

CDBG-DR Action Plan—Responses to Public Comments

This document describes the comments received from the public following the release of the initial Partial Action Plan A and subsequent proposed amendments. Each amendment's section reflects the public's comments on the corresponding proposed modifications made to the City's Action Plan. Responses to comments made prior to the most recently released amendment may no longer be accurate. For the most up-to-date information, refer to the current Action Plan and responses to the most recent amendment.

Action Plan Amendment 21 (Substantial Amendment)

- Release Date: February 7, 2020
- Comment Period: February 7, 2020 – March 9, 2020
- Approved by HUD: [TBD]
- Action Plan Amendment Public Hearing: February 12, 2020
- Documented Downloads of Action Plan Amendment 21 from Website: [250]
- Additional Oversight Hearings:
 - City Council Committee on Resiliency and Waterfronts and Subcommittee on Capital on Sandy Funding: January 30, 2020
 - City Council Committee on Resiliency and Waterfronts on updates to Build It Back: February 10, 2020

The City collects comments via public hearing, mail, and the online form.

Responses to public comments below are organized by category. Because comments may fit into multiple categories, the total of number of comments listed under the categories will be greater than total number of comments received during the comment period.

Outreach - Citizen Participation Plan (CPP)

The City achieves public participation goals through outreach methods described in the Citizen Participation Plan approved by HUD.

Prior to adopting its Action Plan or any amendment to the Action Plan, NYC must allow citizens, affected local governments, and other interested parties a reasonable opportunity to examine these documents. HUD also encourages the City to notify affected citizens through electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, and/or contacts with neighborhood organizations.

The CPP describes the protocol for public notices, including publication in local newspapers. The City publishes notices in the NY Daily News, Newsday Queens Edition, Staten Island Advance, Rockaway Wave, and the Brooklyn Daily Eagle. The City also publishes in three foreign language papers, El Diario (Spanish), Sing Tao Daily (Chinese), Russkaya Reklama (Russian).

The City also published Amendment 21 in the City record and the Consolidates Mailing List. The City record is a database of notices including public hearings and meetings, public auctions and sales, solicitations and awards and official rules proposed and adopted by city agencies. The consolidated mailing list is a subscription service managed by the Department of City Planning and

includes City Council Members, State Senators, State Assembly members, Congress members, US Senators, and Borough Presidents.

As a result of this outreach, the Action Plan Amendment has been viewed approximately 250 times by unique web page visitors.

Public Hearings

For all Substantial Amendments, the city holds at least one public hearing to collect public comments. Public comments are incorporated into the final amendment prior to submission to HUD for approval. The City held a hearing to discuss Amendment 21 on February 12, 2020 at New York City Planning Commission Hearing Room in Lower Manhattan.

The timing of this public hearing coincided with additional City Council oversight hearings that spoke to Hurricane Sandy Recovery and Build it Back updates. Some of the questions of these hearings pertain to Amendment 21 and are included here to fully address the scope of public dialogue.

Additional Public Hearings

On January 30, 2020, Jainey Bavishi, Director of the Mayor's Office of Resiliency (MOR), testified in front of the City Council Committee on Resiliency and Waterfronts and Subcommittee on Capital, covering Sandy Funding, with Amy Peterson, Director of the Mayor's Office of Housing Recovery Operations (HRO), and Chris Blanco and Calvin Johnson, Senior Assistant Directors at the Mayor's Office of Management and Budget (OMB) overseeing FEMA Disaster Recovery and CDBG-Disaster Recovery respectively, answering questions. The hearing is available [here](#).

On February 10, 2020, Amy Peterson, Director of HRO, testified in front of the City Council Committee on Resiliency and Waterfront on updates to Build It Back. Questions received during the Build it Back hearing related to program status updates, funding, and timelines. The hearing is available [here](#).

At these hearings, HRO, MOR and OMB received a variety of comments from City Council members. Comments relating to CDBG-DR funding included:

- The city received [4] comments requesting a funding breakdown between Federal Emergency Management Agency - Public Assistance program (FEMA-PA) and the Community Development Block Grant - Disaster Recovery program (CDBG-DR)
- [2] questions on the use of City Capital in addition to federal CDBG-DR dollars for Resiliency projects
- [4] questions about the number and status of liens on homes in the Build-it-Back program
- [2] questions about the status of the Hunts Point and
- [1] question about the East Side Coastal Resiliency Project.
- The city also received [2] questions about publicly accessible information
- [2] on the Sandy Funding Tracker's compliance with Local Law 140 and differences between CDBG-DR and FEMA PA funding and
- [2] on whether the city anticipates further amendments to the CDBG-DR Action Plan.
- The City received [1] question on the number of City staff working on Sandy Funds,
- [1] question on whether federal procurements go through the regular city procurement process,

- [1] question on what HUD considers an unsupported cost, and
- [2] questions on how many NYCHA developments have benefited.

Interaction with the City's Procurement Process

- *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. Information regarding procurements for the CDBG-DR programs can be found on City Record Online if the bid is 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. The City will also work with agencies to comply with the City's M/WBE goals. Contractors will be encouraged to demonstrate local knowledge and the potential to leverage local organizations where appropriate.*

Build it Back Liens

- *Where individual construction contractors have placed liens on homes going through the Build It Back process, the Mayor's Office of Housing Recovery has released an FAQ document to speak to these issues:*
<https://www1.nyc.gov/assets/housingrecovery/downloads/pdf/2019/Mechanics-Liens-FAQ-12-06-19.pdf>

Unsupported Costs

- *The HUD Office of Inspector General conducts periodic audits on the City's CDBG-DR funded Sandy recovery programs. To date, the City has been audited eight [8] times by the OIG. Information on particular audits is available on the HUD OIG's website. Not all costs initially identified as unsupported by the OIG have been required to be returned to the Federal government. The City has been successful in responding to audits, closing out issues, and minimizing returned funds.*

CDBG-DR Action Plan

- *The City does anticipate additional amendments to the CDBG-DR Action Plan after Action Plan Amendment 21. For CDBG-DR funds, Action Plans are designed to be amended regularly based on updated information and projected program accomplishments.*

NYCHA

- *In total, NYCHA is receiving \$3.26 billion of Sandy recovery funds, \$317 million of which is CDBG-DR, \$2.502 B of which is FEMA-PA, \$386.9 million of which is Commercial Insurance and \$54 million of which is NFIP. For a breakdown by development and progress, please visit <https://www1.nyc.gov/site/nycha/about/recovery-resiliency.page> As of the time of Action Plan Amendment 21, approximately 80% of the \$317 million CDBG-DR allocation for NYCHA has been disbursed from the Federal treasury.*

Difference between FEMA PA and CDBG-DR

- Disaster recovery grants administered by HUD and FEMA serve different purposes and have different eligibility standards. Generally, HUD grants contain more local discretion around spending, and are geared towards homeowners, infrastructure, and resilience projects. FEMA grants, specifically the FEMA Public Assistance grants administered to the City, are tied to public infrastructure damaged by a disaster, such as roads, bridges, parks, and buildings. FEMA grants also reimburse for emergency measures such as debris removal, evacuation and temporary repairs to structures to minimize interruption of critical services. HUD grants offer additional flexibility in supporting communities outside of the scope of emergency management, and also allow for the funding of the "local match" portion of FEMA funding. FEMA-PA funding comes in the form of multiple project-specific grants with designated locations, which allows for identifying total eligible FEMA-PA funding by Borough. Figures in the charts below are as of mid-February 2020, and there may be additional versioning or adjustments that yield a different breakdown at the end of the day. CDBG-DR funds come in the form of a block grant with flexibility to address multiple program areas. Figures below reflect spending as of mid-February 2020. This is because between the timing of spending and processing Federal reimbursements is when specific geographic project locations are identified at a beneficiary level.

City Funding

- Yes, federal Sandy funding for capital projects is covered in the City's capital commitment plan. Within the plan, project IDs that begin with the characters "SAND" are for Sandy recovery. As an example, if you look at page 1268 of this volume of the commitment plan from January, <https://www1.nyc.gov/assets/omb/downloads/pdf/com1-20c.pdf>, you will see several Project IDs that are relevant. The NC Cost column is for non-City costs and contains the applicable federal FEMA-PA and CDBG-DR funding.

Hunts Point

- The Hunts Point Resiliency Project represents a \$20 million federal investment of CDBG-DR through the Rebuild by Design program and a total project of \$71 million. The project has been funded with an additional \$25 million of CDBG-DR and \$26 million of City capital, and the Action Plan Amendment 21 released February 7, 2020, proposes reallocating that \$25 million of CDBG-DR to other recovery programs and providing City capital funds instead. The project consists of three parts: A tri-generation microgrid that will ensure back-up power to food-related businesses in the Hunts Point Food Distribution Center and protect a critical component of New York City's food supply system; Solar + Storage at two public schools (MS 424 and PS 48), providing year-round sustainable energy and backup energy during emergency conditions, with the installation at MS 424 allowing the facility to serve as a cooling or evacuation center during emergency situations; and Mobile back-up generators that will support the food distribution center during emergency conditions. As of March 2020, the project is in the final stages of procurement for a Final Design contract, which will kick-off additional community engagement. Final Design is anticipated to be completed in the Fall of 2021, with Groundbreaking anticipated in Spring of 2022. Project Completion is planned for the Winter of 2023. More information about the Hunts Point Resiliency project is available at <https://edc.nyc/project/hunts-point-resiliency-implementation>. The reallocation of \$25 million in CDBG-DR funding to be instead supported by City capital funds, as proposed in Action Plan Amendment 21, has no impact on the timing or delivery of the Hunts Point Resiliency project.

Sandy Funding Tracker

- *Information on the status of federal Sandy recovery funding, including from the City's CDBG-DR allocation, is published on the Sandy Funding Tracker at www.nyc.gov/sandytracker. This website provides information to the public regarding federally funded Sandy recovery and resiliency projects, including on funding sources, contracts, specific projects, and interactive maps.*

Action Plan Amendment 20 (Substantial Amendment)

- o Release Date: August 30th, 2019
- o Comment Period: August 30th, 2019 – October 2nd, 2019
- o Approved by HUD: [TBD]
- o Number of comments received: [50]
- o Public Hearing Attendees: Approximately [134]

Comments were received via public hearing, mail, and the online form.

Responses to public comments below are organized by category. Because comments may fit into multiple categories, the total of number of comments listed under the categories will be greater than total number of comments received during the comment period.

East Side Coastal Resiliency Comments

Proposed Flood Protection Alignment and Project Design

The City received many comments regarding design elements of the proposed project. [3] comments expressed concerns about the Preferred Alternative. [14] comments raised objections to the current plan. [1] comment expressed concern that the current plan fails to provide more flood protection than previous options. [1] comment urged the City to reconsider its selection of the Preferred Alternative, and [1] comment questioned if the decision to proceed with the Preferred Alternative has already been made. [1] comment indicated that the community would benefit from knowing all reasons for the City's selection of the Preferred Alternative. [1] comment expressed concern about the lack of changes to the proposed project in response to community feedback that has been provided since December 2018. [6] comments called for an independent evaluation of the current plan, and [1] comment requested the use of Envision and the Institute for Sustainable Infrastructure processes. [1] comment noted that the City Council funded the hiring of an outside expert at the public's expense, and [2] comments noted that the proposed project must take this outside expert's recommendations into account. [1] comment stated that Draft Environmental Impact Statement (DEIS) Alternative 4 cannot be defined as the Preferred Alternative until all of the questions surrounding the project are addressed. [1] comment indicated that the project's design and construction should reflect the community's needs, and [1] comment stated that the City should be held accountable for its promises regarding the proposed project. [1] comment questioned the rationale of removing existing park infrastructure in order to build new a new park that would be protected by the City's preferred plan, and [2] comments raised the issue that additional park infrastructure work may be necessary within 50 years to protect from further sea level rise and requested additional information on what that work would entail. [1] comment asked why the City

isn't building the proposed project to be resilient through 2100. [2] comments indicated that the lawns should be kept quiet and isolated and should not be intersected with pathways. [1] comment raised concerns about the loss of water views from vantage points within East River Park. [1] comment requested a commitment to additional safe barbecue areas that do not conflict with other recreation. [8] comments raised concerns regarding advancing the proposed project in order to avoid impacts to Franklin Delano Roosevelt (FDR) Drive, and [4] comments questioned whether Con Edison and/or the FDR were being prioritized over the community. [1] comment stated that closing one lane of the FDR at night would be less disruptive than the proposed project. [1] comment raised concerns about the design plans for Stuyvesant Cove Park, indicating that the plans are costly and a burden on the community, and [1] comment raised concerns that Stuyvesant Cove Park would not be protected from storm surge and that flood control barriers on the west side of the park would pose a security issue. [2] comments asked for clarification regarding the drainage system. [1] comment requested that New York City Emergency Management remain the agency that coordinates management of flood gates. [4] comments questioned the number of closure structures included in the proposed project. [1] comment questioned how long the fill would take to settle. [1] comment noted that the project renderings shown to area residents depict mature trees and aren't accurate of what will be present upon project completion.

Concerns About/Objections to Preferred Alternative:

- *One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. The City will continue to identify approaches that will allow for phased construction, including safely keeping parts of East River Park open and will reopen parts of the East River Park as quickly as possible, as well as developing a robust neighborhood park improvements program that provides active and passive recreational areas for the community throughout the 3.5-year construction period. The City will continue to identify construction phasing approaches, including those that will allow for phased construction, including safely keeping parts of East River Park open if feasible, as well as developing a robust neighborhood park improvements program that provides active and passive recreational areas for the community throughout the 3.5-year construction period. Additionally, as design and construction implementation progress, the New York City Department of Design and Construction (DDC) that will oversee construction will continue to assess the opportunity to safely open portions of East River Park as work is completed and will provide community updates if such options become available. Park closures in Project Area Two are anticipated to be staggered over the course of the construction minimize the effects on open space to the extent feasible.*

Selection of Preferred Alternative

- *Compared to other alternatives, the Preferred Alternative provides the best opportunity to achieve this priority and enables the City to deliver the project faster, with fewer construction risks to the schedule, less overall disruption to the surrounding community, and dramatic enhancements to East River Park, in line with the community's stated goals throughout the design process. Construction under the Preferred Alternative would have a 3.5-year construction period with completion of flood protection system in 2023, whereas construction under Alternatives 2, 3, and 5 would have necessitated extended closures for five years. In addition, with the implementation of the Preferred Alternative, East River Park would be reconstructed to protect this valuable resource from flooding during coastal storm events as well as inundation from sea level rise and enhance its value as a recreational resource in addition to providing flood protection to the inland communities.*

Lack of Project Changes in Response to Community Feedback:

- There has been extensive design and planning outreach on the proposed project. The City is committed to continuing a robust public engagement effort through the final design phase of the project and will continue to listen to suggestions and comments from the community and organizations.

