ***Mandatory Resilience***

Over sixty comments related to the process for elevating homes to meet ABFE and flood insurance requirements. On this topic, seven commenters requested clarification on FEMA's policies on flood insurance and asked that the City work to minimize increases in flood insurance rates. Ten commenters also requested that funds be directed toward families whose homes do not meet the definition of substantial damage or substantial improvement. Ten asked questions regarding the determination of substantial damage. One commenter had concerns about accessibility.

Resilience Covered by the Grant Assistance

The NYC Department of Buildings' (DOB) construction code requires that, when a building has suffered substantial damage or undergoes rehabilitation and reconstruction efforts that can be classified as substantial improvements, all construction work must fully comply with flood zone regulations in Appendix G of the 2008 NYC Building Code. For residential buildings, this includes elevating habitable spaces and filling in the basement or cellar. The City grant assistance will incorporate resilience measures for homes that were destroyed by Sandy or have suffered substantial damage, as defined by DOB. Resilience measures will make the house compliant with local Building Codes and zoning and ordinances at a minimum.

Elevation Requirements

Based on recent Federal guidance from the Hurricane Sandy Rebuilding Task Force, the City will require that buildings participating in NYC Houses be elevated to standards using the best available flood elevation data plus freeboard, a factor of safety specified in the Building Code. The City's intention is to use the Preliminary Flood Insurance Rate Maps (P-FIRM) for NYC when they are issued and require that projects funded with CDBG-DR meet P-FIRM elevation plus freeboard. Freeboard is one or two feet, depending on building occupancy and flood zone. For one- and two-family homes, freeboard is two feet to the first finished floor. In V Zones, it is two feet to the underside of the structure.

Access to Raised Homes

There are various options for a person with a disability to access a raised home. These scenarios will be considered on a case-by-case basis with the support of design and engineering professionals. The Mayor's Office of Persons with Disabilities will provide support in considering options.

Definition of Substantial Damage and Substantial Improvement

If the cost of restoring the structure to its pre-storm condition equals or exceeds 50% of the market value of the structure prior to the storm, it is then considered "substantially damaged" by DOB. A building's classification of substantial damage relates to its damage as of the day of the storm.

DOB also defines "substantial improvement" as any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered a substantial improvement regardless of the actual repair work performed.

NYC Houses assistance will incorporate resilience measures into the rehabilitation of a home if the home is substantially damaged. NYC Houses will assess required repair work through the program case management process.

Definitions of these terms can be found in Appendix G (Flood-Resistant Construction), Chapter G2 (Definitions), Section BC G201.

Discretionary Resilience

Homes with less severe damage may be eligible for assistance for resilience measures, subject to available funding. The City is considering the viability of a more generally available mitigation program through funding mechanisms such as the Hazard Mitigation Grant Program, pending policy guidelines that will be produced by New York State. However, preliminary estimates suggest that available funding sources are far from adequate to support mitigation for homes beyond those that were the most severely impacted, with levels of damage requiring mitigation. The City will consider funding "discretionary resilience" for this category of properties if sufficient funding is available.

Flood Insurance

Flood insurance is primarily provided by the Federal government through the National Flood Insurance Program (NFIP), administered by FEMA. Homeowners with Federally-backed mortgages are required to purchase flood insurance if the property is located within a Federally-designated Special Flood Hazard Area. In addition, program policy will adhere to Federal law requirements that homeowners participating in the CDBG-DR Housing programs and within a Special Flood Hazard Area purchase flood insurance covering the amount of rehabilitation and resilience work done, up to the insurance limit.

FEMA Biggert Waters Act and National Flood Insurance Program

Prior to Sandy, Congress passed the Biggert-Waters Flood Insurance Reform Act of 2012, reauthorizing the NFIP through September of 2017 and requiring a number of reforms to strengthen the future financial solvency of the program. In the past, flood insurance was relatively inexpensive for properties that were constructed before FEMA's Flood Insurance Rate Maps came into effect. The Biggert-Waters Act removes subsidies within the NFIP program and converts to a pure risk–based approach, which could result in substantial increases in flood insurance rates for properties below the Base Flood Elevation. However, FEMA has not yet addressed several post-reform issues, including affordability to policyholders. The requirements and implementation of the Biggert-Waters Act and NFIP are mandated by FEMA and are not under the jurisdiction of the City.

2. ***Eligibility, Prioritization and Duplication of Benefits***

Almost 90 commenters had questions on who may apply for the program, how the City will prioritize funding, and what impact previously received resources may have on rehabilitation or reconstruction. More than twenty commenters requested clarification on how SBA and FEMA funds will be taken into account when calculating unmet need. An additional twenty commenters requested further focus on low- and middle-income families and clarification about the City's funding priorities.

Eligibility Threshold

Owners of one- to two-unit buildings and three- to four-unit buildings that are owner-occupied and whose homes were damaged by Sandy are eligible for assistance through the NYC Houses Rehabilitation and Reconstruction program. Owners of rental properties, co-ops, and condos with five (5) or more units and owners of three- to four-unit buildings that are not owner-occupied are eligible for the Multi-Family Building Rehabilitation program. All residential buildings that act as primary residences are eligible. Applicants for rehabilitation and reconstruction grants in the NYC Houses program must have 1) rehabilitation needs and 2) unmet financial needs. NYC Houses is available to homeowners across the five boroughs.

A building with rehabilitation needs is one that was physically impacted by Sandy. Unmet financial needs means that a financial gap remains between the cost to complete the repairs, as determined by the NYC Houses assessment, and the resources that the homeowner has already received towards rehabilitation or reconstruction. Receipt of or denial of other funding for rehabilitation, such as SBA Disaster Loans or insurance payments, does not deem a homeowner ineligible from the programs. These payments will be taken into consideration with regard to calculating the amount of grant that each homeowner is eligible for based on Federal guidelines. This process is described below (see "Duplication of Benefits").

NOTE: Proposed Action Plan Amendment 1 clarifies the definition of buildings in the Multi-family category to include all small multi-family buildings containing three and four units. All small multi-family (three- to four-unit) buildings will follow program guidelines for the NYC Houses Rehabilitation and Reconstruction Program.

Prioritization

There is no income restriction on NYC Houses at this time. However, the City will prioritize limited funding based on the level of damage and financial need, based on national objectives set out by HUD. The City's goal is to address the highest-need families first. Based on comments received, the City will streamline the program priorities for this round of funding as reflected in the "Program Priorities" section of the NYC Houses Rehabilitation and Reconstruction program description.

Duplication of Benefits, Unmet Need and Grant Size

The grant amount for each applicant in the NYC Houses program will be based on 1) the scope of work and 2) the unmet need of the homeowner.

The NYC Houses team will determine the scope of work based on the type of rehabilitation and limited by maximum unit pricing. The scope will be limited by standard rehabilitation pricing rather than by

dollar amount to ensure that property rehabilitations are able to be completed with these funds. In the case of a reconstruction, the level of assistance will be based on the cost of a set of pre-designed model homes. In the case of major rehabilitation – buildings that meet the substantial damage threshold in the "Mandatory Resilience" section above – and reconstruction, the grant amount will include the cost of resilience measures to comply with City standards including elevation, as required by the NYC Building Code.

The unmet need for each homeowner is the cost to complete (scope of work) minus assistance received and, in the case of SBA, approved, for the same purpose. These funds include payments such as FEMA assistance, insurance payouts, SBA loans, and philanthropic programmatic support. This policy is driven by Federal Duplication of Benefits guidelines. Applicable Federal law on this policy can be found in the "Other Program Criteria" section. In response to comments, this revised Action Plan clarifies Federal policy that an applicant's SBA loan status must be taken into account with regard to calculating unmet need, but does not make him or her ineligible for this program. In accordance with Federal Duplication of Benefits guidelines, CDBG-DR funds are not permitted to be used to pay or reimburse SBA loans. Further, SBA loans are considered allocated for the purposes of this calculation if they are in process or if the homeowner has opted out of the loan. Please also note that homeowners must apply for an SBA Disaster Loan before being assisted for the same purpose with CDBG-DR funds, provided that the application period for an SBA Disaster Loan is open.

Upon registering for NYC Houses, each homeowner will be assigned a Housing Recovery Specialist that will work with him/her to assess and verify funds received for rehabilitation, calculate unmet need, and provide a menu of options for rehabilitation and reconstruction.

Rental Properties

Rental properties with year-long tenants are eligible for NYC Houses. Beneficiary calculations and income calculation to determine priority will be based on the HUD guidelines. Landlords with higher incomes may be supported by loans.

In response to comments, the City clarified language on the calculation of beneficiaries for one- to two-family rental properties: "For the purposes of determining priority in the case of a single-family home (one- to two-units), the income category of the entire building will be determined by the household with the lowest income."

3. ***Second Homes***

Six commenters requested that NYC Houses cover second homes.

The HUD Federal Register Notice at 78 FR 14329 (effective date March 11, 2013), prohibits second homes, as defined by IRS Publication 936, from eligibility for rehabilitation assistance or residential incentives or from participating in a CDBG-DR buyouts program.

4. ***Reimbursements and Additional Cost Assistance***

More than forty commenters requested that the program include reimbursements for homeowners who have already made out-of-pocket repairs. Commenters requested clarification on opportunities for additional cost assistance.

Reimbursements

The City recognizes that homeowners have incurred out-of-pocket costs by taking the initiative to begin repair work while waiting for the Disaster Relief Appropriations Act, 2013 to be passed. In response to the comments received, the City will amend its program to include reimbursements for one- to four-unit buildings as allowed by HUD and consistent with NYC Houses priorities. These homeowners will be equally subject to the program's eligibility requirements and restrictions on assistance and unit prices and labor costs may be subject to caps. NYC Houses will only reimburse for work done in full compliance with the NYC Building Code. Per HUD guidelines, reimbursements are not permitted for SBA loan payments and for properties that are substantially damaged. All reimbursement is contingent on compliance with NYC Houses requirements and is dependent upon an environmental review as required by the National Environmental Protection Act and HUD regulations.

As stated above, the first priority for these limited, initial CDBG-DR funds will be to complete rehabilitation and reconstruction of homes for families who have not been able to address damage.

Additional Cost Assistance

In extremely limited hardship cases and pending sufficient funds, NYC Houses will consider housing-related assistance, such as short-term mortgage assistance. This additional cost assistance would be provided in cases where homeowners can document the property damages caused by Sandy and verify that Federal and prior personal funds have been expended to repair those damages.

5. ***Application Process/Timing***

Twenty-nine commenters requested more information on applying to NYC Houses. They asked that the City establish the program application and intake process quickly and make information easily available.

Overall timeline

Following the public comment period, this revised Partial Action Plan describes the City's plan to spend these funds and was submitted to HUD on April 23, 2013. The City reached out to impacted homeowners through open houses to build the infrastructure for these new assistance programs and gather data on damaged buildings and residents affected. The City anticipates that it will begin registration for NYC Houses when funding becomes available.

Application and Intake process

In compliance with Federal requirements, the NYC Houses team will individually review, scope, and address each application. NYC Houses expects to begin rehabilitation work in the summer of 2013. Owners of properties damaged by Sandy are expected to register either online, via phone, or by coming to an NYC Houses location. Registered homeowners will be assigned a Housing Recovery Specialist who will accompany the homeowner throughout the process. The Housing Recovery Specialist will

collect the documents needed for their application, assign an assessment expert to visit the homeowner's property to assess the cost to complete rehabilitation, and coordinate the review of their application for eligibility and grant award size. Where possible, the City will leverage existing data already collected by FEMA, the National Flood Insurance Program, Rapid Repairs, or SBA.

Once the grant is awarded, the homeowner can sign a grant agreement, and rehabilitation can begin.

6. ***Reconstruction Path***

Ten comments related to the types of reconstruction and rehabilitation assistance that will be a part of NYC Houses. Four of those comments related to the use of predesigned homes.

Pre-designed Model Homes and Exceptions

Assistance to homeowners may consist of a choice of pre-designed model homes whose size and features are determined based on a combination of the household size and the pre-storm square footage. Pre-designed model homes may be used to boost the speed of construction and contain costs. The City will seek the continued input of communities in this process to ensure that new homes respect neighborhood character and promote high quality urban design.

The program will seek to offer designs appropriate to meet the needs and preferences of households while accounting for the unique scale, context, and site conditions of neighborhoods.

Model homes will comply with Section 504 of the Rehabilitation Act of 1973.

7. ***Pool of Contractors***

More than thirty commenters asked how contractors will be selected for NYC Houses and whether local contractors will be included in the City's selection of contractors. Eight commenters also expressed a desire to choose their own contractors instead of using preselected contractors. Two commenters had concerns about quality control and customer service.

City-Selected Contractors

Applying lessons learned from previous disasters, which left many residents without completed homes to which they could return, the City has determined that the payments of grants should go directly to a pool of pre-selected contractors managed as part of the City's program.

The City will select contractors based on a set of criteria and homeowners will be assigned contractors to conduct the rehabilitation and reconstruction work. Contractor selection and direct payment by the City will help ensure compliance with program priorities, prevent fraud, waste and abuse, and allow the City to stretch recovery funds by taking advantage of economies of scale.

Exceptions and Homeowner-Selected Contractors

In response to comments, the City may permit homeowners the option to select a contractor for reconstruction and rehabilitation. In addition to the program requirements and parameters for grant

assistance that will continue to apply, this option will have further conditions as outlined and amended in the revised Action Plan.

Local Contractors

The City's procurement system is designed to ensure transparency, fairness and wise use of taxpayer dollars. Contracting opportunities related to Hurricane Sandy disaster recovery funds will meet all applicable City, State, and Federal guidelines, such as guidelines to ensure that solicitations are made fully public and open to all qualified firms, including local contractors. Contractors will be encouraged to demonstrate local knowledge and the potential to leverage local organizations where appropriate.

8. ***Administration Cost***

Three commenters suggested that the Plan was vague on the administrative costs associated with running the program.

Administrative and Program Planning Costs

The City is still in the process of determining planning and administration costs. Of the funds allocated for housing recovery assistance, up to 5% of the allocations may be set aside for program administration, with an additional amount of funds that may be used for planning activities (recognizing that planning activity funds cannot exceed 15% of the funds allocated for this activity). Examples of administration activities include general management, oversight, and coordination; providing local officials and citizens with information about the CDBG-DR program; Fair Housing activities; and preparation and submission of the Action Plan. Examples of planning activities include functional plans for housing such as land use and urban environmental design; policy planning and management; and other plans and studies (e.g. small area and neighborhood plans).

9. ***Restricted Grants***

Fifteen commenters asked for clarification on the requirements, structure, and mechanics associated with grants that homeowners may receive under the program. They requested that certain requirements associated with the grants, specifically the condition that a homeowner maintains ownership for a period of up to five years, exclude transactions between family members.

Restriction rationale

Restrictions on grants are based on lessons learned from previous disaster recovery programs and are meant to limit potential impact on damaged neighborhoods. Their purpose is to invest in rebuilding for disaster survivors who are willing to commit to remaining part of a viable neighborhood. The restriction ensures that long-term benefit of the assistance go to disaster survivors.

Grant restriction mechanisms

Requirements associated with the restricted grant may include conditions such as requiring the property owner to maintain ownership of the home for a period of up to five years, starting at the date of completion of construction. The restricted period will decrease in cases where the estimated cost of rehabilitation is limited. The City may use various mechanisms to enforce the assistance agreement, such as an enforcement mortgage. The dollar amount associated with the restriction will be prorated based on the years met within the restricted period.

In response to comments, the City may consider reviewing the five-year requirement in special circumstances on a case-by-case basis to account for hardship and for transactions between family members. This protocol will be developed as part of the program operations and guidelines, and information will be forthcoming at the time of the NYC Houses launch.

Misspent funds

In instances where any funds already received and earmarked for housing rehabilitation or replacement have not been used for their intended purpose, the City will not replace that amount with grant funding. However, recognizing that the homeowner may thus require more funding to complete rehabilitation, the City may offer assistance such as non-Federally-funded no-interest loans, with restrictions placed on the property, to meet objectives in a manner consistent with Duplication of Benefits requirements.

10. ***Attached Homes***

Nine commenters had questions regarding the mechanics of raising attached homes to meet resilience standards under NYC Houses.

The City and FEMA will work with homeowners to design the best available resilience strategy for the needs of buildings that are required to meet resilience standards under NYC Houses. Attached homes will need to be considered on a case-by-case basis and with the expertise of design and engineering professionals. The City and FEMA are working together to analyze the design and cost implications of strategies for attached buildings.

11. ***Buyouts***

More than thirty commenters expressed interest in and had questions regarding New York State's buyout plan.

The State of New York is pursuing a buyout option for targeted areas. The City has requested that these buyouts be concentrated in areas where there is evidence that the land is inappropriate to support housing because of a clear and continued threat to human life and property. Applicants interested in this program will be referred to the State program after expressing interest through the NYC Houses intake process. Please visit www.nysandyhelp.ny.gov for more information about the State's program.

Per Federal guidelines, a buyout is the acquisition of properties located in a floodway or floodplain that is intended to reduce risk from future flooding. These may not be redeveloped, with the exception of specifically defined uses that allow for open space.