Independent/3rd Party Evaluation:

- Identification of project alternatives and development of the Preferred Alternative went through a process that integrated input from the community outreach program while further examining site constraints, engineering challenges, cost, constructability, and other factors, including the urgent need to provide flood protection. The City has conducted a number of reviews of the proposed project, including a value engineering (i.e., value management) and constructability process to review the project. A panel of independent experts, with experience in similar projects around the country, was convened in conjunction with project stakeholders to review and provide outside perspective on the design process. Additionally, a constructability review was performed in the summer of 2018 when design reached the necessary level of detail where construction risks could be assessed. Extensive expert review has also been conducted through preparation of the DEIS and Final Environmental Impact Statement (FEIS), which evaluates the potential environmental impacts of the Preferred Alternative as it relates to other alternatives, including the prior engineering approach to delivering the proposed project Alternative 3.

The City will seek project certification under the ENVISION Rating System administered by the Institute for Sustainable Infrastructure (ISI). Documentation demonstrating ENVISION compliance will be compiled and submitted at the completion of design. In the interim, the City's Program and Construction Management consultant will be conducting an evaluation to assess the project under ENVISION's criteria.

City Council Expert Recommendations:

- The Manhattan Borough President has engaged an external organization to review the proposed project and, when the report is available, those findings will be reviewed and evaluated by the project team. Where feasible and appropriate, those findings will be taken into consideration as the project moves into design and construction.

Outstanding Questions Related to Preferred Alternative:

- The City has engaged with community stakeholders at nearly 70 meetings since the fall of 2018 and will continue to have robust community engagement throughout the final design and implementation phases. The City will continue to address questions and provide updates to stakeholders and the City is committed to a robust community outreach plan during construction, including dedicated Community Construction Liaisons, who will update the Community Boards on a regular basis about the progress of the project.

Community Needs:

- The City's priority is to ensure that flood protection is delivered as quickly as possible (within 3.5 years), so that the tens of thousands of Lower East Side residents are protected and the risk of damage from coastal storms in the area proposed for protection is reduced. The Preferred Alternative provides the best opportunity to achieve this priority and enables the City to deliver the project faster, with fewer construction risks to the schedule, less overall disruption to the

surrounding community, and dramatic enhancements to East River Park, in line with the community's stated goals throughout the design process. Construction under the Preferred Alternative would have a 3.5-year construction period with completion of flood protection system in 2023, whereas construction under Alternatives 2, 3, and 5 would have necessitated extended closures for five years. In addition, with the implementation of the Preferred Alternative, East River Park would be reconstructed to protect this valuable resource from flooding during coastal storm events as well as inundation from sea level rise and enhance its value as a recreational resource in addition to providing flood protection to the inland communities.

City Accountability:

- The proposed project includes a number of environmental commitments to minimize and reduce adverse effects during construction that will be incorporated to the project construction documents and monitored during construction by DDC. The construction monitoring and oversight is subject to further discussion as part of the final design process.

Preferred Alternative Rationale:

- A constructability review was conducted in spring 2018 to assess options to reduce construction risks associated with Alternative 3. Construction of the Preferred Alternative is anticipated to take 3.5 years to complete as compared to five years for Alternative 3. This 3.5-year duration would allow for implementation of conservation methods, such as seasonal restrictions. Further, these conservation recommendations can be reevaluated as project designs are further developed. The shorter construction duration for the flood protection under the Preferred Alternative is primarily due to minimized construction disruption and delay along the FDR Drive (which would require temporary nighttime single-lane closures of the FDR Drive to allow construction) and reduced construction complexity related to the existing Con Edison transmission lines that run parallel to the highway along the park. Under Alternative 3, closures of the FDR Drive would need to meet requirements set forth by the New York City Department of Transportation (NYCDOT) and would limit construction to approximately six hours of single-lane closure of the FDR Drive per night. As a result, in October 2018, a design concept was developed that involves integrating flood protection with the raising and reconstruction of East River Park. This design update includes additional access improvements and the reconstruction of East River Park to protect this valuable park resource from flooding during coastal storm events as well as inundation from sea level rise, thereby enhancing its value as a recreational resource in addition to providing flood protection to the inland communities.

Need for Additional Park Improvements/Building for Resiliency Through 2100:

- The design life of the flood protection system is 100 years. The New York City Panel on Climate Change (NPCC) projects that sea level will rise between 22 and 50 inches by 2100. The East Side Coastal Resiliency (ESCR) design criteria is based on the middle of this range with a safety factor of 24 inches. There is a 10 percent chance or less that sea level could rise 75 inches over this timeframe and a very small chance (less than 5 percent) that sea level could rise over 100 inches over this timeframe. These higher estimates are based on uncertainty over the rate and magnitude of the sea level rise predictions and is the basis for the proposed project's design. The City is striking a balance between durable flood protection over the life of the project and the associated community effects and costs of implementing flood protection.

Passive Open Space Design:

- As part of the proposed project, a landscape restoration plans will be included that covers the replanting of 1,815 trees within the project area in addition to \$32.9 million of restitution. Both

the valuation of the adverse effects to trees and the restitution have been performed in accordance with NYC Parks methodologies. There are four different planting spatial concepts included in the replanting plan: Woodland Edges, Pastoral Openings, Layered Groves, and Maritime Edges. For example, the Woodland Edges would be situated mainly on the western edge of East River Park, and would be made up of ornamental understory trees, conifers, shrubs, and perennials to provide visual interest along paths and slopes while buffering views of nearby vehicle thoroughfares. The Pastoral Openings, sited in lawns and spectator areas, would include a tall spreading canopy with a clear understory and open lawn to maintain open site lines and circulation while the Layered Groves would include ornamental understory trees and a low perennial and grass ground layer and be located at clearing edges and special areas. Lastly, the Maritime Edges would include mid- and understory trees, maritime evergreens, shrubs, and grasses to provide shade and interest along the river edge.

Loss of Water Views:

- *The raised park would block waterfront views in the East 6th Street and East 10th view corridors and from within the Bernard Baruch, Lillian Walk, and Jacob Riis Houses compared to existing views, but these views would be of a landscaped waterfront park and there would be no potential significant effects to these views. At East 6th and East 10th Streets, views to the waterfront would continue to be of East River Park. From the portions of the FDR Drive and FDR Drive service road that run through Project Area One, views would be of East River Park, similar to existing views, although occasional views of the East River would no longer be available.*

Stuyvesant Cove Park Concerns:

- *Stuyvesant Cove Park is to be reconstructed as part of the proposed project with resilient features to minimize damage and expedite recovery following a design storm event.*

Drainage System Clarification:

The proposed parallel conveyance improvements including those at the East River Houses property are necessary to provide the appropriate capacity in the sewer system during the storm events to minimize the risk of surcharging sewers within the protected area. Abating the impact of storm-related surcharges on the sewer system during a combined tidal flood and rainfall event is essential to providing a flood protection system that is comprehensive and properly functions under the range of storm scenarios that have the potential to impact the City. During the design storm event, the combined sewage overflow (CSO) outfalls would be closed as water levels rise in the East River. The sewer system would need to continue to handle sanitary flow volumes in addition to rainfall, and the current size of the branch interceptors is inadequate to manage this flow when the outfalls are closed. The parallel conveyance sewers proposed as part of the flood protection system are necessary to providing the appropriate capacity within the sewer system to minimize the risk of surcharging sewers in the protected area. Following a design storm event, once the surge waters recede and sewer levels equilibrate, the interceptor gates and other isolation measures would return to their non-storm condition positions. As the surge recedes, and the sewer system gradually equilibrates, the outfall tide gates would permit the release of excess combined flow and flooding in the areas north and south of the drainage protected area would gradually recede via the sewer system or overland flow back to the East River.

Flood Gate Operation Management:

- *During storm event conditions, transportation systems would be managed in coordination with a plan to be developed with input from City's Emergency Management Department (NYCEM), NYCDOT, New York Police Department (NYPD), New York City Fire Department (FDNY), NYC*

Parks, and other City and state agencies including the Metropolitan Transportation Authority (MTA). Once a design storm impact on the City is determined to be increasingly likely, NYCEM would begin its emergency preparedness actions to ensure that transportation routes critical to evacuation are managed in accordance with that plan. Should evacuations be required as a result of an impending design storm event, closure of the proposed closure structures would require management of traffic circulation patterns in coordination with NYCDOT, NYPD, and FDNY. Under these conditions, once activated, the closure structures at East 23rd Street and the west service road would affect access/egress to Waterside Plaza. Traffic management to allow for circulation of emergency vehicles and local Waterside Plaza traffic would therefore need to be implemented and maintained by NYPD, FDNY, and NYCDOT. These and other measures, as needed, would be addressed in City's operation and maintenance plans for the proposed flood protection system.

Number of Moving Gates:

- *Closure structures such as swing floodgates and roller floodgates are essential in providing openings to accommodate day-to-day vehicular or pedestrian circulation along a street or sidewalk in the project areas. An operations and maintenance manual will be developed for the proposed system to identify the procedures for deploying, inspecting, testing, and maintaining each element of the proposed flood protection system to ensure that these systems are in proper working order and are ready to perform in advance of a design storm event. Upon completion of project construction, the City will submit final designs and supporting materials (i.e., design criteria, geotechnical data, hydraulic modeling, etc.), with a final operations and maintenance plan, and relevant construction data to the Federal Emergency Management Agency (FEMA) to demonstrate compliance with requirements listed in Chapter 44 of the Federal Code of Regulations, Section 65.10 for FEMA accreditation.*

Landscaping Renderings:

The City would plant larger caliper trees to the extent practicable as well as transplant existing trees that are in good condition and suitable for replanting. A total of 1,815 trees would be planted as part of the proposed project. More broadly, the tree planting palette for the proposed project considers size, growth rate, diversity, and resilience, amongst other factors.

Project Construction

[12] comments expressed doubts that the current plan can be executed in the specified timeline. [1] comment questioned if the timelines for flood protection and project completion are different. [1] comment asked what steps the City will take to make sure that construction is completed on time. [1] comment questioned whether the proposed project adequately addresses the consequences of closing East River Park for 3.5 years. [22] comments raised concerns about quality of life issues and public health and well-being for area residents during construction. [12] comments called for a phased construction timeline to maintain access to portions of East River Park during construction. [1] comment noted the continued lack of detail regarding phased construction. [1] comment questioned the rationale behind the determination that construction would take longer if it occurs in phases. [6] comments raised concerns about interim flood protection measures to protect the area during project construction, and [4] comments stated that a plan must be developed for flood protection during construction and provided to the community and elected officials. [1] comment requested that the City share information related to interim protection of critical infrastructure during the construction period for more frequent, less severe storms. [11] comments were received regarding bicycle, running, and pedestrian pathways: [2] of these comments expressed the need for a detailed alternative passage plan for bikers and pedestrians to use during project construction;

[1] of these comments stated that the existing bike lanes on 1st and 2nd Avenues would not be able to accommodate bike traffic from the East River Greenway; [2] of these comments requested the creation of north-south bike lanes; [5] of these comments were opposed to shutting down the running and biking paths; and [1] of these comments stated that it was important to keep the bike path from the East 30s down to the seaport open. [5] comments expressed concerns about the open space impacts to youth sports leagues and schools, and on a community that is underserved by open space and disproportionately lower-income and older; [4] comments expressed concerns about lack of open spaces in the area during construction. [2] comments noted that the City has not yet provided a list of specific, alternative open spaces for community recreation during project construction, and [1] comment has noted that the City has acknowledged that it will be difficult to find comparable open space alternatives. [5] comments requested adequate and meaningful alternatives for recreation and open space during construction, particularly for children and seniors. [1] comment requested that the City contact and inform youth leagues that use East River Park fields, and [1] comment requested written confirmation that all local youth and school sports organizations will have permits near the project area for specific recreational facilities. [1] comment inquired about use of space at Basketball City during construction. [1] comment suggested the use of street closures during the summer for recreational purposes and a bussing service to transport residents to recreational spaces. [1] comment noted that the amphitheater and any existing art in the park that would be impacted by construction should be protected, and [1] comment requested a plan to move and store water park sculptures at a nearby park, then return them after project completion.

Construction Timeline Concerns:

- *One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. The Preferred Alternative enables the proposed project to be delivered faster, with fewer construction risks to the schedule, less disruption to the surrounding community, and the protection of East River Park with substantial enhancements to open space, which is in keeping with the community's stated goals throughout the design process. The Preferred Alternative will also allow the City to use the federal grant funds faster and reduce risk of losing these crucial funds.*
- *The build year for the proposed project is 2025 in consideration of the 5-year construction period for Alternatives 2, 3, and 5. The Preferred Alternative would have a 3.5-year construction period for flood protection elements, and a 5 year duration for completion of the proposed flyover bridge. To meet the 3.5-year construction duration for flood protection, construction must be underway at several locations simultaneously with expanded staging, barging, and material storage areas. In addition, reconstruction of the water and sewer infrastructure within East River Park must start immediately to be completed in a timely way. Furthermore, fill must be placed throughout the park early to allow time for settlement and compaction. To achieve these construction objectives, including delivering the proposed project on time, as presented in the Environmental Impact Statement (EIS), it is essential for the park to be closed so that the selected contractor can complete the work required to provide a flood protection system by the 2023 hurricane season. The design team developed a 3.5-yr conceptual construction schedule allowing for complexities of construction on the site. The City will continue to work with the selected a contractor and Project Manager/Construction Manager to implement construction as quickly as possible, while maintaining safety. Where feasible, the City will investigate options for keeping parts of the park open and reopening parts of the park.*

Adequate Assessment of East River Park Closure:

- The City understands the importance of East River Park to the community and is continuing to examine opportunities to allow for phased construction, including safely keeping parts of East River Park open and reopening parts of the East River Park as quickly as possible. Additionally, the City is developing a program of neighborhood park improvements and recreational programming to provide replacement active and passive recreational opportunities for the community throughout the 3.5-year construction period.

Quality of Life Concerns During Construction:

- One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. The City will continue to identify construction phasing approaches, including those that will allow for phased construction, including safely keeping parts of East River Park open and will reopen parts of the East River Park, as well as developing a robust neighborhood park improvements program that provides active and passive recreational areas for the community throughout the 3.5-year construction period. In order to meet the 3.5-year construction duration, there must be several simultaneous construction staging locations where expanded work zones, barging, and material storage areas are required. In addition, reconstruction of the sewer lines under East River Park must start immediately to be completed in a timely way. Furthermore, fill must be placed throughout the park early to allow a period for settling and compaction. NYC Parks has committed to implementing a number of neighborhood park improvement measures to minimize the effects on open space during the construction period. These measures include: accommodating youth permit users within existing facilities under the NYC Parks jurisdiction; working with other entities with open space resources, such as the Department of Education (DOE) and the New York City Housing Authority (NYCHA) to identify recreational resources that may be opened to the community during construction; implementing a Lower East Side greening program and planting up to 1,000 trees in parks and streets and up to 40 bioswales; purchasing movable solar lighting to be used at six Lower East Side parks to extend playing time at fields for permitted use during construction; improving the synthetic turf at seven park locations; installing new sports coating at seven sites; painting playgrounds and park equipment at up to 16 parks; enhancing existing Parks barbeque areas; identifying alternative tennis locations; increasing staffing for recreation, maintenance and operations; and exploring open space improvements at Waterside Pier. In addition, NYCDOT is proposing to re-route bicyclists to the on-street bike network, primarily the protected bike lanes along First Avenue and Second Avenue, as well as those on Allen Street/Pike Street and Clinton Street and is committed to expanding the City's bicycle network, including adding more protected bike lanes. Additionally, as design and construction implementation progress, DDC will continue to assess the opportunity to safely open portions of East River Park as work is completed and will provide the community an update if such options become available. Park closures in Project Area Two are anticipated to be staggered over the course of the construction minimize the effects on open space to the extent feasible.