Properties purchased through a buyout as determined by HUD guidance may be purchased at pre- or post-flood fair market value.

12. ***Strategic Acquisitions and Smart Redevelopment Options***

Seven commenters sought more information about the potential acquisition of property for broader redevelopment efforts and inquired into the programmatic details of the "smart redevelopment" path.

The City is considering strategies to acquire properties for broader redevelopment efforts. Different from buyouts, these acquisitions would be limited to areas specifically targeted for this purpose by the City and community for reconstruction. Relocation assistance will be provided for this path and participation will be voluntary. To clarify this process, the Action Plan has been updated.

Applicants will discuss these pathways as options with the Housing Recovery Specialist during the case management portion of the program. Further details are under development as part of the operating model and will be available to homeowners at the time of the CDBG-DR program launch.

Properties acquired by the City that may be redeveloped are required by HUD guidance to be purchased at post-storm fair market value. The City intends to provide property owners in the acquisition path with relocation assistance to ensure they are able to reestablish themselves in an equivalent post-storm residence. All acquisition participants must have a definitive permanent, sustainable housing solution and will participate on a voluntary basis.

Separately, the City also intends to support redevelopment for units or areas where participating property owners request and envision a new density, structural, or design model. All redevelopments will be required to comply with building codes and flood protection standards, which might be difficult to otherwise achieve under the reconstruction or retrofitting of existing buildings. The City will seek the input and collaboration of communities and stakeholders in developing new patterns of resilient building in these targeted locations.

13. ***Relocation Assistance***

Five commenters requested additional information regarding relocation assistance opportunities for program participants.

In response to comments, the City has amended the Action Plan to clarify this issue. In the case of rental properties, the City will comply with the Uniform Relocation Act and minimize displacement. In the case of acquisitions for redevelopment, the City intends to provide the homeowners of the acquired properties with additional relocation assistance to ensure they are able to reestablish themselves in an equivalent post-storm residence. All acquisition participants must have a definitive permanent, sustainable housing solution.

14. ***Operating Model***

Fifteen commenters requested information about how the program operations would work, including questions regarding program outreach, agency leadership, the central management function, and the appeals processes for homeowners.

Program Outreach

Upon approval of this program, the City intends to undertake a broad, three-pronged outreach strategy, building on efforts to date:

- *An internet and media campaign to describe program parameters, announce program intake, and provide guidance on how to apply;*
- *Community outreach in neighborhoods that sustained damage, continuing to leverage public officials, non-profit, and local community groups; and*
- *Direct community-based meetings, discussions and forums to provide further guidance and capture feedback from impacted neighborhoods.*

Owners of properties damaged by Sandy are expected to register either online, via phone, or by coming to any of the program-designated locations. The City will track homeowner registration and compare it to existing damage assessment data to identify areas where further outreach is potentially required to maximize homeowner awareness about the program.

Agency Leadership

The overall program will be coordinated by the Mayor's Office of Housing Recovery Operations. The rehabilitation activities will be led by City agencies with experience in implementing housing and capital projects.

The operational details, guidelines, and procedures are being developed in parallel, and will be announced soon.

Central Management Function

Once homeowners register, either online, via phone, or by coming to an NYC Houses location, they will be assigned a Housing Recovery Specialist.

At a scheduled appointment, the homeowner will provide all required documentation to the Housing Recovery Specialist, who will answer questions and guide the homeowner through the process, including

- *Financial and eligibility review, conducted by a dedicated team to determine homeowner and property eligibility, resources received, etc.;*
- *Estimate of the cost to complete the rehabilitation and/or reconstruction work, based on an assessment expert's physical inspection;*
- *Determination of the unmet need by comparing the cost to complete with resources already received;*
- *Housing, finance, legal, and other tailored counseling; and*
- *Decision on the rehabilitation path and the grant agreement.*

Customer Service and Appeals Process

At any point throughout the process, homeowners have the option to call a customer service representative to walk them through their potential challenges and receive additional support and to escalate issues as necessary.

These issues will be recorded and reviewed on a regular basis by the program team to identify and address any systemic challenges in a timely fashion.

In addition, in line with its existing policies and practices, the City will establish a formal appeals process for the program. This protocol, including details on the appeals process, appealable decisions, review criteria, and governance mechanisms, will be developed as part of the program operations and guidelines, and information will be announced at the time of program launch.

15. ***Mold***

Eight commenters asked questions about mold treatment and removal. They requested additional information about the Local Initiative Support Coalition (LISC) program, which is an external mold treatment effort funded by private entities in partnership with the City, and expressed concern about outreach to vulnerable populations on this issue. Finally, they asked whether there will be funding for mold treatment under the CDBG-DR program.

In January 2013, New York City launched a mold treatment program to help up to 2,000 individuals and households remove mold in their homes. This $15 million remediation program is administered by Neighborhood Revitalization NYC (NRNYC), an affiliate of the Local Initiatives Support Corporation, a community development non-profit corporation with 30 years of experience working in New York City. Neighborhood Revitalization NYC coordinates mold treatment that is performed at no cost to the homeowner by private contractors and non-profit organizations. The City worked to identify a solution to the mold program in advance of the passage of the Disaster Relief Appropriations Act, 2013, which authorized CDBG-DR funding. This program is funded by the Mayor's Fund to Advance New York City, the American Red Cross, and the Robin Hood Foundation.

Further information about the LISC NRNYC program can be found online at http://www.lisc.org/nyc/programs/green_and_healthy_neighborhoods/neighborhood_revitalization_nyc.php or by contacting LISC NYC.

In addition, the Mayor's Fund to Advance New York City sponsored multilingual mold awareness and safe practice trainings, which are being offered to the public in communities most affected by the storm. These free training sessions educate homeowners and volunteers on how to effectively treat mold, and are led by experts from Hunter College and the University of Medicine and Dentistry of New Jersey. Individuals who attend the trainings can also pick up a mold clean-up kit, provided at no cost by the Mayor's Fund. The City will continue to work with faith- and community- based organizations to help fellow New Yorkers with mold and other housing related issues and to offer other assistance that will help communities rebuild and recover from the storm.

The City's NYC Houses Rehabilitation and Reconstruction program will address mold if identified through the assessment process, as mold removal is an eligible activity under CDBG-DR.

16. ***Opportunities for Non-Profits***

Nine commenters associated with non-profit organizations asked how their groups will be able to apply for opportunities to participate in the CDBG-DR implementation and sought clarification on how their current programs will be coordinated with the CDBG-DR program. Three commenters asked questions about the Non-profit Rebuilding Consortium, a privately-funded program engaging non-profit construction organizations to repair non-structurally damaged rental and owner-occupied properties. They requested information on whether the work of the Consortium will be coordinated with the publicly-funded CDBG-DR programs. In addition, commenters requested information about how to engage with the Consortium and how it will work with volunteer agencies that are currently doing home repairs.

The City will comply with local and HUD procurement policies for all contracted work. This includes functions central to the program operating model such as case management, outreach, and counseling. Programmatic administrative estimates account for these critical components of the program. Information regarding procurements for the CDBG-DR programs will be forthcoming and bids will be open and competitive. Contractors will be encouraged to demonstrate local knowledge and the potential to leverage local organizations where appropriate. Consistent with HUD Section 3 goals, contractors will also be encouraged to train and hire low- or very low-income residents when appropriate.

As addressed in the Action Plan, the City will continue to work closely with the philanthropic community, including the Mayor's Fund to Advance New York City, where appropriate.

Non-Profit Rebuilding Consortium

In March 2013, New York City announced that in response to the continuing need to repair homes damaged by Hurricane Sandy, the NYC Home Repair Consortium was being created to repair at least 600 non-structurally damaged rental and owner-occupied properties that still have unmet needs. The Consortium is being funded privately by the Mayor's Fund to Advance New York City, American Red Cross, and Robin Hood Relief Fund.

The Consortium will serve a specific category of homes that meet certain eligibility requirements, with a focus on candidates currently displaced by the disaster that are residing in hotels or other temporary housing. Additional eligibility requirements are available at www.sandyhousingrepairsnyc.com. Participation in this program is voluntary for interested families and separate from the CDBG-DR housing programs.

17. ***Undocumented Communities***

Four commenters requested clarification on the eligibility of, impact on, and sufficiency of the needs assessment of the undocumented population and housing units.

Eligibility for the CDBG-DR housing programs is determined by HUD. In accordance with HUD guidance, only "qualified aliens", as defined in Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), are eligible to receive non-exempted Federal public benefits. The housing assistance program qualifies as a Federal public benefit in part because

the subsidy will be provided directly to eligible homeowners in the form of a loan or grant to assist in the rebuilding of a home structurally damaged as a result of Hurricane Sandy.

Also funded by CDBG-DR dollars, the City's emergency Rental Assistance program will provide eligible individuals or households with monthly rental cash assistance for up to 24 months. The emergency rental assistance program prohibits non-qualified aliens from receiving Federal public benefits.

Section 401(c) of the Act defines Federal public benefit, and includes as part of its definition grants, loans, and assisted housing or other similar benefits for which payments or assistance are provided to an individual, household, or family by an agency of the United States or by appropriated funds of the United States.

Although PRWORA allows governmental or private entities to receive grants that then might be used to provide assistance to undocumented immigrants, the rental assistance program is considered a Federal public benefit because the rental subsidy will directly benefit an individual, household, or family. Therefore, only qualified aliens are able to receive this Federal public benefit.

The City is currently exploring alternative options through private dollars to support individuals and families who do not qualify for the housing assistance programs.

The City used the best available data to assess damage inflicted on the housing stock and will continue to update its analysis as more information becomes available.

In addition, the Mayor's Office of Immigrant Affairs will continue to work closely with the undocumented community through partner organizations to identify and help address potential barriers and challenges.

18. ***Fair Housing***

Two commenters requested that the City provide information regarding assessment of impact to racial and ethnic groups and suggested that the City address legal obligations to Affirmatively Further Fair Housing.

In response to comments, the Housing section of the Action Plan has been amended to include an assessment of impacts to demographic groups.

The City seeks to create a range of affordable housing opportunities citywide. Through the Mayor's New Housing Marketplace Plan, the Department of Housing Preservation and Development has built or preserved affordable housing in every Community Board in the City. New York City also operates two Section 8 Housing Choice Voucher programs (through HPD and the New York City Housing Authority), which give recipients the opportunity to select their own housing in whatever neighborhood they choose. Unfortunately, funding for Section 8 is extremely limited, particularly since the start of sequestration, so the City's ability to allocate Section 8 vouchers to households displaced by Sandy is limited.

The rehabilitation and new construction to be financed with CDBG-DR funds will be located in storm damaged areas, but the City has proposed to create a rental subsidy program similar to Section 8, which would allow households to move as they choose.

Regarding Affirmatively Furthering Fair Housing, the formulation requirements state that "the grantee must update its Analysis of Impediments to Fair Housing Choice in coordination with its post-waiver (full) Consolidated Plan update, so that it more accurately reflects housing conditions following the disaster" (78 FR 14329, pg. 14339 "Consolidated Plan waiver"). The City of New York is required to update its full Consolidated Plan, including Housing Needs Analysis and Five-Year Strategic Plan, to reflect disaster-related needs, any unmet disaster-related needs, and associated priorities no later than its Fiscal Year 2015 Consolidated Plan update. According to the City of New York's Consolidated Plan Strategic Plan formulation cycle, the City's 2015 Proposed Consolidated Plan is currently scheduled to be the City's next Five-Year Strategic Plan (for Plan Years 2015-2019). The analysis of impediments will be conducted as part of the City's 2015 Consolidated Plan formulation cycle.

19. ***Hotels***

Two commenters requested further information regarding the City's hotel program.

The New York City hotel program has assisted more than 3,000 Sandy evacuees during its six-month course and, by April 30, the City will successfully transition households remaining in the program (estimated at fewer than 600) either back to their homes or to new, appropriate housing options.

20. ***Casework and Counseling***

Eight commenters requested that consideration be given to financial and legal counseling. Of those, four commenters requested information regarding the qualifications of the Housing Recovery Specialists.

Counseling will be available through the program and referrals will be made through the Housing Recovery Specialists. Counselors will support families facing difficult tradeoffs and decisions, for example, implications of mortgage delinquencies for the recovery process.

Housing Recovery Specialists will be selected in compliance with local and HUD procurement guidelines based on relevant experience and skills.

21. ***Requests for Help***

Seven comments were in the form of requests for immediate assistance.

Individuals with questions are directed to call 311, the City's main source of government information and non-emergency services, for referral to the Department of Homeless Services.

<u>Multi-Family Building Rehabilitation</u>

1. ***Multi-Family Eligibility***

Six commenters asked about general eligibility for the Multi-Family Rehabilitation Program. Specifically, they asked for clarification on whether multi-family property owners, tenants, and

cooperatives will be eligible. One commenter requested that the City focus on landlords whose basements were flooded in the storm.

The City's housing recovery programs are designed to help people affected by Hurricane Sandy – including homeowners and tenants of rental properties – achieve permanent, sustainable housing solutions that allow them to remain in New York City and, where possible, return to their neighborhoods. Of the initial $648M allocated toward housing, $215 million will be directed to repair and resiliency measures of multi-family rental housing stock. In addition, the $306 million directed at small homes rehabilitation will include rental units.

Multi-family buildings located in the five boroughs of New York City – including rentals, cooperatives, and condominiums – that have suffered damage from Hurricane Sandy (including basement flooding) will qualify for assistance to rebuild, rehabilitate, and, in the case of buildings with substantial damage, mitigate against future losses to comply with local building and zoning codes as adjusted to address future flood risk. These properties will be eligible to apply for low- or no-interest loans, which may be forgiven depending on property specific circumstances.

It is important to note that households that occupied units in multi-family rental properties before the storm will have the right to remain in these units, or to return if interim relocation is required while work is ongoing.

2. ***Mortgage Assistance***

One commenter asked whether the City will be providing mortgage assistance using CDBG-DR funding.

The City is prioritizing the initial allocation of CDBG-DR funds for owners facing ongoing repair needs. As reflected in the needs assessment included in the plan, significant physical repair needs remain. HPD will consider additional mortgage assistance programs for future allocations of CDBG-DR funding as repair needs are addressed. Mortgage assistance, if provided, can only be done in conjunction with a rehabilitation project.

HPD urges homeowners struggling with their mortgages to contact the Center for New York City Neighborhoods at 646-786-0888 or www.cnycn.org. CNYCN can connect homeowners with free legal services and housing counseling regarding disaster-related mortgage forbearance and/or loan modifications.

3. ***Rental Resources***

One commenter asked about resources available to renters who have been displaced since the storm and are looking for housing.

The New York City Housing Recovery Portal website was launched in December 2012 for NYC residents displaced by Hurricane Sandy. Through the Portal, households register with the City, which will help match them to units that they can afford. The City attempts to match geographic preference where possible, but is constrained by the existing supply of housing. (See the "Rental Subsidy" section below for more on assistance to renters). The Housing Recovery Portal will close 30 days after the City's

Action Plan is approved. All Housing Recovery Services will be provided centrally by calling 311 or by going to www.nyc.gov/nycrecovery.

4. ***Smoke-Free Policies***

One commenter recommended that all newly reconstructed multi-family housing units be rebuilt as smoke-free units.

HPD encourages all owners of multi-family housing that receive subsidies from HPD to adopt smoke-free policies for new tenants, although HPD does not mandate it. Adopting smoke-free policies for existing tenants under rent-stabilization would constitute a material change in their lease, which is not permissible under law.

5. ***Rental Subsidy***

Two commenters had questions about the roll-out, requirements, and structure of a CDBG-DR-funded rental subsidy program. They sought clarification on the use of a 50% AMI threshold, the time frame of the program, and whether the availability of Disaster Housing Assistance Program (DHAP) funding would impact its availability. They also had questions on program specifics, including incentives that may be provided to landlords under the program, lease terms, and the definition of family.

The CDBG-DR voucher program is contingent on the granting of a HUD waiver, which has been received. The program would closely mirror the Section 8 program in order to minimize confusion and simplify training of counselors already familiar with Section 8. As such, the standard 50% AMI income eligibility threshold will be used. As in the Section 8 program, HPD will define family as a single person or a group of two or more persons with or without children who maintain an interdependent relationship and whose income and resources are available to meet the family's needs. Families must declare or document as necessary a stable family relationship or have a history as a family unit. Families may also include live-in aides.

Per current law, the CDBG-DR funding must be spent within two years, but voucher recipients needing funding past this point can possibly transfer to public housing or Section 8, pending availability. Lease terms under the program are one to two years, at the discretion of the landlord, although exceptions for shorter leases will be considered. However, HPD will not grant requests for voucher recipients to use the vouchers in different locations within the two year period. First and last month's rent incentives are being considered to attract landlord participation, as the voucher program is voluntary.

Households residing in hotels are one target population for the proposed rental subsidy program, but are not the only eligible candidates. The City anticipates serving other low-income households, including those in non-conventional housing situations such as basement units.

Based on comments and in order to clarify the purpose of the CDBG-DR Rental Assistance program, the City has amended the Action Plan to allocate funding separately for this purpose. This program is intended to serve vulnerable populations impacted by Sandy, including low-income families and those that may be at risk of homelessness. This funding is an initial allocation and the City anticipates adding funds as the plan is amended.