Phased Construction/Maintenance of East River Park Access:

- One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. To meet the 3.5-year construction duration, construction must be underway at several locations simultaneously and expanded staging, barging, and material storage areas is necessary. In addition, reconstruction of water and sewer infrastructure within East River Park must start immediately to be completed in a timely way. Furthermore, the placement of the fill used to raise the park must occur throughout the park early to leave time for the fill to settle. As

the project design continues to move into subsequent design and construction management phases, the City will continue to seek to identify approaches that will allow for phased construction, including safely reopening parts of the East River Park as quickly as possible, coupled with the proposed neighborhood park improvements program that provides active and passive recreational areas for the community throughout the 3.5-year construction period. Finally, not all the project area parks would not be closed for 3.5 years and there is a separate phasing plan for Murphy Brothers, Stuyvesant Cove, and Asser Levy Parks in Project Area Two. The construction phasing is based on the best available information on project implementation and design that is known at this time to attain the projected 2023 completion year. Construction activities at the East River Park will be intensive and the safety of the public will be paramount. The City will continue post FEIS to assess opportunities to accelerate the construction schedule while meeting the project completion date obligations, examine the potential for safely keeping parts of the East River Park opened during construction, and reopening open spaces areas as work is completed.

Flood Protection During Construction:

- *In the absence of the flood protection system, the existing buildings near the project area would remain at risk to coastal flooding during design storm events. One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. As stated above, installing temporary flood protection measures as part of the proposed project could potentially add delays that could compromise completion of the Preferred Alternative by 2023.*

Bicycle/Pedestrian/Running Pathway Concerns:

- *The City understands the importance of East River Park and is seeking to protect it through this proposed project. With the Preferred Alternative the active and passive recreational amenities will be replaced and protected, and the resiliency of the park will be improved such that the park will remain an accessible open space resource. The City has held many outreach meetings to understand the community's vision and preferences for the park and will continue to do so through the final design process. Further, NYCDOT understands the significance of the planned closure of the East River Greenway during construction of the proposed project and is committed to providing safe alternative routes for pedestrians and bicyclists. The existing protected bicycle lanes on First and Second Avenues are proposed as the primary reasonable alternative for many of those who currently use the Greenway. Additionally, cyclists are encouraged to use existing local routes on Avenues A, C and Clinton Street. NYCDOT is currently upgrading a number of intersections in the East Village with offset crossings to provide a more comfortable experience for bicyclists and also currently examining the potential to install protected bicycle lanes permanently on Avenues A, B and C. NYCDOT is actively involved in the design of the detour routes and will ensure that adequate and safe pedestrian corridors are provided along the potential detour routes. The rerouting plan design will continue to be finalized through the final design process of the proposed project. Additionally, The City will continue to coordinate with other entities with open space resources, including DOE and NYCHA, to explore the potential for expanding recreational opportunities within NYCHA, schoolyards, and streets.*

Community Open Space Impacts/Open Space Alternatives:

- *The City understands the importance of East River Park to the community and is continuing to examine opportunities to allow for phased construction, including safely keeping parts of East River Park open and reopening parts of the East River Park as quickly as possible. Additionally, the City is developing a program of neighborhood park improvements and recreational programming*

to provide replacement active and passive recreational opportunities for the community throughout the 3.5-year construction period.

NYC Parks has committed to implementing neighborhood park improvements measures to minimize the effects on open space users during the construction period and will continue to take suggestions on further measures that can be implemented quickly to offset the impact of the proposed project's construction. This includes working with City agencies to explore expanding recreational opportunities within NYCHA, schoolyards, and streets, and providing new open spaces and recreational opportunities. The City is committed to continuing to identify potential options to mitigate the effects of the project and welcomes input from the community.

Youth League Recreational Alternatives:

- NYC Parks is committed to accommodating permit time for all local youth leagues and is prioritizing local youth groups during construction of the proposed project. Every year, Basketball City donates hundreds of hours of court time to various schools and youth organizations. The apron facing the East River along Pier 36 is an existing public access area that is open daily from 9 AM to dusk 7 days a week. Additionally, the esplanade along Pier 35 (eco-park) recently opened in spring 2019. The City will also continue to coordinate with other entities to explore expanding recreational opportunities within NYCHA, schoolyards, and streets.

Protection of Amphitheater and Art in East River Park:

- Project design of the proposed project is ongoing and existing park elements that could be retained for inclusion in the redesigned park are being assessed as part of the final design process. Furthermore, NYC Parks has been in contact with the artist of the seal, crab, and turtle pieces in East River Park regarding opportunities for reuse and installation of these pieces. NYC Parks and DDC convened a meeting with the Amphitheater Task Force stakeholders during the spring of 2019 and is anticipated to reconvene again with the stakeholders to continue discussions related to the amphitheater design as part of the final design process. Design of the amphitheater is also subject to the review and approval by the New York City Public Design Commission (PDC).

Exploration of Alternative Project Elements or Approaches

The City received [5] comments which expressed support for earlier versions of the proposed project, suggesting that they would maintain access to the park and preserve open space, and [1] comment inquired about other alternatives. [1] comment questioned the amount of time the City took to identify and select the Preferred Alternative. [1] comment noted that community members have sought the creation of an expert panel to evaluate additional options, including decking over the FDR, construction of a barrier to protect NYCHA residents on lower floors, and a phased construction plan. [1] comment noted that the cost savings from implementing Alternatives 2 or 3 could go towards decking over FDR Drive. [1] comment advocated for a flood protection plan with the least manipulation of Con Edison power lines. [1] comment asserted that closing one lane of the FDR Drive should not preclude an alternate design approach.

Prior Project Designs:

- The City's priority is to ensure that flood protection is delivered as quickly as possible (within 3.5 years), so that the tens of thousands of Lower East Side residents are protected and the risk of damage from coastal storms in the area proposed for protection is reduced. Compared to other alternatives, the Preferred Alternative provides the best opportunity to achieve this priority and enables the City to deliver the project faster, with fewer construction risks to the schedule, less overall disruption to the surrounding community, and dramatic enhancements to East River Park,

in line with the community's stated goals throughout the design process. Construction under the Preferred Alternative would have a 3.5-year construction period with completion of flood protection system in 2023, whereas construction under Alternatives 2, 3, and 5 would have necessitated extended closures for five years. With the implementation of the Preferred Alternative, East River Park would be reconstructed to protect this valuable resource from flooding during coastal storm events as well as inundation from sea level rise and enhance its value as a recreational resource in addition to providing flood protection to the inland communities.

Expert Panel:

- *The identification of project alternatives and development of the Preferred Alternative went through a process that integrated input from the community outreach program while further examining site constraints, engineering challenges, cost, constructability, and other factors, including the urgent need to provide flood protection. The City has conducted a number of reviews of the proposed project, including a value engineering (i.e., value management) and constructability process to review the project. A panel of independent experts, with experience in similar projects around the country, was convened in conjunction with project stakeholders to review and provide outside perspective on the design process. Additionally, a constructability review was performed summer of 2018 when design reached the necessary level of detail where construction risks could be assessed. Extensive expert review has also been conducted through preparation of the DEIS, which evaluates the potential environmental impacts of the Preferred Alternative as it relates to other alternatives, including the prior engineering approach to delivering the proposed project Alternative 3).*

Decking Over the FDR:

- *Hurricane Sandy underscored the City's need to increase its efforts to protect vulnerable populations and critical infrastructure during extreme coastal storm events. Permanently reducing the number of travel lanes on the FDR Drive to install dedicated bus or bike lanes is beyond the scope of this project. Moreover, the Preferred Alternative not only allows for improved recreational programming within East River Park but also allows for long-term protection for this critical open space resource, which decking over the FDR alone would not. However, this project does not preclude that longer-term vision from future consideration.*

Con Edison Transmission Lines:

- *In order to avoid damage to or disruption of the transmission lines during the construction of the proposed project, measures would be taken to minimize vibration, to carefully control excavation around existing infrastructure, and to manage the placement of fill and soil stockpiles. Because the transmission lines are highly sensitive to vibration, installation of sheet piles in proximity to the lines could be achieved with a press-in sheet piling machine, rather than vibratory hammer. To avoid unexpected utility line strikes or other hazardous conditions, the location of transmission lines would be confirmed via test pits inspections performed by Con Edison. All activities related to the construction around Con Edison transmissions lines will be coordinated with Con Edison and agreed upon prior to construction.*

FDR Lane Closures/Prioritization of FDR Drive:

- *There are a number of benefits to the proposed project including protection of East River Park and a more expedited construction time frame. Given the exceptionally high vehicular volumes on the FDR Drive particularly during weekday daytime hours, and its purpose in providing important and critical access to and along Manhattan's east side, closing lanes on the FDR Drive for extended*

periods would significantly increase congestion on interior streets to the point of causing potentially paralytic impacts on the regional transportation network and negatively affecting residents and businesses in the neighborhoods of Lower Manhattan and Downtown Brooklyn. Moreover, the predicted gridlock could also impede emergency response times and pose a threat to public safety. Therefore, longstanding NYCDOT policy precludes issuing such lane closures on the FDR Drive, except when limited to essential need and in emergency situations. Compared to other alternatives, the Preferred Alternative provides the best opportunity to achieve this priority and enables the City to deliver the project faster, with fewer construction risks to the schedule, less overall disruption to the surrounding community, and dramatic enhancements to East River Park, in line with the community's stated goals throughout the design process. The shorter construction duration for the flood protection under the Preferred Alternative is primarily due to minimized construction disruption and delay along FDR Drive (which would require temporary nighttime single-lane closures of the FDR Drive to allow construction) and reduced construction complexity related to the existing Con Edison transmission lines that run parallel to the highway along the park as compared with Alternatives 2 and 3. The flood protection alignment under the Preferred Alternative is primarily along the existing esplanade of East River Park which also allows the opportunity to reconstruct the bulkhead and raise the park.

Environmental Issues

Several comments were received related to environmental issues associated with construction of the proposed project. [4] comments suggested there should be more concern for environmental issues during construction. [5] comments noted that the proposed project would destroy much of the existing ecology in the area, and [1] comment stated that local ecology must be preserved through phased construction. [1] comment noted that no plans for mitigating habitat loss have been published, including time required for newly planted trees to mature and provide shade and wildlife support. [4] comments noted that the project could potentially disturb hazardous materials beneath the park, and [1] comment requested a comprehensive hazardous materials mitigation plan. [2] comments were concerned with quality of life issues associated with construction noise. [4] comments raised concerns about air quality issues relating to the excavation and raising of East River Park, and [2] comments stated that the City should put forth a detailed soil/dust management plan to address these concerns. [1] comment raised concerns about the effect of congestion pricing on air quality in the project area. [2] comments requested information on fill material sourcing, and [1] comment noted that the City should use high-quality fill that is free of contaminants when reconstructing East River Park. [1] comment raised environmental justice concerns in relation to meaningful public participation in developing the Preferred Alternative. [1] comment questioned the socioeconomic implications of a new East River Park to neighborhood housing and affordability.

Concern for Environmental Issues/Destruction of Ecology/Habitat:

- A thorough analysis of potential effects to East River Park terrestrial resources, including flora and fauna, was conducted as part of the EIS process. As concluded in the EIS, effects to terrestrial resources would not result in significant adverse impacts beyond those associated with tree removals, and the proposed project design is expected to improve the overall habitat values and attractors at the park. Additional design input related to enhancing habitat values and diversity at the park will continue to be addressed as the project moves into final design.

Preservation of Ecology through Phased Construction:

- One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from

coastal storms. The City will continue to identify approaches that will allow for phased construction, including safely keeping parts of East River Park open and will reopen parts of the East River Park as quickly as possible, as well as developing a robust neighborhood park improvements program that provides active and passive recreational areas for the community throughout the 3.5-year construction period. Where applicable, mitigation measures are identified in the Chapter 5.6, "Natural Resources," of the FEIS.

Habitat Loss Mitigation Plans:

- All impacts associated with the clearing of trees and landscaping would be addressed by restoring vegetation as part of the Preferred Alternative's landscape design and through a restitution fund that would be created for additional tree plantings outside of the project area. Tree restoration would be conducted in accordance with a pre-approved NYC Parks tree planting program. This tree planting program includes over 50 different species, reflecting research around the benefits of diversifying species to increase resilience and adaptive capacity in a plant ecosystem and also pays special attention to species that can handle salt spray, strong winds, and extreme weather events. The design also focuses on creating a more layered planting approach, allowing for informal planting areas that layer plant communities together to express ecological richness. A more diverse native plants palette has the ability to better adapt to climate change stressors. Once planted and established, the new landscape would represent an improvement in ecological sustainability, habitat creation, and adaptability in the face of a changing climate. The landscape restoration plan would ultimately result in a net increase of 745 total trees within the project area. While these trees would not be as mature as some existing trees, over time, the new tree canopy would fill in and represent an improved habitat over the existing condition.

Hazardous Materials Issues:

- The presence of hazardous materials (such as lead-based paint and asbestos) in historical structures and a variety of contaminants associated with historical fill materials in the subsurface is typical within New York City and well established remedial and safety procedures are routinely performed to demolish and reconstruct in such areas. A variety of mitigation measures will be implemented with oversight from both New York City Department of Environmental Protection (DEP) and New York State Department of Environmental Conservation (NYSDEC) to protect residents during construction. Construction will include a capping layer, preventing exposure following construction and Site Management Plans will set out procedures to be followed if future disturbance of the capping layer is needed.

The potential to encounter soils impacted by Manufactured Gas Plant (MGP) wastes is a known condition and project construction with respect to MGP wastes will be conducted in accordance with a Memorandum of Agreement with NYSDEC whereby a Mitigation Work Plan (MWP), subject to approval by NYSDEC, will be implemented. It is this MWP (and not the Remedial Action Plan (RAP) which governs overall construction and, not specifically MGP issues) that will address MGP management including potential odor issues. A proposed MWP will be submitted to NYSDEC for approval and finalized prior to the start of construction.

Construction Noise:

- DEP regulates construction noise for construction projects in the City and would oversee implementation of the Noise Control Plan for the proposed project. Measures would be taken to mitigate noise effects during construction in accordance with all applicable laws, regulations, and building codes. All environmental requirements and commitments to minimize or reduce impacts during construction would be incorporated to the construction documents and monitored during construction by DDC. In addition, during the construction phase, DDC would have a robust

community outreach plan in place, including dedicated onsite Community Liaisons (CCL) for the proposed project. The CCLs will act as representatives on behalf of DDC and an extension of the DDC Office of Community Outreach and Notification and would be tasked with keeping stakeholders informed by identifying, documenting, and resolving issues, as well as providing regular updates and advisories.

Air Quality Issues:

- FEIS Chapter 6.10, "Construction—Air Quality," presents an analysis of air quality during construction, including a quantitative analysis of both on-site and on-road sources of air emissions. Pollutant concentrations of nitrogen dioxide (NO₂), particulate matter (PM₁₀ and PM_{2.5}), and carbon monoxide (CO) from construction sources were estimated in accordance with CEQR Technical Manual methodology. An emissions reduction program would be implemented for the proposed project to minimize the air quality effects of construction activities on the surrounding community. These requirements would include dust suppression measures, use of ultra-low sulfur diesel (ULSD) fuel, idling restrictions, and best available technologies. With these emission reduction measures in place, the analysis of construction emissions determined that PM_{2.5}, PM₁₀, NO₂, and CO concentrations would be below their corresponding de minimis thresholds or the NAAQS (which have been established to protect human health, including vulnerable populations), respectively, and no significant adverse air quality effects from construction would occur with the proposed project.
- The plans for congestion pricing are in the preliminary stages, are an action separate from the proposed project, and will therefore require a separate environmental review. It is expected that the environmental review for that project would consider the effects of the proposed project as part of the assessment of potential construction impacts, as appropriate. In addition, the congestion pricing project will include detailed Maintenance and Protection of Traffic Plans, which will identify any necessary diversion routes and necessary measures to mitigate any resultant traffic impacts as well as potential air quality effects, as practicable.

Soil/Dust Management:

- To minimize dust emissions from construction activities, a dust control plan including a robust watering program would be required as part of contract specifications. For example, all trucks hauling loose material would be equipped with tight-fitting tailgates with their loads securely covered prior to leaving the project area; water sprays would be used for all excavation and transfer of soils to ensure that materials would be dampened as necessary to avoid the suspension of dust into the air. Loose materials (e.g., on-site material storage piles) would be watered or covered. All Construction—related dust reduction measures would be implemented in accordance with DEP's Construction Dust Rules and required as part of DDC's construction specifications. DDC is committed to safe construction sites. For the proposed project, as on all projects, the contractor will be required to develop a Construction Health and Safety Plan prior to initiating construction. This plan will guide all contractor activities to ensure emergency plans are in place in the event of a number of emergency conditions, including a storm event. In the event of a storm, the contractor will be required to safely secure all construction equipment and contain any fill that is stockpiled on site using applicable Best Management Practices, including impervious surface covers or temporary seeding for any fill that would be held on site for extended periods of time. These measures would reduce erosion or runoff potential to the community or East River in the event of a storm and would provide dust control in dry weather. Installing temporary flood protection measures as part of the proposed project could add delays in project design and implementation that could compromise completion of the Preferred Alternative by 2023.

Fill Material:

- Construction will be performed in accordance with a project Remedial Action Plan (RAP). The RAP will include appropriate clean fill importation criteria (both for surface soils in landscaped areas and for other material that would be beneath landscaping or paving) and criteria for allowable reuse of excavated soils (whether in the uppermost layer of landscaped areas or elsewhere). The sources of clean soils or fill materials that meet these requirements and are to be used with the proposed project will be determined by the construction contractors with review and approval by DEC and will need to address a number of factors, including composition, certification of suitability of intended use, quality, availability, cost, and the proximity of the soil/clean fill provider's loading site to the project area.

Environmental Justice Concerns:

- The proposed project would not result in disproportionate adverse effects to minority or low-income communities and in accordance with the National Environmental Policy Act (NEPA), the State Environmental Quality Review Act (SEQRA), and guidance from the City Environmental Quality Review (CEQR) Technical Manual.

Socioeconomic Concerns:

- East River Park is dedicated parkland and residential development is not permitted on the park. The socioeconomic analysis presented in FEIS Chapter 5.2, "Socioeconomics Conditions," examines the potential for indirect residential and business displacement due to increased rents. The analysis concludes while the flood protection and open space enhancements provided by the Preferred Alternative could result in increases in market-rate residential and commercial rents within the study area, potential increases in property value attributable to this alternative are not expected to cause significant residential or commercial displacement pressures within the study area.

Action Plan Amendment 20 and Benefit Cost Analysis

[6] comments pertained to the methodology and conclusions presented in the Benefit Cost Analysis. [1] comment stated that Amendment 13 is not adequately discussed within proposed Amendment 20. [2] comments disputed that the Preferred Alternative described in Proposed Amendment 20 includes significant input from the community. [2] comments stated that proposed Amendment 20 does not adequately address the increase in proposed project cost. [1] comment questioned the difference between the \$676 million net present value of the project and the \$1.43 billion that the City is investing as presented in proposed Amendment 20. [2] comments stated that there is not an adequate mention of potential environmental effects related to natural resources in proposed Amendment 20. [1] comment stated that proposed Amendment 20 is not needed because Amendment 13 has already been approved for a plan that included community input and review. [3] comments urged the rejection of proposed Amendment 20.

Commented [CC1]: Note to City Team: As this comment is specific to the BCA methodology, we are checking with Arcadis to confirm how to respond.

Benefit Cost Analysis Methodology and Conclusions:

- As a condition for the release of HUD funding for the proposed project, the City is required to develop and submit an Action Plan Amendment when there is a material change to the project. The Action Plan Amendment must include a benefit cost analysis (BCA), which assesses social, environmental, and economic benefits that will result from the implementation of the proposed project. In accordance with HUD guidance, the BCA was developed using federally accepted methodologies sourced from agencies that include the Federal Emergency Management Administration (FEMA), the United States Army Corps of Engineers (USACE), the Federal Aviation

Administration (FAA) and the Environmental Protection Agency (EPA). The BCA considers numerous specific benefit categories in order to serve as a planning tool to compare a project's costs to a project's benefits and help inform decision making related to a major public infrastructure investment. Broader evaluations of socioeconomic and environmental impacts associated with the proposed project are included in the FEIS.

Net Present Value of Project Costs:

- TO COME

Community Input for Preferred Alternative:

- The City has engaged with community stakeholders at nearly 70 meetings since the fall of 2018 and will continue to have robust community engagement throughout the final design and implementation phases. The City will continue to address questions and provide updates to stakeholders and the City is committed to a robust community outreach plan during construction, including dedicated Community Construction Liaisons, who will update the Community Boards on a regular basis about the progress of the project.

Change in Project Cost Between Amendment 13 and Proposed Amendment 20:

- As described in the Benefit Cost Analysis (BCA), the City project team and the ESCR design team developed and analyzed four project alternatives through community engagement and agency coordination. A BCA was conducted for the Preliminary Preferred Alternative (PPA) project in 2017 and was published in Amendment 13. In spring 2018, a constructability review was conducted to assess options to reduce construction risks associated with the proposed approach. As a result, in October 2018, a design update was developed for Project Area One that involves integrating flood protection with the raising and reconstruction of East River Park. This design update includes additional access improvements and the reconstruction of East River Park to protect this valuable resource from flooding during coastal storm events as well as inundation from sea level rise, which would enhance its value as a recreational resource in addition to providing flood protection to the inland communities. The cost for the current Preferred Alternative included in proposed Amendment 20 reflects these additional resiliency features and access improvements.

Environmental Effect Information in Amendment 20

- Proposed Amendment 20 was published to provide an updated description of how the City plans to allocate grant funds for the ESCR project and includes information on the updated project design and project implementation. As described in proposed Amendment 20, EIS was prepared as part of the proposed project's environmental review process. The FEIS includes a detailed analysis of potential effects to existing natural resources within the project area and vicinity that may result from implementation of the proposed project in Chapter 5.6, "Natural Resources", and a detailed analysis of potential effects to natural resources from construction activities in Chapter 6.5, "Construction—Natural Resources."

Need for Amendment 20:

- As indicated in proposed Amendment 20, a material change to the ESCR project has been proposed since the publication of the Action Plan incorporating Amendments 1-19. The City published proposed Amendment 20 to provide updated information to reflect the proposed project design.

Flood Protection/Resiliency/Climate Change

[9] comments acknowledged the need for coastal resiliency and flood protection improvements. [1] comment acknowledged the State and City's desire to take action in response to extreme weather risks driven by climate change. [1] comment noted that the proposed project should address the needs of residents over the needs of cars in order to begin to address climate change.

Need for Coastal Resiliency/Flood Protection:

- *The proposed project is the first of the large-scaled resiliency projects to be undertaken in Manhattan that responds to the urgent need for flood protection following Hurricane Sandy in recognition of the tens of thousands of residents within the protected area who would benefit from its implementation.*

Addressing Needs of Residents in Response to Climate Change:

- *In April 2019, the City released the OneNYC 2050 long-term strategy planning document to pursue a sustainable, resilient, and equitable city. The plan presents a holistic approach to address the interconnected goals for equality, economic growth, protection of neighborhood communities, public health, education, sustainability, resilience, safe and efficient transportation systems, and public infrastructure. Thirty key initiatives were identified in that plan by the City in order to achieve these goals. The proposed project was identified as a key capital investment that would strengthen communities building, infrastructure, and the waterfront to be more resilient (Initiative 21) as well as a forward-thinking investment in core physical infrastructure and hazard mitigation (Initiative 30). Furthermore, the project alternatives presented in the FEIS examined the short-term and long-term effects on flood protection for the residential, commercial, and open space features of the affected neighborhood.*

Project Cost and Funding

[9] comments raised concerns about the project's cost. [1] comment expressed gratitude to the project area's congressional representatives for allocating funds for the proposed project. [1] comment advocated for maintenance of full funding to ensure project safety. [1] comment noted that the City must finalize a vision so that Federal money is not lost. [1] comment expressed concerns about the use of HUD funding for the proposed project which varies from the proposal in the BIG U. [1] comment indicated that if federal funds are not used by the 2022 expiration date, the current Congress and administration will likely not return this funding.

Project Cost

- *Identification of project alternatives and development of the Preferred Alternative went through a process that integrated input from community outreach program while further examining site constraints, engineering challenges, cost, constructability, and other factors, including the urgent need to provide flood protection. The City has conducted a number of reviews of the proposed project, including a value engineering (i.e., value management) and constructability process to review the project. A panel of independent experts, with experience in similar projects around the country, was convened in conjunction with project stakeholders to review and provide outside perspective on the design process. Additionally, a constructability review was performed in the summer of 2018 when design reached the necessary level of detail where construction risks could be assessed. The City is striking a balance between durable flood protection over the life of the project and the associated community effects and costs of implementing flood protection.*

Use of HUD Funding for Proposed Project:

- *The Action Plan Amendments provide an opportunity for the public to comment on the City's proposed use of HUD funds, and any significant changes to those proposals.*

Use of Federal Funds Before 2022:

- *The Flood Protection System with a Raised East River Park Alternative best meets the principal objectives for the project, including meeting HUD funding milestones, and therefore was selected as the Preferred Alternative. The Preferred Alternative will allow the City to use the federal grant funds faster and reduce risk of losing these crucial funds.*

Public Outreach

The City received several comments relating to public outreach and project transparency. [4] comments indicated a concern that the City disregarded years of community input upon creating and selecting the Preferred Alternative, and [6] comments noted that the City did not adequately include the public when developing the Preferred Alternative. [3] comments noted that the spirit of the RBD award was to work with the community to develop a resiliency plan. [1] comment requested information regarding the City's approach towards future community outreach involving East River Park. [1] comment requested a community engagement forum where community concerns would be addressed by the City. [1] comment stated that no action has been taken by the City to establish a requested community task force. [2] comments requested increased transparency from the City with respect to the proposed project, and [2] comments questioned the commitment of the City to transparency. [1] comment stated that the City has ignored requests made by Borough President Brewer and City Council Member Rivera, and has ignored public requests for additional project-related information. [2] comments noted distrust of the City concerning the Preferred Alternative, as it was developed without community input and seeming lack of transparency; [1] comment stated that requests made by the LES Ecology Center have not been satisfied. [2] comments requested regular progress updates to the community, and [1] comment requested a construction timeline be made available to residents. [1] comment noted that information on construction staging and open space alternatives has not been provided to the community in a timely manner, and [1] comment noted that discussion between City departments must happen to produce this information. [1] comment noted that the complexity of the project and the number of City agencies involved in the proposed project make accountability problematic. [1] comment requested an explanation of the Envision process at a community Town Hall.

Lack of Community Input/ Community Engagement Forum/Task Force:

- *A comprehensive public participation program was developed and implemented for the proposed project. This program consisted of several public participation components, all working together to obtain input from interested stakeholders, public officials, and the broader community that lives, works, and recreates at the facilities in the proposed project areas. Three primary avenues to engage the public were used in this process: regularly scheduled Joint Waterfront Task Force Meetings (convened by Community Board 3(CB3) and CB6); Community Engagement Meetings/Workshops; and a series of targeted thematic stakeholder meetings. This coordination will continue through final design and implementation of the proposed project.*
- *One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. The Preferred Alternative enables the proposed project to be delivered faster, with fewer construction risks to the schedule, less disruption to the surrounding community, and the protection of East River Park with substantial enhancements to open space, which is in keeping*

with the community's stated goals throughout the design process. The Preferred Alternative will also allow the City to use the federal grant funds faster and reduce risk of losing these crucial funds.

Transparency/City Responsiveness/Progress Updates:

The City has engaged with community stakeholders at nearly 70 meetings since the fall of 2018 and will continue to have robust community engagement throughout the final design and implementation phases. The City will continue to address questions and provide updates to stakeholders and the City is committed to a robust community outreach plan during construction, including dedicated Community Construction Liaisons, who will update the Community Boards on a regular basis about the progress of the project.

Lower East Side (LES) Ecology Center Requests:

- There has been extensive design and planning outreach to date on the proposed project and the City will continue to provide the opportunity for community input and feedback on the proposed final design. In addition, the City is committed to continuing its extensive public engagement efforts through the final design process.
- While not part of the Preferred Alternative, the City is continuing to evaluate flood resilience options for the Fireboat House structure, which given its current structural condition, cannot be elevated above the design flood elevation without significantly damaging the structure. In addition, NYC Parks and DDC are currently assessing options for temporarily accommodating the Lower East Side Ecology Center programming currently operating from the Fireboat House during construction of the proposed project.