Public Housing Rehabilitation and Resilience

1. ***Allocation of Funds***

   Four commenters asked for more details on the City's allocation of $120 million to public housing. One commenter asked why funds are being directed to public housing buildings and community centers if those buildings did not sustain permanent, structural damage. Another requested that funds be directed to parks and playgrounds on NYCHA grounds.

   While NYCHA facilities did not sustain permanent structural damage, many critical systems endured significant damage. The initial $120 million allocation (revised to $108 million in this revised Action Plan after accounting for planning and administration) represents the remaining cost (unmet need) to complete the work necessary that will not be covered by insurance or FEMA Public Assistance. The Action Plan includes the costs associated with the restoration of playgrounds, ball fields/courts, general grounds repair, and tree planting, which are expected to be covered by NYCHA's insurance, FEMA proceeds, and/or future rounds of CDBG-DR funding.

2. ***Resilience Measures***

   Five comments related to the City's plan to make public housing infrastructure more resilient. Of those, two commenters asked that the City consider measures beyond the introduction of permanent emergency generators and the replacement of boilers.

   The efforts outlined in the Action Plan focus on restoration and resiliency. These efforts are intended to provide the physical infrastructure to make NYCHA communities as a whole better prepared for future events. The main focus is to repair and upgrade all critical utilities including electric, heat, and elevators, so that NYCHA properties and NYCHA residents are better protected in future storms. The physical improvements will be supplemented with additional improvements such as training, communication, and other improvements identified in NYCHA's lessons learned exercise.

   NYCHA's initial efforts for restoration and resiliency will be focused on developments that were directly impacted by Sandy. Going forward, NYCHA will also continue to focus on resiliency for all buildings. Those efforts will identify priorities that take into consideration the impacts of FEMA updated floods maps as well as the relative vulnerability of NYCHA buildings (i.e. senior buildings).

   Emergency Generators and Replacement of Boilers

   The intent of the solution described as permanent emergency generators was to provide a means of supplying backup power to NYCHA buildings. Permanent emergency generators represent the easiest, most obvious method but NYCHA has already begun, in anticipation of this funding, to explore alternate methods of providing this form of resiliency. The alternate methods being considered include, but are not necessarily limited to, the use of cogeneration facilities to provide both heat/hot water and a source of backup power. All of NYCHA's detailed plans for moving forward at each of our developments will be vetted publicly with residents and other stakeholders.

3. ***Effect on Available Units***

   One commenter asked how the City's plan would affect the number of public housing units available.

While moving mechanical and electrical equipment to higher elevations is a critical component of NYCHA's resiliency plan, methods are being sought to make those improvements with as little impact to public housing units as possible. If units are affected by proposed mitigation, those plans would include replacement of those units so that there is no net reduction in the number of units.

4. ***Section 3 of the Housing and Urban Development Act of 1968***

One commenter asked how the City will allocate jobs to NYCHA and community residents in accordance with Section 3 of the Housing and Urban Development Act of 1968.

As with all NYCHA construction projects funded through HUD, NYCHA contracts related to Sandy recovery will comply with Section 3 requirements. NYCHA's Resident Employment & Economic Sustainability (REES) office has already begun efforts to prepare and/or train residents for opportunities in the building trades most likely to be the focus of Sandy recovery efforts.

5. ***Mold Remediation in NYCHA Buildings***

One commenter asked whether the City's plan includes mold remediation in NYCHA buildings.

Mold remediation efforts in NYCHA buildings began shortly after Sandy and have continued since then where ever necessary. These ongoing efforts are anticipated to be reimbursed through NYCHA's insurance, FEMA proceeds, and/or future rounds of CDBG-DR funding.

6. ***Inventory of Sites***

One comment requested that the following NYCHA sites be added to the City's inventory of impacted developments: Coney Island Site 8, Coney Island Site 1B, and Coney Island Site 4/5.

The list of NYCHA developments that sustained significant damage is listed in Appendix B of the Plan and includes the referenced sites.

7. ***Overall Costs***

Five commenters asked for more information on NYCHA-related costs represented in the Action Plan. They asked for clarification on the Public Housing unmet need and what the City may spend on NYCHA community centers and NYCHA's Emergency Operations Center.

The costs identified in the Action Plan represent preliminary estimates. These estimates will be refined and detailed as design plans are prepared with details of the required work. The roll-out plan for these improvements will also be prepared once more details are available regarding proposed repair and mitigation measures and after vetting options with residents and stakeholders.

Community Centers

Subject to future funding, NYCHA will be proposing in future allocations of CDBG-DR to invest approximately up to $180 million in community centers so that they can serve the local community in future storms. These costs are over and above the costs associated with repairs directly related to the storm. Costs associated with repairs of centers affected by the storm are included in the NYCHA-wide repair estimates.

Emergency Operations Center

NYCHA's Emergency Operations Center (EOC) in Long Island City is located within Zone A. During Sandy this EOC was nearly evacuated due to flooding. Subject to future funding, NYCHA is currently considering alternative locations for a NYCHA EOC that would not be as vulnerable in future storms. It is anticipated that as alternatives are developed, future allocations of CDBG-DR will include funding for this purpose. The efforts and cost estimate for NYCHA's EOC also include IT disaster recovery and back-ups.

8. ***Oversight***

   One commenter asked about measures that will be taken to ensure construction oversight and compliance.

   As work progresses through design and into construction, there will be independent oversight of all work to ensure a high quality of work that is completely code compliant, including accessibility codes.

9. ***Smoke-Free Policies***

   One commenter recommended that all new reconstructed public housing units be rebuilt as smoke-free units.

   NYCHA is currently reviewing the impact of making housing units smoke-free and the logistics of implementing such measures.

Business Program Comments

Loans and Grants

The City received 14 comments pertaining to loans and grants and other forms of assistance.

1. Multiple commenters expressed that businesses need more loans and grants, or inquired about what direct assistance was available to businesses, and one suggested that businesses need tax breaks.

   The City will not provide tax breaks at this time. However, the City plans to establish a loan and grant fund of approximately $72 million, with loans generally capped at $150,000 and grants generally capped at $60,000. Businesses that experienced extreme impacts may be eligible for loans up to $1MM and grants up to $100,000. The City also plans to create a fund of approximately $100 million to assist businesses that are willing to make resiliency investments in their properties.

2. Three commenters thought that the City should provide grants, rather than loans, to businesses. One commenter stated that grants should be smaller, to assist more businesses, while four commenters expressly asked for larger loans for businesses that experienced high levels of loss or damage.

   By offering a combination of low-interest loans and grants, the City balances the need for grants with the need to assist the maximum number of businesses, by re-loaning funds that are repaid to

additional businesses. The City's experience with the current loan and grant program indicates that loans and grants above the current level, $25,000 for loans and $10,000 for grants, are called for.

3. One commenter noted that requirement that businesses apply to SBA before applying to CDBG-DR programs is unfair.

   Businesses did have to apply for SBA loans prior to applying for the City's CDBG-DR programs. It is a federal requirement that funds received from the SBA for the same need will be counted against the CDBG-DR funds for which a business may apply. However, businesses are no longer required to apply for a loan once the SBA Disaster Loan application period closes.

4. One commenter asked what types of businesses are eligible for the Business Resiliency Investment Program.

   Any type of for-profit business that otherwise meets the Small Business Administration's definition of a small business and can demonstrate a Hurricane Sandy-related impact may apply for funding under this program, including retailers.

5. One commenter asked that the City simplify the application process for grants and loans.

   The City will streamline the application process to the extent possible, while adhering to HUD requirements.

General Inquiries

The City received seven comments on the business programs in the Action Plan generally.

1. One commenter noted that Human Service organizations should be eligible for assistance under the Business Resiliency Investment Program and the Neighborhood Game Changer Investment Competition.

   Under HUD regulations, business recovery funds cannot be provided to non-profit entities.

2. One other commenter asked what assistance is available to manufacturing firms, and another asked about assistance options available to retail and other businesses.

   Industrial firms that experienced loss or damage as a result of Hurricane Sandy are eligible for the Business Loan and Grant Program and the Business Resiliency Investment Program. In addition, industrial businesses that otherwise meet the eligibility requirements may also apply for funding under the Neighborhood Game Changer Investment Competition. The business programs are generally designed to provide assistance to businesses of all kinds.

3. One commenter asserted that small business owners should have input into the development of programs.

   The programs were designed in response to input that was collected from small businesses throughout the five boroughs through a variety of outreach measures, including the Business Recovery Zone

captains (individuals appointed by the Mayor to oversee recovery efforts in each of the highly-impacted areas), neighborhood canvassing, and work with the current business assistance programs.