Construction Timeline/Staging Information:

- One of the City's priorities with this project is to ensure that flood protection is delivered as quickly as possible so that tens of thousands of residents are protected from the risk of damage from coastal storms. In order to meet the 3.5-year construction duration, there must be several simultaneous construction staging locations where expanded work zones, barging, and material storage areas are required. In addition, reconstruction of the water and sewer infrastructure within East River Park must start immediately to be completed in a timely way. Furthermore, fill must be placed throughout the park early to allow a period for settling and compaction. As the final design and construction advanced, the City will continue to identify approaches that will allow for phased construction, including safely reopening parts of the park sequentially, as well as developing a robust neighborhood park improvements program that provide active and passive recreational areas for the community throughout. A comprehensive public participation program was developed and implemented for the proposed project. This program consisted of several public participation components, all working together to obtain input from interested stakeholders, public officials, and the broader community that lives, works, and recreates at the facilities in the proposed project areas. Three primary avenues to engage the public were used in this process: regularly scheduled Joint Waterfront Task Force Meetings (convened by CB3 and CB6); Community Engagement Meetings/Workshops; and a series of targeted thematic stakeholder meetings. This coordination will continue through final design and implementation of the proposed project.

City Agency Coordination:

- There has been extensive design and planning outreach on the proposed project. The City is committed to continuing a robust public engagement effort through the final design phase of the

project and will continue to listen to suggestions and comments from the community and organizations. Furthermore, design of the proposed project is subject to the review and approval by PDC.

Envision Process:

- *The City will seek project certification under the ENVISION Rating System administered by the Institute for Sustainable Infrastructure (ISI). Documentation demonstrating ENVISION compliance will be compiled and submitted at the completion of design. In the interim, the City's Program and Construction Management consultant will be conducting an evaluation to assess the project under ENVISION's criteria.*

Other

The City received a variety of other comments: [1] comment noted that Con Edison has not conducted outreach to NYCHA residents above 14th Street; [3] comments stated that contractual fines should be imposed on contractors who do not deliver the project on time or comply with promises made by the City to the community, including maintaining the schedule for construction completion, which has previously been problematic on other City projects; [1] project voiced concerns about delays that a lawsuit relating to parkland alienation would cause, and strongly stated that the City should seek the State Legislature's approval for the project in the form of a parkland alienation bill; [1] comment stated that the City has not adequately shown how the Preferred Alternative will address the underground streams that run underneath parts of Project Area 1 that complicate drainage during storm surges; [3] comments raised concerns about how the Fireboat House, LES Ecology Center, and the composting program will be affected during construction, and [2] comments stated that disruptions to the daily use of the LES Ecology Center must be mitigated or the Center should be relocated to a new building within the community for the duration of construction; [2] comments requested a resilient building for the LES Ecology Center after construction and urged the city to share these plans; [1] comment asked for a new administrative facility in East River Park with nonprofit and community space; [1] comment asked for a long-term commitment to a community-approved entity to generate revenue for East River Park; [1] comment noted that the City has an opportunity to bring the community together around a shared goal of flood protection and to create enhanced green spaces; [1] comment raised concerns about project benefits to private property owners and city contractors; [1] comment urged the public to contact Community Board 6 and elected representatives to demand protection of Stuyvesant Cove Park; [1] comment advocated for communication with FEMA so that project results are accounted for in future Flood Insurance Rate Maps (FIRMs) and for FEMA accreditation, which can affect flood insurance and rent/carrying charges for area residents; [1] comment advocated for stabilization of rents and affordable housing in the project area to prevent displacement of residents; [1] comment requested better lighting on Montgomery Street under the FDR Drive; [1] comment raised concerns about lack of action to prevent future storm-related power outages; [1] comment questioned why more schools and libraries aren't being constructed instead of demolishing and reconstructing East River Park; and [2] comments requested covering and greening of the FDR Drive.

Con Edison Outreach:

- *Since Hurricane Sandy, Con Edison has installed resiliency measures to protect their critical resources in this area. These resiliency measures include: raising or relocating critical equipment such as the elevated East 13th Street Substation control room; installing submersible equipment to withstand flooding; construction or upgrading perimeter walls, flood walls and barriers around*

critical equipment in the electric substations and the East River Generating Station; installing pumps with redundant power supply and backup generators; and installing flood protection measures that safeguard utility tunnels. Additionally, the design team has coordinated with Con Edison on their resiliency designs. The proposed project's design team has coordinated with Con Edison on their storm hardening improvements implemented at the Con Edison East River Complex. As the property owner, Con Edison leads the design, funding, and public review of these efforts.

Contractor Compliance and City Implementation:

- The City is committed to implementing best practice construction measures and they will be included in the project construction specifications that will be provided to construction contractors as part of the bidding process. The terms and conditions of those specification will apply to the project construction duration in its entirety, with no exceptions for schedule or construction delays.

The conceptual construction schedule for the 3.5-year construction timeline that was developed by the City's designers included allowances for constraints and complexities pertaining to the project site. The City will continue to work with the selected contractor as well as the Program and Construction Manager to maintain and, where feasible, expedite project construction.

Parkland Alienation/Legal Issues:

- The New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) reviewed applicable chapters of the DEIS pertaining to implementation of the proposed project within the 2.88-acre area of East River Park improved with Land and Water Conservation Fund Act (LWCFA) funds. In a letter from OPRHP dated August 22, 2019, OPRHP determined and the National Parks Service (NPS) concurred that the proposed project is for park operations and maintenance and is necessary for the preservation of LWCFA-funded outdoor recreational activities and is therefore in compliance with LWCFA. Construction activities associated with the Preferred Alternative would be undertaken to maintain, rehabilitate, improve, protect, and/or renovate parkland. This constitutes a closure to serve a proper park purpose, and therefore does not need alienation authorization from the State.

Underground Streams:

Maps from the 19th Century show portions of the project area historically containing wetlands and stream corridors. This area, along with most of current-day Manhattan, was subsequently filled in and paved over the years, essentially eliminating the drainage area and flow paths for these features. Drainage runoff that was previously carried by the wetlands and stream corridors is now managed by the sewer system. Therefore, these historic wetlands and streams no longer exist. There are no known conduits or pipes along the East River shoreline that convey flow from any known subterranean streams.

Fire Boat House/LES Ecology Center:

- While not part of the Preferred Alternative, the City is continuing to evaluate flood resilience options for the Fireboat House structure, which given its current structural condition, cannot be elevated above the design flood elevation without significantly damaging the structure. In addition, NYC Parks and DDC are currently assessing options for temporarily accommodating the Lower East Side Ecology Center programming currently operating from the Fireboat House during construction of the proposed project.

New East River Park Administrative Facility:

- While not part of the proposed project, future construction of such a facility would not be precluded by project implementation if deemed necessary or appropriate.

City Commitment to East River Park Revenue-Generating Entity:

- While not part of the proposed project, establishing an entity to generate revenue for operation and maintenance of East River Park would not be precluded by project implementation.

Benefits to Private Property Owners and Contractors:

- The EIS considers potential effects of the proposed project on the residential and commercial real estate markets in the study area and did not find the potential for significant adverse effects. In addition, construction conditions are temporary, whereas property values are based on the longer-term value of a property. In this respect, the proposed project is expected to maintain property values in the project area by protecting property from potential damage due to future major storm events, and would reduce individual property owners' costs with respect to flood insurance and the need to invest in flood protection measures at individual properties.

Protection of Stuyvesant Cove Park:

- Stuyvesant Cove Park is to be reconstructed as part of the proposed project with resilient features to minimize damage and expedite recovery following a design storm event.

FEMA Accreditation:

- Once the proposed flood protection system is installed, the City would submit final designs and supporting materials (i.e., design criteria, geotechnical data, hydraulic modeling, etc.), a final operations and maintenance plan, and relevant construction data to FEMA to demonstrate compliance with requirements listed in Chapter 44 of the Federal Code of Regulations, Section 65.10 for FEMA accreditation. The FEMA accreditation process considers all components of the flood protection system, including elements for resisting storm induced surge (storm tide) and the existing and proposed alterations to the interior drainage system for removing all interior waters (rainfall and dry weather flow) from the protected area. As part of achieving FEMA accreditation and recognition of the proposed project on Flood Insurance Rate Maps (FIRMs), the City would submit documentation that the entire length of the flood protection system has been adequately designed, and that operation and maintenance systems are in place to provide reasonable assurance the system would be able to perform as designed throughout the accreditation period and identification of any known risks.

Rent Stabilization/Affordable Housing:

- East River Park is dedicated parkland and residential development is not permitted on the park. The socioeconomic analysis presented in FEIS Chapter 5.2, "Socioeconomics Conditions," examines the potential for indirect residential and business displacement due to increased rents, and the analysis concludes that the proposed project would not result in any significant adverse impacts to socioeconomic conditions.

Montgomery Street Lighting:

- NYCDOT completed a study of lighting in this area and as a result replaced existing lightbulbs to improve lighting conditions in summer 2019.

Future Storm-Related Power Outages:

- Since Hurricane Sandy, Con Edison has installed resiliency measures to protect their critical resources in this area. These resiliency measures include: raising or relocating critical equipment such as the elevated East 13th Street Substation control room; installing submersible equipment to withstand flooding; construction or upgrading perimeter walls, flood walls and barriers around critical equipment in the electric substations and the East River Generating Station; installing pumps with redundant power supply and backup generators; and installing flood protection measures that safeguard utility tunnels. Additionally, the design team has coordinated with Con Edison on their resiliency designs. The proposed project's design team has coordinated with Con Edison on their storm hardening improvements implemented at the Con Edison East River Complex. As the property owner, Con Edison leads the design, funding, and public review of these efforts.

Alternative Uses of Funding:

- The purpose of the project is to protect tens of thousands of residents and as well as City infrastructure, including schools, libraries, and other community resources, from coastal storm events. Investment in coastal flood protection allows for these community resources to be protected from future storm damage, which would require funds to repair and rehabilitate them.

Covering/Greening of FDR Drive:

The option of decking over the Franklin Delano Roosevelt East River Drive (FDR Drive) will not accomplish the principal objective of the proposed project which is to provide a reliable coastal flood protection system against the design storm event for the protected area as soon as possible (within 3.5 years). Decking over the FDR Drive is a potential long-term vision to reduce the effects of highway corridors while creating additional open space for the community, and the Preferred Alternative does not preclude that longer-term vision from further evaluation.

Action Plan Amendment 19 (Substantial Amendment)

- o Release Date: September 14th, 2018
- o Comment Period: September 14th, 2018 –October 22, 2018
- o Approved by HUD: TBD
- o Number of comments received: 2 total
- o Public Hearing Attendees: 30

Public Services Comments

The city received two [2] comments One commenter asked how many people have gotten jobs through the NYCHA workforce development program. One commenter asked if training is required for construction jobs and what types of documents applicants need to apply.

The City is proposing to reclassify \$875,000 of existing CDBG-DR funding for NYCHA public housing to continue the NYCHA workforce development program. The City is excited that the program has trained nearly 100 NYCHA residents to date. Additional funding will allow for the continued success over the lifetime of the NYCHA Sandy Recovery Program through increased recruitment and preparation for the pre-apprenticeship classes. To find out more about training and job opportunities, contact NYCHA's Office of Resident Economic Empowerment & Sustainability at (718) – 289 – 8100 or www.opportunityycha.org

Action Plan Amendment 18 (Substantial Amendment)

- Release Date: September 14th, 2018
- Comment Period: September 14th, 2018 –October 22, 2018
- Approved by HUD: TBD
- Number of comments received: 7 total – 4 verbal and 3 written
- Public Hearing Attendees: 30

Comments were received via public hearing, mail, and the online form.

Responses to public comment below are organized by comment subject. Because comments may fit into multiple subjects, the number of subjects in aggregate are greater than total number of comments received during the comment period

Hunts Point Energy Resiliency Comments

Four [4] attendees gave verbal comments, two [2] comments were received via the website, and one [1] comment was received in the mail related to the City's Hunts Point Energy Resiliency project.

Three [3] commenters strongly commended the City's interagency team on incorporating co-benefits to address longstanding environmental justice issues, especially air quality. Two [2] commenters encouraged the city to explore further environmental justice projects similar to the Hunts Point Resiliency Project.

The City appreciates the support and looks forward to continued engagement and collaboration with stakeholders on future projects.

One [1] commenter believes HUD should ensure that NYC upholds the guiding principles agreed upon at the onset of the Hunts Point design phase throughout the implementation phase of the project and for future projects. Two [2] commenters voiced concern about the lack of transparency in the past year of the project.

The City appreciates the support and active involvement of Hunts Point residents and shares a desire to uphold the guiding principles of the Hunts Point Resiliency project. The City's public engagement for the project included a layered approach that incorporated public input directly into technical design, which resulted in revising the project proposal over the past year. In the proposed Action Plan Amendment, the City is excited to share progress towards incorporating more sustainable energy systems that will address critical vulnerabilities for both community and industry after concerns raised by community stakeholders last year. Concerns over emergency power solution at the markets, including simple-cycle turbine at Produce Market and generator at Fish Market due to potential negative impacts on air quality that would burden health and well-being of residents caused the city to re-evaluate the design of the Hunts Point Resiliency project. The city revisited the lifelines proposal and guiding principles and secured an additional \$26 million in City Capital in response to these concerns. The City appreciates the positive support from the community on the re-designed tri-generation microgrid. The City has made the incorporation of public feedback a major goal of this project, starting with the formation of the Hunts Point Advisory Working Group to help select which project the City should pursue for the pilot project, setting up a Neighborhood Outreach Team and an Engagement Strategy, and holding public meetings throughout the project timeline. The City remains committed to public engagement throughout the implementation phase.

Two [2] commenters expressed concerns regarding the use of fossil fuels due to effects on air quality, co-pollutants, greenhouse gas emissions, and climate change. One [1] commenter inquired about the costs to the areas where fossil fuels are extracted.

The city recognizes the community concerns with the City's use of fossil fuels in the Tri-generation microgrid and back-up generators. In the event of a major flood or other emergency, the proposed Hunts Point Energy Resiliency pilot project would address the need of providing resilient energy for a minimum of three days at the level of energy demand for facilities included in the Project area. The components designated for the Food Distribution Center are sized to protect refrigeration of large volumes of perishable food products, which requires significant amounts of energy. To meet this need, some fossil fuel technologies were deemed necessary to ensure reliability of backup power for the size of the load. The Tri-generation system will be fueled by natural gas, but will be significantly more efficient than the simple cycle turbine previously proposed since it provides 3 forms of power with the same amount of fuel. The City is sensitive to concerns about air quality in Hunts Point as an Environmental Justice community. All of the proposed fossil fuel-based components will include emission control technologies that reduce emissions below required emission rates. The Benefit-Cost Analysis also weighed the negative health impacts of local emissions more heavily than the regional benefits to account for existing air quality concerns in Hunts Point. Further, the City is committed to prioritizing

One [1] commenter recommended distinguishing benefits to the food distribution center from benefits to the community in the Cost-Benefit Analysis. Two [2] commenters expressed support for the incorporation of community co-benefits but also voiced concern that large businesses are getting most of the benefit from the Hunts Point project. Two [2] commenters encouraged the City and HUD to work with individual market tenants to commit to sustainability practices that can further community resiliency.