4. One commenter noted that the Action Plan needs more quantifiable job goals.

   Job creation is an essential criterion that will be considered in the selection of winners of the Neighborhood Game Changer Investment Competition. In addition, one of HUD's national objectives is to retain and create jobs and our programs seek to accomplish those objectives, but until responses are received to the RFPs that are expected to be issued in connection with several programs, the City cannot make accurate job projections.

5. One commenter asked about the quality of jobs expected to be retained by these programs, and noted that programs should be targeted at low-wage workers, and another commented that all business development should insure that the profits return to the community in the form of living-wage jobs, training, and career opportunities.

   Under Federal guidelines, at least 51% of the programs' allocations must be used to benefit low- and moderate-income workers and/or areas. In addition, in selecting winners of the Neighborhood Game Changer Investment Competition, impact on the community, including quality and quantity of jobs, will be considered.

6. One commenter stated that the Action Plan did not contain the required assessment of barriers to recovery for businesses affected by Hurricane Sandy.

   The section in the Action Plan on the Needs Assessment of impacted businesses identifies the critical impediments to resuming operations, including resumption of operation either because of being dislocated, loss of inventory, lack of access to capital, employee dislocation, and/or loss of consumers from badly flooded neighborhoods where businesses are located. The section cites the key affected industries and businesses by NAICS code.

Neighborhood Game Changer Investment Competition

Five individuals included comments on the Neighborhood Game Changer Investment Competition in their feedback.

1. One commenter asserted that a better-defined program that addresses more specifically how this competition will benefit the targeted neighborhoods would yield more focused solutions and two commenters believe that the program should be collaborative, not competitive, and one commenter stressed that the competition must ensure a participatory selection process.

   The program is designed as a competition in order to benefit from many different people's perspectives and ideas and generate the best possible solutions. However, there is no prohibition on working collaboratively within the community to generate responses to the RFP that is expected to be issued in connection with this program. The RFP for the Neighborhood Game Changer Investment Competition will more specifically define the goals, and each winner of the competition will be required to enter into a binding contract before receiving any funding to ensure they deliver the benefits that are proposed.

2. One commenter asserted that the competition-based business programs proposed in the Action Plan will disadvantage minority-owned businesses.

   Among other goals, this program is designed to increase access to capital and to address the capital needs of businesses in impacted communities, not to disadvantage anyone. In addition, the utilization of minority- and women-owned businesses is a criterion that will be considered in the selection of the winners of the Neighborhood Game Changer Investment Competition.

3. One commenter stated that funding for resiliency and competition grants should be delayed to place more emphasis on immediate recovery and rehabilitation needs.

   The City believes that the programs related to resiliency are necessary to help address the City's needs across several areas. These programs are designed to help the City be ready for future storms to the greatest extent possible. In many cases these programs will help protect the investments the City and others are making to restore their properties.

Transparency

1. The City received several comments that pertained to transparency and compliance from one commenter, including requests that the RFP process and execution of the Action Plan remain transparent, ensuring that compliance measures be strengthened, and inquiries about whether data and assessments will be made public.

   Activities under all programs described in the Action Plan are subject to rigorous reporting and transparency guidelines as defined by HUD and under other applicable laws. Further, activities under all programs are subject to rigorous reporting and monitoring compliance guidelines as defined by HUD and under other applicable laws. It is anticipated that NYCEDC's report referenced in the Unmet Needs section, "Hurricane Sandy: An Assessment of Impacted Commercial Corridors and Recommendations for Revitalization," will be made public. Additionally, the City will release all data that is required to be made public.

Eligibility of Geography

1. Three comments were received regarding eligibility for programs by geographic location. Two of these comments were regarding the North Shore of Staten Island, stressing that it needed assistance in addition to the South and East Shores; another commenter thought that the Business Recovery Funds and Grants seemed targeted to areas such as: Lower Manhattan, Red Hook, and Williamsburg.

   While the Neighborhood Game Changer Investment Competition is limited to the hardest hit neighborhoods, eligible businesses in areas of inundation that experienced loss or damage, eligible businesses in the flood plain, or eligible businesses that experienced power outages as a result of the storm may seek funding under other programs discussed in the Action Plan, such as the Business Loan and Grant Program and the Business Resiliency Investment Program.

Public Services

Debris Removal

1. Five commenters addressed concerns about debris removal.

   The NYC Department of Sanitation (DSNY) started the cleanup of non-commercial debris placed at the curb in all affected areas of New York City on October 30. As of April 19, DSNY had collected over 2.1 million cubic yards of storm-related debris. DSNY supervisors surveyed debris on private property, the results of which were sent to the NYC Office of Emergency Management, which then coordinated with the U.S. Army Corp of Engineers (USACE) and their private vendor. For the period immediately following Sandy, private debris removal was the responsibility of a vendor under contract to the USACE. As of March 18, 2013, DSNY has been informing homeowners and contractors of their responsibility to handle their debris by arranging for a private dumpster service and leaving copies of the rules at homes with large piles of debris and informing them that they are in violation of DSNY policy. To the extent that small amounts of debris material is currently placed out at the curb or found on public property, DNSY has and will continue to provide additional debris removal operations to address this issue.

FDNY-Related Comments

1. Two comments related to the New York City Fire Department (FDNY). The first comment concerned the fire house in the Coney Island area of Brooklyn and its repetitive flooding issues. The second comment suggested providing more four-wheel drive vehicles for fire departments.

   FDNY is studying potential solutions to address the flooding condition at the location referenced in the comment as well as other firehouses in flood zone areas. This process is in the early stages on feasibility and cost. FDNY has 222 four-wheel drive vehicles in its fleet.

Childcare Services

1. Three comments pertained to the need for day-care options following the storm, emergency planning provisions for childcare services in critical areas, and leveraging funding for Head Start.

   The City's Continuity of Operations Planning (COOP) program ensures City agencies like the Administration for Children's Services (ACS) can continue providing vital public services in the event of an emergency. Under the COOP program, each agency has its own plan to keep essential public services operating during and after an emergency or disruption. ACS Facilities' staff visited all damaged sites to identify the various needs of the programs, including repairs and replacement of supplies and goods, most especially in the hardest hit areas of Coney Island, the Rockaways, and Staten Island. ACS collaborated with several City agencies including NYCHA, DOHMH, and DOE to ensure continuity of service to children and families. ACS' Office of Public-Private Partnerships was able to secure $2 million in private grant funds for Early Care and Education sites that were affected by Hurricane Sandy. Construction is now underway at several of the hardest hit centers and 15 have been able to reopen since the storm hit. ACS is currently working closely with the office of Head Start to secure funds for Head Start facilities impacted by Hurricane Sandy; determination is still pending.

Health and Human Services, Healthcare, City Hospitals

1. Nine comments related to healthcare facilities, a number of which are under the jurisdiction of the NYC Health and Hospitals Corporation (HHC). Some comments referred to fortifying healthcare infrastructure and leveraging funding sources related to health and human services.

   HHC is returning to normal operations while also planning and implementing mitigation measures to protect its vulnerable facilities. Bellevue Hospital, Coney Island Hospital, and the Coler campus of the Coler-Goldwater Specialty Hospital and Nursing Facility experienced major storm surge damage in basements, mechanical spaces, and, in the case of Coney Island Hospital, first floor areas. Several other HHC hospitals, nursing homes, and health centers experienced damages that required repairs, emergency remediation, and/or debris removal. The Ida G. Israel Community Health Center, an offsite ambulatory clinic of Coney Island Hospital, was irreparably damaged by flooding. Coney Island leadership has identified another community-based site that is less vulnerable to future storms so that HHC can continue to provide much needed ambulatory care services to the community and patients who depended upon the Ida G. Israel Center. The recovery work for the facilities described here is eligible for Category B FEMA reimbursement and some permanent work may be eligible for Category E FEMA reimbursement, but HHC must also address critical needs that are not otherwise covered by FEMA or other disaster recovery resources. CDBG-DR funding will help fill this gap.

   Additionally, measures to fortify healthcare infrastructure are currently being contemplated by the Special Initiative for Rebuilding and Resiliency. Please see the "Resilience" response for more information. The City will make all possible efforts to best leverage funding sources for which health and human services programs are eligible.

Libraries

1. Three commenters raised questions or issues pertaining to the libraries. Comments included general statements that the libraries need to be restored, recommendation for explicit funding for the renovation and enhancement of specific branches of the Brooklyn Public Library system, and suggestions that funding and resilience planning should be made available for public libraries in affected areas.

   The City will use CDBG-DR funds to leverage other funding sources to rehabilitate and reconstruct public facilities, including libraries whose infrastructure is either owned by the City or which the City is legally responsible for repairing. The other Federal funding sources CDBG-DR funding will leverage include FEMA Public Assistance grants. The City is currently pursuing with FEMA all possible funding for libraries damaged by Sandy. Additionally, the City plans to dedicate $327 million of this initial award of CDBG-DR funds to Resiliency Investments, the specific uses of which will be detailed in a future Partial Action Plan (see "Resiliency" for more information).

2. One commenter pointed out that the address of the branch in Brighton Beach was erroneously labeled in the City's inventory of damaged public libraries.

   The inventory of damaged public libraries has been revised to correctly list the Brighton Beach library branch as being located at 16 Brighton First Road.

Emergency Preparedness

1. One commenter stressed the importance of more training, resources, and cross-jurisdiction collaboration for emergency responders.

   The Federal government's National Incident Management System (NIMS) provides a consistent, nationwide approach and vocabulary for multiple agencies or jurisdictions to work together under a standardized, on-scene, all-hazards incident management approach. New York City developed the Citywide Incident Management System (CIMS) to address New York City's unique incident management requirements and is fully compliant with NIMS. In addition to emergency responders and City personnel, 1,500 NYC Community Emergency Response Team (CERT) volunteers (54 teams across the City covering all of the 59 NYC Community Districts) are also trained in the CIMS protocol. Please visit nyc.gov/oem to learn more about CIMS, CERT, and Ready New York.

2. Two commenters raised issues with dissemination of information during an emergency, asking for a dedicated radio band for emergency information during power outages.

   OEM's protocols include the dissemination of emergency information through a wide variety of channels, including, but not limited to, press conferences carried on major network and radio stations; use of the Emergency Alert System and Wireless Emergency Alerts; Notify NYC messages disseminated via landline, mobile, text, email, and Twitter; social media channels; door-to-door canvassing and dissemination of flyers; and messages broadcast via bullhorn and light-package equipped cars. All residents are encouraged to register for Notify NYC public messaging by visiting www.nyc.gov.

3. Two commenters suggested that non-profit organizations be included in emergency planning.

   OEM works with non-profit organizations though the NYC Citizen Corps Council, Volunteer Organizations Active in Disasters (VOAD), and Partners in Preparedness program, among others. The Citizen Corps Council brings together local leaders from community organizations, government, the private sector, and volunteer programs to promote grassroots emergency preparedness and volunteerism. OEM works with more than 40 non-profits through VOAD, an umbrella group of organizations including FEMA, the American Red Cross, and the Salvation Army. Additionally, more than 300 private sector businesses and non-profits are engaged in emergency preparedness through the Partners in Preparedness program. To get involved with the Citizen Corps Council, VOAD, or Partners in Preparedness, please visit www.nyc.gov/oem.

Capital Expenditures to Address Infrastructure Needs

Beaches/Boardwalks

1. In total, ten commenters raised questions or issues pertaining to beaches and boardwalks. Three commenters stated the Action Plan did not adequately address these topics. Eight of these pointed to the need for beach restoration and the restoration or creation of dunes and other protective structures on beaches to protect the adjacent communities. Four commenters noted the economic benefits of beach restoration and protective measures. Three commenters focused on specific locations: Midland and South Beaches in Staten Island and Breezy Point and the Rockaways in Queens.

The Department of Parks and Recreation (Parks Department) is working, in conjunction with the U.S. Army Corps of Engineers and other independent experts and in consultation with local residents, on both easy-to-install short term measures as well as longer-term projects to provide erosion and flood control. Regular updates are issued to the community through the beach recovery website www.nyc.gov/parks/beach-recovery.

Additionally, the City plans to dedicate $327 million of this initial award of CDBG-DR funds to Resiliency Investments that will be detailed in a future Partial Action Plan.

2. One commenter asked when the Rockaway boardwalk would be rebuilt.

   The Parks Department has made repairs to salvageable sections of the boardwalk and is now creating concrete boardwalk islands to allow immediate access to beaches and is developing plans for long-term restoration of the boardwalk.

3. Two comments were outside the scope of the Action Plan and included suggestions for beach replenishment using a specific type of sand and concerns about parking and traffic related to the public beach opening.

DOT-Related Projects

1. Eighteen comments related to capital improvement requests within the purview of City agencies, primarily DOT.

   The comments focused on areas within the most severely affected boroughs in some of the hardest hit neighborhoods such as Broad Channel, the Rockaway Peninsula, and coastal areas of Staten Island. Much of the attention in the comments was to measures such as new and upgraded bulkheads, street raising, and similar projects aimed at mitigating effects of future potential storms. All the initiatives are reflected in the Action Plan within the City's infrastructure programs or the fundamental goals within Resiliency. Regarding Duplication of Benefits (DOB), the City is pursuing coordination of beneficiary records with FEMA regarding all possible funding for such projects as a first step consistent with DOB requirements.

DSNY Infrastructure

1. One comment requested repairs to a Sanitation Garage.

   All damages to DSNY Garages have been addressed to the extent that the facility is fully operational. The City continues to explore mitigation opportunities at high risk facilities.

EDC Infrastructure

1. Two comments asked about the timeline and status of two waterfront infrastructure projects in Staten Island under the jurisdiction of EDC.

   EDC is engaging with FEMA on funding for both projects and will take all necessary measures to ensure both expediency and safety throughout the reconstruction/development process.

Park Facilities

1. Four comments related to City parks. One comment expressed concern that Crescent Beach Park was not listed among the damaged parks listed in the Action Plan. The second comment stated that all parks on the East Shore of Staten Island were impacted and should receive assistance. One comment requested that Park personnel be given more four-wheel drive vehicles to assist in emergencies. The final comment expressed concern that a particular Coney Island Park was not listed, Dreier-Offerman/Calvert Vaux Park.

   Crescent Beach Park is listed in the Action Plan under "beach parks" in Staten Island in the Appendices. Regarding the Staten Island parks, the Action Plan does specifically list 47 Staten Island parks in the following groupings: 32 are listed as Parks and Playgrounds, 7 are listed as Parks and Recreation Facilities, and 8 are listed as Beach Parks. Regarding the remaining two comments, the City of New York is seeking to leverage both FEMA and CDBG-DR disaster funds to repair and equip all eligible damaged and impacted parks throughout the five Boroughs.

School Facilities

1. One commenter expressed concern about a school facility in the Rockaways that was flooded.

   The School Construction Authority's (SCA) consultant performed moisture and mold investigations at the school in question and determined that all inspected areas were suitable for re-occupancy. The custodian continues to monitor the situation and will inform the SCA if further investigations are required.

Water/Wastewater Systems

1. Sixteen commenters addressed issues pertaining to the City's water and sewer infrastructure. Ten commenters stated that storm sewers were too few, too old, or absent in certain areas, especially those most impacted by the flood; many suggested the use of CDBG-DR funds to install or improve storm sewers. Two commenters recommended the construction of holding tanks adjacent to wastewater treatment facilities to prevent the release of untreated wastewater into the surrounding waterways. Two commenters suggested using CDBG-DR funds for various studies or analyses to determine the best way to avoid storm water flooding and sewage back-ups in specific locations. Two commenters each made a series of construction recommendations for specific neighborhoods.

   The City's capital program includes substantial, on-going investment in storm water and wastewater collection and treatment, including many of the types of improvements suggested by commenters. Comprehensive analysis of potential approaches to increase the resiliency of the City's water and sewer infrastructure and prepare for projected changes in sea levels and storm intensity is part of the Resilience Program, which will be discussed in a forthcoming Partial Action Plan (see "Resiliency").

   The City will use CDBG-DR funds to leverage other funding sources to rehabilitate and reconstruct public facilities and infrastructure, including storm water and wastewater treatment infrastructure. The other federal funding sources CDBG-DR funding will leverage include FEMA Public Assistance grants.

NYPD-Related Comments

1. Two comments related to the New York City Police Department. One comment requested rehabilitation and mitigation for a police precinct in Brooklyn. The second comment requested that the City acquire more four-wheel drive vehicles for the Police Department.

   The damaged police precinct will be addressed pursuant to the City's Infrastructure Goals outlined in the Action Plan. All future emergency response needs for vehicles are currently being evaluated by the City and if deemed necessary will be funded using available Federal funding or as part of the Department's normal course of business.

Action Plan Scope and Process, Administrative and Other

Public Comment Period, Community Engagement, Action Plan Process and Transparency

1. Seventeen comments related to the timing and length of the comment period and inquiries about what steps the City took to encourage broad citizen awareness and participation. Some commenters also inquired about the next steps in the process and had concerns about expediency in releasing the funds. Twelve commenters asked about community engagement and ensuring that there is continued transparency throughout the CDBG-DR process.