The Food Distribution Center plays a critical role to the greater metropolitan region, city, Bronx, and community of Hunts Point. The Food Distribution Center is an important geographic cluster for food distribution and most critical link in the City's food supply chain. In addition, the Food Distribution Center is a significant economic engine in the South Bronx, providing over 8,500 jobs for New Yorkers. These factors contribute to the importance of protecting food and jobs in the Food Distribution Center, and the significant energy needs that they require for both refrigeration and heating inform the sizing of the energy components designed for the Food Distribution Center. The NYC Economic Development Corporation will continue to work with tenants in the Food Distribution Center to incorporate sustainable practices in facility design and operations. The capacity of the resilient energy components at PS 48 and MS 424, compared to those in the Food Distribution Center, also reflect the different energy needs. The solar and storage systems for the schools are sufficient to provide shelters for the Hunts Point community in the event an emergency, such as a major flood.

Three [3] commenters applauded the City's use of solar energy plus with storage on two public schools during normal and emergency conditions. Three [3] commenters expressed support for the choosing the microgrid for its ability to be separately from the larger grid during emergencies.

The City appreciates the support and acknowledges the dedication of the project partners in finalizing the design while taking community feedback into account.

Four [4] commenters urged the city to explore ways to incorporate renewable energy into the microgrid. One [1] commenter requested additional city funding for solar power in the fish market. One [1] commenter inquired about the City's process for vetting new technologies and how frequently the process occurs.

The City is committed to pursuing renewable solutions wherever feasible. It is important to note that the CDBG-DR funding allocations enumerated in the Action Plan represent just one element of the City's overall recovery and resiliency program. Projects not funded by CDBG-DR will work in conjunction with the Hunts Point Resiliency project to make the Food Distribution Center more resilient to future storms. In order to meet project funding deadlines, the fish market will secure alternative funding and is not covered by CDBG-DR funds. The City acknowledges the request for additional city funding to implement solar power technologies in the fish market. The City will explore different potential funding options, including city capital and private sources of funding. Through the Mayor's Office of Recovery and Resiliency, Mayor's Office of Sustainability, and other city entities, the City is continuously evaluating new technologies and developing policies and programs to support adoption of such new technologies. This specific pilot project for the CDBG-DR funds covered in the Action Plan Amendment conducted a thorough evaluation of over 30 technology options and determined the pilot project based on those options that were deemed to be technologically, physically, and financially feasible.

One [1] commenter requested that the amendment outline non-monetary benefits in the cost benefit analysis. One [1] commenter requested a plain terms explanation of the terminology of the Action Plan Amendment to give better context to the community.

The Action Plan Amendment Benefit Cost Analysis identifies a variety of costs and benefits, including greenhouse gas emission reductions, criteria air contaminants, and other impact categories. The Benefit Cost Analysis identifies the costs and benefits in monetary terms, as well as relevant other measurements. For instance, it provides both the tonnage of greenhouse gas emissions reduced by the project, as well as the cost associated with the reduction of emissions. Going forward, the City will aim to ensure that costs and benefits are explained in plain and easy to understand terms.

One [1] comment inquired about public participation in coastal protection initiatives outside the scope of proposed Action Plan Amendment 18. Three [3] commenter encouraged the City to continue to seek additional funding to address unmet flood protection needs in Hunts Point.

The City acknowledges the need for additional coastal protection interventions and continues to seek additional funding to support those investments. Information on the City's coastal protection initiatives can be found in the report One New York: The Plan for a Strong and Just City, which can be accessed at: <http://www1.nyc.gov/html/onenyc/about.html>

Two [2] commenters voiced concerns about the risk of storms before project completion in 2022.

The City acknowledges the critical and serious nature of the project's goals to address resiliency in Hunts Point. The proposed project is complex and requires detailed analysis, planning, community outreach, environmental review, procurement, final design, permitting and construction. The schedule set forth reflects the amount of time the City anticipates for these tasks to be completed based on experience with similar projects across the City. Project timeline and implementation was a critical factor in identifying a preferred pilot project to advance the most feasible project.

One [1] commenter asked if the budget for Hunts Point was secured and independent from other resiliency projects.

The City received \$4.214 billion of Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from the U.S. Department of Housing and Urban Development (HUD) to assist in disaster recovery and rebuilding efforts resulting from Hurricane Sandy. Included within that \$4.214 billion is

NYC Recovery

Community Development
Block Grant Disaster
Recovery

a \$20 million Rebuild by Design award for the Hunts Point Resiliency project. The City allocated an additional \$25 million of CDBG-DR funds and \$26 million in City capital to the project, bringing the total budget proposed in the Action Plan to \$71 million. These funds have been obligated in the Action Plan and the project is considered fully-funded. The City's CDBG-DR Action Plan outlines other resiliency projects receiving CDBG-DR funds and can be found at <https://www1.nyc.gov/site/cdbgdr/index.page>

Action Plan Amendment 16 (Substantial Amendment)

- Release Date: September 22nd, 2017
- Comment Period: September 22nd, 2017 – November 4th, 2017
- Approved by HUD: December 20, 2017
- Number of comments received: 39 total

Comments were received via public hearing, mail, and the online form.

Responses to public comment below are organized by comment subject. Because comments may fit into multiple subjects, the number of subjects in aggregate are greater than total number of comments received during the comment period

Housing Comments

Five [5] comments were received related to the City's housing programs. One [1] commenter did not believe funding should be allocated to public housing for new affordable housing development stating it is a violation of FEMA rules and would be better served for protection and resiliency measures. Three [3] commenters wanted greater transparency into the \$50 million multifamily reallocation and more money for the Seaview Estates project from Build it Back. One [1] commenter requested a handful of homes in Midland Beach, Staten Island, be accepted into the Acquisition and Buyout program.

To address the first comment, the City has allocated \$317 million in CDBG-DR funding to serve local match to the \$3 billion FEMA award the New York City Housing Authority received for recovery and resiliency activities at 33 Sandy-damaged developments. These funds are for repair and resiliency improvements on existing NYCHA buildings. Activities undertaken with both sources of federal funding are compliant with all applicable federal rules.

To address the second comment, the Build It Back Multifamily program can only fund eligible multifamily disaster recovery activities related to Hurricane Sandy. The Program provides assistance for eligible repair and resiliency work on multifamily buildings, as well as reimbursement for eligible storm-related repairs made by the applicant. The grant rules governing the application of these funds dictate an analysis of all other storm-related assistance received by the applicant be conducted to ensure there is no duplication of benefits. Any duplicative assistance must be subtracted from the total award amount.

The Multifamily program budget was initially created with limited information about building needs and costs of storm recovery work. The City now has better information and can reallocate funding to other programs in order to continue assisting New York City in its recovery efforts.

The \$50 million Multifamily reallocation will be distributed to the following areas of need:

- \$20 million to a new Sheepshead Bay Courts and Water Infrastructure Program to replace damaged sanitary sewer, storm sewer and water infrastructure
- \$5 million to a new Resiliency Property Purchase Program allowing the City to acquire properties to facilitate planned flood mitigation and resiliency activities throughout the City
- \$12 million to fund additional City planning studies, such as stormwater management and climate resiliency design guidelines for City infrastructure projects
- \$13 million to cover additional costs associated with the timeline extensions the City received from HUD on certain expenditure deadlines

To address the third comment, the City is looking into the case-specific details of the properties listed in the request. The City is making its best effort to incorporate all eligible properties into the acquisition and buyout program. The City also recognizes the difficulty homeowners of attached properties experience and is working diligently to obtain necessary approvals from all owners of attached structures in order to move forward with these properties.

Resiliency Comments

Twenty-nine [29] comments were received related to the City's resiliency programs. One [1] commenter expressed support for the new Resiliency Property Purchase program. One [1] commenter inquired about funding for the Rockaways for a reinforced berm, rock jetties, and reefs to protect the areas spanning between 123rd street to 149th street to protect the homes in the area. Two [2] commenters questioned how the City would respond to future floods. Twenty-five [25] commenters expressed support for the new Sheepshead Bay Courts Infrastructure program. Thirteen [13] commenters cited the persistent health and safety concerns created by the repetitive flooding in the Courts. Eight [8] commenters asked that Lake Avenue be included in this program. Four [4] commenters asked that Stanton Road be included in this program. Two [2] commenters asked that Gunnison Court be included in this program. One [1] commenter asked that Webers Court be included in this program. One [1] commenter inquired about ways to support condensed timelines. One [1] commenter advocated for additional funding for third party legal assistance for the homeowners in the Courts to ensure complete understanding of all requirements and implications of entering the Homeowners Association and granting the City easements. One [1] commenter inquired about possible reimbursement for homeowners who were required to pay out of pocket to relocate sewer lines. One [1] commenter stated that for years residents of the Courts have been required to pay for water and sewer service, but have not received maintenance from the City and asked that going forward the residents of the Courts receive the same maintenance benefits as the rest of the City.

The City appreciates the support for the newly created Resiliency Property Purchase Program. As this pilot program continues to develop, the City will continue to engage community members and stakeholders to gauge interest and solicit feedback.

The City recognizes the vulnerability of low-lying property in the Rockaways. Resiliency measures in the Rockaways remain a key part to the City's plan. The Department of Transportation is working expeditiously to implement the Downtown Far Rockaway Urban Design and Streetscape project, slated to begin construction in fall 2017. Additionally, the City is working to invest hundreds of millions of dollars in the Rockaways to ensure its resiliency against the future risks of extreme weather and a changing climate. This work includes the restoration of beaches, boardwalks, and other natural areas like Jamaica Bay, investments in public housing and other city infrastructure, and upgrades to bulkheads and roadway infrastructure in places like Broad Channel and along Beach Channel Drive.

It is important to note that the CDBG-DR funding allocations enumerated in the Action Plan represent just one element of the City's overall recovery and resiliency program. Projects not funded through CDBG-DR monies continue to progress in the Rockaways. For example, the U.S. Army Corps of Engineers adds sand and constructed dunes along the public beaches from Beach 19th Street to Beach 149th Street in the Rockaways, and the Department of the Interior awarded funds for resiliency measures in Broad Channel and other locations within Jamaica Bay. Additionally, the U.S. Army Corps of Engineers is expected to implement further resiliency measures along the Atlantic Coast shoreline and in Jamaica Bay, with construction planned to begin in 2020.

The City appreciates the support expressed for the new Sheepshead Bay Courts Infrastructure program and acknowledges the residents' concerns related to current conditions in the Courts. The City believes that this work will address long-standing issues in these communities related to the privately-owned infrastructure.

The City continues to work with homeowners in the area to further the project, and appreciates the offers of assistance from residents. It is critical to the success and full implementation of the program to have participation by homeowners in the newly created Homeowners Associations, which will be responsible for maintaining the infrastructure.

The City acknowledges the desire of homeowners in the various Court areas to be included in the program. The City continues to pursue additional infrastructure and storm resiliency measures that address a documented need where logistically feasible and where cost-reasonable engineering approaches are attainable given the limited funding available. Also, such measures often may be dependent on homeowner interest and timely homeowner cooperation. The Program is reviewing issues regarding sprinklers, rainwater absorption and green infrastructure to determine if such measures can be integrated into its designs.

The City acknowledges the request for additional homeowner assistance related to the implications of joining the newly created Homeowners Associations. As discussed in the program description in the proposed Action Plan Amendment, assisting homeowners in the creation of the Homeowners Associations is an express program activity. In order to facilitate the creation of these Homeowners Associations, the City has facilitated the involvement of an attorney who is providing pro-bono legal services to the residents. The City is also continuing to provide case management and counseling services to homeowners through Build it Back to support this effort.

The City has considered the request to provide reimbursement to homeowners who incurred past costs related to moving sewer lines from the Court to the street. Unfortunately, due to HUD funding and environmental rules, the City will be unable to provide this assistance using CDBG-DR funds.

The City anticipates completing construction in summer 2018.

Business Comments

Three [3] comments were received related to the City's CDBG-DR funded business programs.

The City received two [2] questions about the analysis of alternative power generation sources for RISE: NYC technologies. One [1] commenter stated that recovery funds should not be spent on for-profit businesses.

In the selection of each of the RISE: NYC technologies, including those with alternative power sources, an evaluation process was followed to assess the proposed technology's ability to meet program objectives. This evaluation included selection criteria such as the technology's effectiveness in addressing resiliency priorities, economic impact, citywide replicability and scalability, cost and speed to implement, proven success of the technology, and degree of innovation and value proposition.

The City has three CDBG-DR funded business programs: Hurricane Sandy Business Loan and Grant, Business PREP, and RISE: NYC. The three programs assist for-profit small businesses within the city that were impacted by Hurricane Sandy. A portion of the financial assistance for business recovery are in the form of loans that businesses are repaying to the City.

As stated in the Action Plan, Hurricane Sandy imposed significant commercial damages to neighborhoods across all five boroughs. Approximately 23,400 businesses and an associated 245,000 employees were located in flood-impacted areas and faced extensive damages from loss of inventory, ruined equipment, and damage to the interiors of their space and/or structural and extensive damage to their building systems. Approximately 65 percent of these flood impacted businesses were located in five neighborhoods: Lower Manhattan, the Brooklyn-Queens Waterfront, Southern Brooklyn, South Queens, and Staten Island.

In consideration of the significant impact that Hurricane Sandy had on small businesses that often provide critical goods and services, and employment opportunities for local communities, the City maintains its commitment to the business recovery programs.

Miscellaneous Comments

The City received [1] comment inquiring about the possibility of funding for Canarsie Pier improvements.

The \$4.2 billion CDBG-DR grant for Hurricane Sandy recovery has been allocated to a range of housing, business, infrastructure, and coastal resiliency programs. The City has fully allocated all these funds to specific recovery projects and has not committed funding specifically to the Canarsie Pier through this grant.

The Canarsie Pier is part of a Gateway National Recreation Area, which is overseen by the National Park Service. You can submit questions or comments directly to the National Park Service via their website: <http://www.nyharborparks.org/visit/capi.html>

The Citywide Ferry Service is currently managed by the Economic Development Corporation. Questions about that service may be directed to nycferry@edc.nyc.

Action Plan Amendment 14 (Substantial Amendment)

- Release Date: April 14th, 2017
- Comment Period: April 14th, 2017 – May 14th, 2017
- Approved by HUD: August 22, 2017
- Number of comments received: 26 total – 5 oral and 21 written

- Public Hearing Attendees: 23

Comments were received via public hearing, mail, and the online form.

Responses to public comment below are organized by comment subject. Because comments may fit into multiple subjects, the number of subjects in aggregate are greater than total number of comments received during the comment period.

Hunts Point Energy Resiliency pilot project Comments

Eighteen [18] comments expressed that proposals included in proposed Action Plan Amendment 14 did not adequately incorporate public feedback held at prior community meetings and that proposals in Action Plan Amendment 14 differed from previous information/proposals shared with the community. Of these comments, ten [10] comments specifically noted a discrepancy between the amount of energy provided by project components in proposed Action Plan Amendment 14 and previous information/proposals shared with the community.