   As stated in the Executive Summary of the Action Plan, the City opened a 14-day public comment period on March 22, 2013. In order to accommodate individuals observing religious holidays, the City made the decision to extend the period beyond the Federally required seven day minimum while also working diligently to ensure that funding be released as quickly as possible. Links to the draft Plan and electronic comment form were posted prominently on the City's homepage (www.nyc.gov). The City took extensive measures to ensure that participation was facilitated for all segments of the population and similar measures will be taken for future Plans and Amendments. Please refer to the Executive Summary and Citizen Participation sections. The City has and will continue to engage the community through a variety of outlets including community meetings, open houses, social media, and other formats. In order to maintain transparency throughout the process, the City plans to comply with all HUD requirements for reporting.

Non-Profits and Religious Organizations

1. Nine commenters asked about non-profit organizations, including religious organizations, and their eligibility to receive assistance.

   With support from the Mayor's Fund to Advance New York City, non-profits impacted by the storm are eligible to apply for grants, in addition to loans, through the NYC Non-profit Recovery Loan Program launched in November 2012. Non-profit organizations that serve New York City residents, including religious organizations that have a non-profit status, are able to apply. Non-profit organizations that have suffered structural damages and have applied to the Federal Emergency Management Agency (FEMA) will be considered for grants of up to $333,000. Eligible groups that incurred losses up to $1 million can receive a grant of one-third of the documented costs. Additionally, groups that have tangible losses including lost furnishings, equipment, and supplies that are not covered by FEMA or insurance will be considered for grants, not tied to loans, up to $100,000. To apply, visit www.fcny.org. A range of resources for non-profit organizations are available at www.nyc.gov/nonprofit. The City may consider allocating funding in a future tranche of CDBG-DR funding to support rebuilding for this

specific sector if the aid provided through the existing NYC Non-profit Recovery Loan & Grant Program proves to be insufficient.

Resiliency

1. Over 50 comments expressed needs and concerns related to resiliency issues, including coastal protection, healthcare, and transportation resilience, energy supply and community inclusion in the SIRR process.

   The Partial Action Plan A contemplates a future Partial Action Plan which will delineate specific programming of funds within the initial CDBG-DR allocation of $1.77 billion to address resiliency related matters. In December 2012, the Mayor formed a Special Initiative for Rebuilding and Resiliency (SIRR) with an objective of delivering a comprehensive report with action steps to identify critical needs and issues, and to present solutions. Coastal protection (including dune restoration, dredging, sea wall, and berms), healthcare, and transportation infrastructure and energy supply are four of over a dozen key areas of focus. All comments received and related to resiliency have been provided to SIRR to be incorporated into their community input efforts. It is anticipated the future Partial Action Plan to program funds for resiliency projects and programs will be based on the final SIRR report, which will be released in May. In that Plan, these comments will be reviewed again to assure that the concerns, questions, and issues raised have been considered and addressed as appropriate.

Hazard Mitigation Grant Program (HMGP)

1. One commenter suggested that the City combine HMGP with CDBG-DR to assist building owners with recovery and resiliency and asked that the City ensure the public is informed of these funding sources.

   New York City will evaluate the possibility of combining the Hazard Mitigation Grant Program (HMGP) with the CDBG-DR funds for future "discretionary resilience" projects, pending HMGP policy guidelines that will be produced by New York State (NYS). At the time of developing the NYC CDBG-DR Action Plan, NYS has not released the guidelines for the HMGP grant related to Sandy. These guidelines will determine which project types are prioritized for HMGP funds.

   NYC continues to work closely with FEMA and New York State to communicate to the public the differences between the HMGP and CDBG-DR by distributing printed materials, having staff representation at Housing Recovery Forums held across the City in March, and addressing homeowners' questions through email and phone.

Needs Assessment/Storm Response Description

1. Two comments questioned the scope of the unmet need assessment and description of Sandy impact.

   Neither comment offers specific sources of information or data that could have been applied to the unmet need and storm impact assessment in the Action Plan. The Plan notes that the assessment is based on the best available data at time of preparation.

Long-Term Recovery

1. Twelve comments related to long term recovery planning related ideas and concerns.

   Three comments asked for clarifications on terms used in the Action Plan tied to City laws and regulations such as V Zones which are explained in various sections of the Action Plan. One comment offered ideas related to planning for resiliency, which is reflected in the resiliency section of the Action Plan. Three comments expressed concerns about longer term implications of changes to FEMA Advisory Base Flood Elevations, which is outside the Action Plan scope, impacts on future actions to low-income and minority neighborhoods (acknowledged throughout Action Plan as a priority attention with all proposed programs), and flood insurance mandates (outside Action Plan Scope).

Allocation of CDBG Funding

1. Eight comments indicated that the CDBG-DR funds should be targeted to those areas most impacted by the storm. One comment stated that CDBG-DR funds are not adequate to meet the unmet needs and to ask HUD for additional CDBG-DR funding.

   The City's CDBG-DR programs do address the needs of the impacted areas. HUD requires that funded activities tie back to the effects of the storm. Eligibility for assistance has been designed to address homes (one- to four-family and multi-unit), businesses, and neighborhoods in the impacted areas. Prospective recipients of CDBG-DR funds will have to demonstrate that they are located within an impacted area. The City expects that additional CDBG-DR funds will be allocated by HUD to the City in the months to come. However, the City does not know the specific amounts and timing of the additional allocation.

2. One comment stated that funding for resiliency and competitive grants should be delayed to place more emphasis on immediate recovery and rehabilitation needs.

   The City believes that the programs related to resiliency are necessary to help address the City's needs across several areas. These programs are designed to help the City be ready for future storms to the greatest extent possible. In many cases, these programs will help protect the investments the City and others are making to restore property.

3. One comment felt that the Action Plan does not accurately reflect the individual communities that were inundated.

   Based on the comment, the Action Plan now identifies the communities of Old Howard Beach, New Howard Beach, Ramblersville, and Lindenwood.

Citywide Administration and Planning

1. Four comments related to funding for citywide administration and planning, and deployment of planning funds. Three of the commenters asked for detail on planned levels of expense and expressed concern that funds will be taken away from programs. One commenter proposed planning funds be granted to non-profits for long term community recovery.

   The Action Plan has been amended to specify amounts allocated for administration and planning, and those allocations are below the CDBG-DR caps for those activities. In both the housing and economic development program descriptions in the Action Plan, it is noted that efforts will be made to engage

non-profits and community-based organizations in the delivery and follow-through of the proposed programs.

Contracting, Hiring, and Section 3

1. Five comments related to contracting, hiring, and HUD Section 3 hiring requirements. One comment suggested stronger compliance language for the Section 3 requirements. One comment expressed concerns that contractors should not have criminal records, and the remaining comments were encouraging the City of New York to employ low- to-moderate-income persons for CDBG-DR-funded jobs.

   These topics all relate to the use of CDBG-DR funds to employ workers to carry out recovery efforts. Section 3 is a provision of the Housing and Urban Development Act of 1968 that is intended to ensure that when employment or contracting opportunities are generated because a covered project or activity necessitates the employment of additional persons or the awarding of contracts for work, preference must be given to low- and moderate-income persons or business concerns residing in the community where the project is located.

   The City is dedicated to compliance with all HUD Section 3 requirements and has included Section 3 in the Compliance section of the Action Plan to ensure that these activities are actively monitored and enforced for all applicable projects and activities receiving CDBG-DR funding. All contractors will also be required to be licensed, bonded, and insured to provide the highest level of safe and professional services.

   Leveraging the CDBG-DR funds to create and retain jobs for low- to moderate-income citizens is also a primary objective and targeted goal addressed through the City's Business Loan and Grant programs. Funds used for these activities must demonstrate how investing these funds into small businesses that meet the SBA Small Business definition will retain current low- to moderate-income jobs or create new low- to moderate-income jobs as part of the eligibility criteria.

Other/Off Topic

Over 20 comments were on matters and subjects entirely outside the scope of the Action Plan and CDBG-DR eligible uses and/or outside of City jurisdiction. Responses to some of the specific comments the City received are addressed below.

1. Four comments requested dredging in specific areas.

   Dredging is not under the jurisdiction of the City and is overseen by the U.S. Army Corps of Engineers (USACE). As such, the USACE received funding through the Disaster Relief Appropriations Act, 2013 to dredge Federal navigation channels.

2. Two commenters expressed wishes for expedited restoration and improvement of public transit to the Rockaways.

Public transportation is overseen by the MTA, a NY State entity, and is thus out of the scope of this plan. The City's DOT does not have any Sandy-related capital projects that affect the MTA's ability to reactivate subway service to the Rockaways.