The City acknowledges, encourages and greatly appreciates the high level of public participation in this project, particularly from local residents. The City recognizes the unique knowledge, experience and background possessed by local residents and business owners, as well as their invaluable contributions to this process.

The City has made the incorporation of public feedback a major goal of this project, starting with the formation of the Hunts Point Advisory Working Group to help select which project the City should pursue for the pilot project, setting up a Neighborhood Outreach Team and an Engagement Strategy, and holding public meetings throughout the project timeline.

The City strives to incorporate public feedback into the project whenever feasible given the available funding, and project constraints, timelines, and goals. Many factors go into developing, planning, and selecting such a complex capital project to improve resiliency in the event of an emergency, such as a major flood. The City has committed to sharing information directly with the community as it is learned through the technical analysis. As a result, many ideas and approaches were shared and discussed publicly, but as the understanding of feasibility grew, certain options were found to be infeasible. In addition, not all ideas can be incorporated in this project due to limited funds and the criteria of the City's CDBG-DR award. The City has been open and transparent about when ideas were not able to move forward and the reasons why.

Eleven [11] comments expressed concerns regarding specific proposed project components (the combustion turbine and generators) due to either its reliance of fossil fuels, its emissions, or both its reliance of fossil fuels and emissions.

The City is sensitive to the community's concern with air quality emissions from fossil fuel sources. The City has proposed addressing resiliency with renewable solutions when feasible. In the event of a major flood or other emergency, the proposed Hunts Point Energy Resiliency pilot project would address the need of providing resilient energy for a minimum of three days at the level of energy demand for facilities included in the Project area. The components designated for the Food Distribution Center are sized to protect refrigeration of large volumes of perishable food products, which requires significant amounts of energy. To meet this need, some fossil fuel technologies were deemed necessary. All of the proposed fossil fuel-based components (including the combustion turbine and generators) are designed to be utilized only in the event of an emergency, such as a major flood, and will include emission control technologies that reduce emissions below required emission rates. The Benefit-Cost

Analysis also weighed the negative health impacts of local emissions more heavily than the regional benefits to account for existing air quality concerns in Hunts Point.

Seven [7] comments questioned why community solar was not a component included in proposed Action Plan Amendment 14.

The City analyzed the possibility of implementing a community solar component in the feasibility assessment. Solar power, as a stand-alone power generation technology, is not a resilient solution because it cannot guarantee power for a minimum of three days under various weather-related events. (For this reason, the solar photovoltaic (PV) installations proposed for two schools in Hunts Point as part of Action Plan Amendment #14 will be backed-up by other energy supply technologies onsite.) Community solar is viewed by the City as a positive alternative for the Hunts Point area as it would provide sustainable power generation within Hunts Point in the long-term and a power supply program that would directly benefit local residents. Community solar is, therefore, considered a parallel strategy to the recommended pilot project proposed in Action Plan Amendment #14. The current CDBG-DR funding is limited in its amount and also restricts projects like community solar if the savings to customers who purchase power from such a program would in any way generate revenue (or, program income). As such, the funding under the Action Plan Amendment would be used to establish core infrastructure that could not be readily implemented by the City or third parties, but could support critical facilities on the Hunts Point Peninsula and set the stage for a community solar program and additional sustainable technologies in the future.

Four [4] comments questioned the equity of the project beneficiaries outside of markets and local industry.

The Food Distribution Center plays a critical role to the greater metropolitan region, city, Bronx, and community of Hunts Point. The Food Distribution Center, which is responsible for over 4.5 billion pounds of food annually, is the largest and most important geographic cluster for food distribution and most critical link in the City's food supply chain. In addition, the Food Distribution Center is a significant economic engine in the South Bronx, providing over 8,500 jobs for New Yorkers. These factors contribute to the importance of protecting food and jobs in the Food Distribution Center, and the significant energy needs that they require for refrigeration inform the sizing of the energy components designed for the Food Distribution Center. The capacity of the resilient energy components at PS 48 and MS 424, compared to those in the Food Distribution Center, also reflect the different energy needs. The solar and storage systems for the schools are sufficient to enable them to serve as shelters for the Hunts Point community in the event an emergency, such as a major flood.

Three [3] comments criticized the length of the project timeline and proposed 2022 date of project completion.

The City acknowledges the critical and serious nature of the project's goals to address resiliency in Hunts Point. The proposed project is complex and requires detailed analysis, planning, community outreach, environmental review, procurement, final design, permitting and construction. The schedule set forth reflects the amount of time the City anticipates for these tasks to be completed based on experience with similar projects across the City. Project timeline and implementation was a critical factor in identifying a preferred pilot project to advance the most feasible project.

One [1] comment expressed satisfaction with the City for choosing Hunts Point for a resiliency pilot project and hopes it will set a precedent for future projects.

The City appreciates the support and looks forward to continued engagement and collaboration with all stakeholders.

One [1] comment stated that the community has a strong interest in the project.

The City appreciates the strong community interest in the project and aims to facilitate and maintain that interest as the Project continues to develop.

One [1] comment expressed need for a project larger in scale which includes workforce development and leadership development opportunities.

The City looks forward to continue working with the community to improve resiliency in Hunts Point. In line with the City's goal to create 100,000 jobs, the City has prioritized the expansion of workforce opportunities - particularly in the growing green technology field for all city residents. This project will explore how workforce development opportunities can be integrated into the project's construction and ongoing operations, and also how a more resilient Hunts Point may support workforce development in the future.

One [1] comment inquired about public participation in coastal protection initiatives outside the scope of proposed Action Plan Amendment 14.

*Information on the City's coastal protection initiatives can be found in the report One New York: The Plan for a Strong and Just City, which can be accessed at:
<http://www1.nyc.gov/html/onenyc/about.html>*

One [1] comment related to contracting of the East Side Coastal Resiliency project -- the City's other awarded Rebuild by Design project -- and was responded to as part of the City's Response to Public Comment Document for proposed Action Plan Amendment 13.

Action Plan Amendment 13 (Substantial Amendment)

- Release Date: March 24th, 2017
- Comment Period: March 24th, 2017 – April 24th, 2017
- Approved by HUD: July 14th, 2017
- Number of comments received: 25 total – 11 oral and 14 written
- Public Hearing Attendees: Approximately 65

Comments were received via public hearing, mail, and the online form.

Responses to public comment below are organized by category. Because comments may fit into multiple categories, the total of number of comments listed under the categories will be greater than total number of comments received during the comment period.

East Side Coastal Resiliency Comments

Exploration of Alternative Project Elements or Approaches (including sea wall)

The City received [1] comment which expressed concern over the project only providing partial protection of the City, rather than the City as a whole. [1] comment desired less obstruction of the water/parks. [1] comment requested the berm be moved back so residents could see the park instead of the flood wall. [8] comments regarded preference for a sea wall over the current project to protect from storm surge, specifically mentioning the belief that the City should institute a “bifurcation philosophy,” and coordinate with NY State and New Jersey for a regional approach. Further details are included in the report developed by the New York/New Jersey Metropolitan Storm Surge Working Group (SSWG), “Protecting the NY-NJ Metropolitan Region from the Next Disastrous Storm Surge” which was referenced in the [8] comments.

Protected Area

- *Additional phases to protect other areas of the City (e.g., Lower Manhattan Coastal Resiliency) are under development. Although the compartments were conceptualized together as part of the BIG U proposal, each would provide flood protection independently of the others. The City will coordinate the design, construction, and implementation of the ESCR project with adjacent resiliency projects.*

View Obstruction and Berm Positioning

- *The City and its design team investigated various project alignments, including an alignment closer to the waterfront within the project area during the preliminary design stage. This alignment posed numerous design and implementation challenges, including the need for an increased design flood elevation. This increased floodwall height translates to limitations on usable active recreation space, as well as inhibited views and access to the waterfront, contrary to the stated goals of the ESCR project. In addition, this alignment would require considerable construction within the East River, leading to increased regulatory oversight and a protracted and more complicated permitting process, potentially delaying project implementation. As the design advances, the City and its design team continue to seek out opportunities to ensure that, to the extent possible, the project is integrated into the urban and visual fabric of the neighborhood while achieving the flood protection and access objectives.*

- *To achieve the stated flood protection objectives, the design height must reach between 15.5' NAVD88 and 16.5' NAVD88, depending on location. The flood protection also exceeds this design height in locations where required to meet pedestrian bridge crossing elevations. Accordingly, the height of the flood protection structure above ground varies from approximately 3 feet to 20 feet based on existing topography and design condition, gradually tying into higher ground at Montgomery Street to the south and East 25th Street to the north. Flood protection measures will be integrated into the park space.*

Sea Wall

- *HUD awarded funding to the City to implement the ESCR project through the Rebuild By Design (RBD) competition. The ESCR project evolved from the winning RBD proposal known as the BIG U. The selected ESCR project area was identified as a priority for integrated coastal protection interventions by the City in "A Stronger, More Resilient New York" (2013) and reiterated in "OneNYC" (2015). The City has since entered into a grant agreement with HUD to implement the ESCR project and has advanced a design that responds to community needs, incorporates engineering constraints, and continues to reflect the concept presented in the original BIG U design.*
- *As indicated in "A Stronger, More Resilient New York," the City believes that the right approach to coastal protection is an integrated system of discrete coastal projects that together would constitute the elements of a multilayered approach involving resiliency measures for buildings and protections for critical infrastructure. This approach has the advantage of being scalable to available resources rather than requiring all resources to be secured before anything moves forward.*
- *This multi-layered approach does not preclude the City from advancing work on a harbor-wide storm surge barrier, as recommended in above referenced report, "Protecting the NY-NJ Metropolitan Region from the Next Disastrous Storm Surge." The City is coordinating with the U.S. Army Corps of Engineers (USACE), New York State Department of Environmental Conservation (NYSDEC), and New Jersey Department of Environmental Protection (NJDEP) on the New York-New Jersey Harbor and Tributaries Study (NYNJHATS), which will examine flood risk reduction measures for New York Harbor, including a harbor-wide barrier, and produce feasibility-level designs for projects based on factors like feasibility, benefit, and cost.*
- *While the federal, State and City governments continue to coordinate on further analysis of a single harbor-wide barrier solution, all three levels of government recognize that the scale and intensity of the risks posed by climate change and sea level rise require strategic and immediate action.*
- *Conceptual analysis of a harbor-wide surge barrier, undertaken by the City as part of "A Stronger More Resilient New York," informs this strategic action. The City's conceptual analysis revealed a number of potential impediments to the construction of a harbor-wide barrier, including constructability, environmental impacts, and cost (\$20-25 billion).*
- *Analysis undertaken over the next half decade through NYNJHATS will elucidate the severity of these impediments. If NYNJHATS and subsequent design work were to determine a harbor-wide barrier to be feasible, environmentally acceptable, and cost-justified, the barrier would then need to be authorized by an act of Congress and funded by multiple City, State, and federal administrations and legislatures over the course of two to three decades.*
- *These threats to the construction of a harbor-wide barrier, combined with the mounting risks of climate change demand that the City take action now to protect vulnerable New Yorkers while continuing to evaluate the latest information concerning climate risks as well as the feasibility of a harbor-wide barrier.*

- Overall, the objectives of the regional storm surge barrier recommended in the “Protecting the NY-NJ Metropolitan Region from the Next Disastrous Storm Surge” report differ from the objectives of the ESCR project. The objectives of the ESCR project are to provide reliable coastal flood protection system for the 100-year flood for the Federal Emergency Management Agency (FEMA)-designated 100-year flood hazard area, taking into consideration sea level rise between Montgomery and East 25th Streets; improve access to/enhance open spaces along the waterfront; and respond to the need for flood protection, particularly for vulnerable communities, and to complete the project within the HUD-established timeframe for construction. The objective of the regional storm surge barrier is to protect the core of the combined New York –New Jersey Metropolitan Region from storm surge; local barriers to protect against sea level rise.

Sea Level Rise and Modeling

The City received [2] comments which expressed concern over project coordination—specifically if one portion of the project moves faster than another it could cause severe flooding in the less protected area during a severe weather event. [2] comments advocated for the project to be built for sea level rise rather than storm surges. [3] comments expressed that the City should be building for projected 2100 sea level rise rather than 2050 levels. [5] comments were concerned that this project will not protect from NYC’s vulnerability to climate change. [1] comment advocated that NYC should be prepared for continued sea level rise that is greater than predicted.

- The City is working urgently to implement coastal resiliency projects, including ESCR, to address the need for immediate action. As part of the design and environmental review process, the City continues to closely examine any potential effects within, adjacent to, and outside of the protected area. Specifically, during the preliminary design, a coastal hydraulics analysis was undertaken to evaluate the potential effects of implementing the ESCR project on properties adjacent to and outside of the protected area. The conclusion of this analysis was that there would be no increase or decrease of peak storm tide elevations, and therefore, there would be no change to the extent of flooding in locations adjacent to and outside of the protected area due to storm surge or wave action during coastal flood events.
- The design takes into account both coastal surge and sea level rise (SLR) per the defined project objectives. SLR assumes the 2050s 90th percentile per the NPCC 2015 report (Horton et al. 2015) and thus includes some protection for the projected 2100 middle range (25th to 75th percentile) projections. In addition, the design of flood protection components includes foundation design that allows the project to be adapted to increased flood heights in the future.
- This project and SLR assumptions are consistent with the City’s goals as outlined in “A Stronger, More Resilient New York” and “OneNYC”.

Flood Protection Alignment and Project Design:

The City received many comments regarding design elements of the project. [5] comments regarding placement; [3] stated a preference for the design to go towards East 25th Street, rather than going through Asser Levy playground; [1] comment questioned the tieback on Montgomery Street and suggested instead that it stay on the riverfront/Basketball City; [1] comment expressed concern over view obstruction resulting from the installation of the flood wall, creating the reflection of noise and fumes. [2] comments expressed concern that the wall on Water Street will attract skateboarders which could cause accidents and resulting liability issues. [2] comments were focused on the design aspect of deployable systems: [1] comment expressed concern that the deployable systems will not show their potential weaknesses until deployment and [1] comment

asserted that the deployable systems should be replaced by passive elements. [1] comment likes the latest version of the Delancey Street bridge/overpass. [1] comment suggested building the levee over the highway. [2] comments focused on amenities within the park: [1] comment would like to see more picnic tables/areas and a cooking area in the park, especially the in the southern area; [1] comment would like to see more toilets. [2] comments focused on affordability of the area; [1] comment expressed desire for affordable housing to stay affordable post project implementation; [1] comment expressed concern that this project work ensures continued social cohesion and connectivity while maintaining affordability and equity; [1] comment was concerned that the existing displacement pressures in the area will be enhanced because of the aesthetic benefit and economic revitalization of the area as related to the expected perception of reduced flood risk.

Alignment Tie-back to East 25th Street:

- *Two alignments are currently being considered, and the urban design, technical, and community benefits and constraints for each will be evaluated. In both cases, the alignment protects the historic Asser Levy bathhouse.*

Montgomery Street Alignment – Visual Effects:

- *The current project design and alignment is the result of a comprehensive assessment of design constraints and considerations, including critical below-grade infrastructure, existing and proposed uses, operations and maintenance needs, agency requirements, and regulatory concerns, among others. This process involved many City Agencies, as well as community input. During the preliminary design phase, several alignments at the southern boundary of the project area were evaluated that considered Gouverneur Gardens residents, traffic patterns, pedestrian circulation, and site constraints. The current alignment was selected to minimize effects to pedestrians and residents while ensuring the City can conduct required maintenance and deploy the flood protection system when needed. In addition, the design uses this area's natural topography via the tie-backs on the northern and southern ends to close the compartment and ensure flood protection, which precluded an alignment along the waterfront and Basketball City.*

Air Quality/Noise:

- *An Environmental Impact Statement (EIS) pursuant to NEPA, New York State's Environmental Quality Review Act (SEQR) and the City's Environmental Quality Review (CEQR) will evaluate the potential for impacts on air quality and noise both during construction and operation. Any mitigation, if required, will be discussed in the EIS.*

Skateboarding:

- *The City understands this concern and will work with residents to develop the design of the wall.*

Operations & Maintenance Reliability:

- *Once constructed, the City will operate and maintain the flood protection system in accordance with the New York City Coastal Storm Plan. An operations and maintenance protocol will be developed that includes regular inspections and exercising of the equipment to be able to identify any issues before a storm arrives. It is currently anticipated that the City's Departments of Parks & Recreation, Transportation, and Environmental Protection (NYC Parks, NYCDOT, NYCDEP) will oversee the project's operation and maintenance together with Consolidated Edison (Con Ed) and the VA Medical Center for connections to their respective resiliency efforts.*

Passive Elements:

- *An overarching goal of the project is to minimize deployable elements wherever possible. There are locations where the flood protection crosses active roadways, bikeways, or pedestrian walkways that must be kept open in day-to-day conditions. As a result, the design reflects the City's preference to minimize closure structures and maximize passive elements, where possible.*

Highway Design:

- *The original BIG U proposal included a long-term vision that extended the flood protection system over the Franklin D. Roosevelt East River Drive (FDR Drive). While that design component is outside the scope and budget of the ESCR project, it does not preclude the City from considering that option in the future.*

Park Features:

- *The current design includes new passive recreational space. NYC Parks is continuing to provide critical input on future programming within these areas, which will be refined as design advances. While no new comfort stations are proposed, the 10th Street Comfort Station would be reconfigured.*

Social Cohesion and Affordability:

- *The City is committed to ensuring that the ESCR project addresses the need for continued social cohesion and connectivity while maintaining affordability and equity. At its core, the project seeks to envision and design resiliency infrastructure that can simultaneously act as social infrastructure, providing amenities that benefit waterfront communities. The ESCR project is an opportunity to enhance both access to and quality of open spaces along the waterfront by improving connections and by creating environments and programming that appeal to a wider variety of groups in the community. In addition, the EIS will evaluate the potential socioeconomic impacts of the project, including effects to affordable housing. The City will continue to work with local stakeholders in the area to respond to these concerns.*

Maintenance and Operations:

The City received several comments regarding maintenance and operations for the project. [2] comments expressed concern over who would be responsible for cost of maintenance and insurance for the project, based on the assumption that the Montgomery Street tieback would be going on private property, as well as potential liability concerns. [1] comment emphasized that the planned inspections of the flood protection system components are of particular importance to insure effectiveness of the flood system. [4] comments were concerned about the deployable systems. [1] comment expressed concern that the useful life of the deployable system is unknown and the annual cost is unknown. [1] comment expressed concern that the City may not train/hire/retain staff to work the deployable systems indefinitely into the future, and therefore those systems could fail when they are needed. [2] comment expressed concern that the City would not keep up with the needed maintenance of the deployable systems in the future leading to system failure.

- *The City certifies that funding will be made available to cover the long-term operating and maintenance costs of the flood protection system, including hiring, training, and retaining staff. An estimate of the annual operating costs for the flood protection system, including the closure structures, will be developed as part of the design and included in the EIS.*
- *The Montgomery Street tieback is not on private property, but is located in the City right-of-way. Where the proposed alignment falls adjacent to private property, the City will seek an easement to maintain and inspect the flood protection system, including at the Montgomery Street tieback.*
- *Once constructed, the City will operate and maintain the flood protection system in accordance with the New York City Coastal Storm Plan. An operations and maintenance protocol will be developed that includes regular inspections and exercising of the equipment to be able to identify any issues before a storm arrives. As currently planned, NYC Parks, NYCDOT, and NYCDEP, will oversee the project's operation and maintenance together with Con Ed and the VA Medical Center for connections to their respective resiliency efforts.*

- *The ESCR project design, including closure structures, assumes a useful life that extends to the 2050s.*

City Response to Future Floods:

[1] comment expressed concern over how the City will evacuate people in the future in the event of a flood, particularly given the heavy pedestrian areas in the project site and increased density due to the new ferries on the East River and Essex Street Crossing. [1] comment expressed concern over the lack of power and water during Sandy, and was concerned about this happening again in the future, particularly as this relates to seniors and the preservation of affordable housing. [1] comment expressed concern over flood control and drainage post-flood wall installation.

- *The City plans for issuing evacuation orders for hurricanes and coastal storms well ahead of the arrival of life safety hazards such as strong winds and storm surge. The City encourages people to evacuate due to the fact that areas may be unsafe, lacking power or utilities, and isolated from emergency response services following a storm. Evacuation of neighborhoods and areas around this project are expected to commence at least two days prior to the storm's arrival. Transportation systems serving the area, such as East River Ferry service, will also be suspended before the storm arrives. First responders (New York City's Police Department [NYPD] and Fire Department [FDNY], including the Fire Department's Bureau of Emergency Medical Services [FDNY-EMS]) would respond to 911 calls from individuals who chose to remain in dangerous areas, as conditions and available resources allow.*
- *A robust operations and maintenance protocol will be developed in accordance with the City's Coastal Storm Plan. This protocol will include emergency preparedness and implementation involving the appropriate City, State, and federal agencies, including, but not limited to, NYPD, FDNY, FDNY-EMS, NYCDOT, NYCDEP, NYCEM, New York State Department of Transportation (NYSDOT), the Metropolitan Transportation Authority (MTA), and FEMA. Together, the appropriate agencies will ensure activation of the flood protection system would be coordinated with any required evacuation measures, street closures, and other public safety measures.*
- *The City's plan to increase the resiliency of its power grid is laid out in "A Stronger, More Resilient New York" and "OneNYC." The plan includes five general strategies: (1) redesign the regulatory framework to support resiliency; (2) harden existing infrastructure to withstand climate events; (3) reconfigure utility networks to be redundant and resilient; (4) reduce energy demand; (5) diversify customer options in case of utility outages. Within these strategies, the City put forward 23 initiatives that more specifically lay out a plan for a 21st Century energy system. The City is aggressively moving forward with this strategy and has accomplished a lot thus far. As part of the plan, the City is working to reduce the chances of power failure; increasing mobile emergency generation capacity; installing backup systems in healthcare facilities; and making investments to make public housing and emergency shelters more resilient.*
- *The City has continued to work with utility providers to increase the resiliency of their infrastructure. For instance, the City has worked with Con Ed on a Storm Hardening Collaborative to ensure their facilities can withstand the impact of future weather related events. To date, Con Ed has invested \$1 billion over four years for resiliency projects. The City's success with Con Ed has been a pivotal model for how to approach resiliency with other utility providers.*
- *The project includes drainage management components, coordinated with NYCDEP, to minimize inland hydraulic flooding post-construction.*

Benefit Cost Analysis:

The City received [3] comments concerned about the accuracy of the BCA specifically regarding the design flood and the design storm.

- *The design flood is based on the FEMA 100-year floodplain and base flood elevations as shown in the January 30, 2015, Preliminary Flood Insurance Rate Map (PFIRM) for the City as well as a conservative approach to SLR estimates, assuming the 90th percentile for the 2050s and thus includes some protection for the projected 2100 middle range (25th to 75th percentile) projections. The current 500-year stillwater elevation – a combination of surge height, storm tide, and wave setup – varies between 13.9' NAVD88 to 14.1' NAVD88. The project's design elevation, which takes SLR and wave conditions into account in addition to stillwater elevation, is between 15.5' and 16' NAVD88. Therefore, the ESCR project intends to provide some protection for these more infrequent storm events. The design of flood protection components includes foundation design that allows the project to be adapted to increased flood heights in the future.*
- *The design storm (100-year coastal flood+ SLR + 5-year, 24-hr rainfall event) was based on PFIRMs, NPCC projections, and NYCDEP's design standard for drainage systems. Per the U.S. Army Corps of Engineers' Final Interim Interior Drainage Appendix for Fort Wadsworth to Oakwood Beach, rainfall-surge correlations show that a majority of historic storms have been less than 1- to 2- year rainfall events, and most of them less than 5-year coastal flood event. While a drainage analysis conducted in 2015 considered a range of rainfall and surge events, including high rainfall/low surge (Hurricane Floyd), high rainfall/medium surge (Hurricane Irene), low rainfall/medium surge (1992 Nor'easter), and low rainfall/high surge (Hurricane Sandy) the purpose of the BCA is to measure benefits and costs of the project under the specific design storm conditions, not evaluate a number of different alternatives.*

Funding:

[1] comment expressed concern over ongoing funding needs for the upkeep of the deployable system. [1] comment expressed concern that the City needs to budget for ongoing maintenance.

- *The City certifies that funding will be made available to cover the long-term operating and maintenance costs of the flood protection system.*

Outreach:

[2] comments commended the City on their outreach strategies and engagement process. [1] comment requested follow-up meetings at locations used during the design and planning outreach phases after each planned "annual inspections prior to each hurricane season to assess maintenance effectiveness"; primary topics at these meetings should include a summary of the inspections and provide on City-wide and individual emergency preparedness.

- *The City will continue to conduct outreach and engage with the community on this project. Meetings following annual inspections could be considered in the future, once construction is complete.*

Other:

The City received a variety of other comments: [1] comment expressed concern over a lack of perceived sense of urgency from the City; [1] concern stated the project be FEMA approved so that rent can be stabilized and flood insurance kept low; [1] comment mentioned more traffic lights are needed, as traffic comes off the FDR at the South Street / Manhattan Bridge exit very fast; [1] comment expressed concern that parks would be destroyed as a result of the project. [1] comment

wondered why there was no mention of the new Grand Street ferry. [1] comment asked why the park on the west side of Manhattan looks different than the East River parkway. 1] comment advocating for the City to commit 2% of tax funds to climate change education, and [2] comments regarded the Mayor's commitment to C40 and climate change. [1] comment was concerned that the Action Plan Amendment did not include a description of coordination with Solar 2, which once constructed, will be a part of the project area.

Sense of Urgency:

- *The City is committed implementing the ESCR Project in coordination with stakeholders and partner agencies, in compliance with local, state and federal regulations and approvals, and within the HUD-mandated timeline.*

FEMA Accreditation:

- *The project is being designed with the goal of achieving FEMA accreditation, which will allow the City to seek a Letter of Map Revision to modify FEMA's Flood Insurance Rate Map (FIRM).*

Traffic Lights:

- *The ESCR Project considers pedestrian safety. As part of the ESCR project, the City will also evaluate and address additional lighting needs necessitated by the flood protection structures and impacts to pedestrian and bicycle circulation.*

Impacts to Parks:

- *A core objective of the ESCR Project is to improve access to and enhance open space along the waterfront. Flood protection measures will be integrated into the park space and would not obstruct active or passive recreation. All efforts will be made to minimize construction durations and impacts.*

East River Parkway/ Funding for Ongoing Maintenance:

- *The City certifies that funding will be made available to cover the long-term operating and maintenance costs of the flood protection system.*

Ferry Service/ Solar 2:

- *The ESCR design includes considerations for the new Citywide Ferry Service, including at Grand Street to the south as well as at Stuyvesant Cove Park to the north, as well as integration with the Solar 2 project.*

City Commitment:

- *The City is committed to meeting the challenge of climate change head-on by investing to make our neighborhoods more resilient and doing its part to reduce the pollution that drives the changing climate.*
- *C40 is a network of the largest cities around the world that are committed to taking meaningful steps to address climate. New York City has enjoyed a long-standing partnership with C40 and has been recognized by the organization for its efforts to lead in the advancement of climate action.*

Action Plan Amendment 12 (Substantial Amendment)

Housing Comments

Acquisition for Redevelopment & NYC Residency Resettlement Incentives

The City received [5] comments regarding the Acquisition for Redevelopment program and the newly proposed NYC Residency Resettlement Incentives during its Action Plan Amendment open comment period. [2] comments expressed disappointment with the lack of outreach and advertisement related to the Acquisition program, [2] commenters expressed support for the new acquisition and buyout incentives, [1] commenter believes those already in the acquisition pathway should be eligible for the new incentives, and [1] comment from a homeowner expressing that they were never made aware of this program option. The City received [1] comment expressing that the City should have developed a more robust and aggressive outreach plan for its acquisition program, that the program's outreach suffered due to language barriers in certain communities and that acquisition should have been advertised in other areas of the City in addition to Staten Island.

When the Build It Back Program was created in 2013, the acquisition portion of the Program was designed in partnership with New York State's NY Rising disaster recovery program. All applicants that were substantially damaged were offered the acquisition option or a construction option. Applicants interested in acquisition were referred to New York State for further processing and the purchase of the impacted property if the owner agreed to the State's acquisition offer. In 2015, the City expanded the acquisition option by creating a new City acquisition or buy-out option for applicants that could not be served by the New York State program..

The City Acquisition program supplements the State's existing Acquisition for Redevelopment program to ensure that as many homeowners are offered the opportunity to relocate as may be eligible. The goal is to relieve homeowners who may want to relocate out of the floodplain and to ensure that the subsequent use of the property is safe and appropriate for the community.

The City offered acquisition to all Build It Back applicants whose homes were in the elevation or reconstruction pathway. This was done during each eligible applicant's Option Review Meeting

The City is making additional efforts to ensure that applicants that have not yet moved into the construction in the elevation or reconstruction pathway know that acquisition is available to them. These efforts are more extensively discussed in the following section that discusses the responses the City received to its targeted outreach efforts.

The Program does not intend to provide these new incentives to applicants that had already elected the acquisition pathway because the incentives are specifically designed to increase interest in acquisition program and assist individuals that would not have otherwise been able to participate in the acquisition program because they were not provided sufficient funding through that program to purchase replacement housing.

Proposed NYC Residency Resettlement Incentives Targeted Outreach

In addition to the comments received relative to the Action Plan Amendment, the City also held three separate information sessions, October 17th in Sheepshead Bay, Brooklyn; October 18th in

Midland Beach, Staten Island; and October 25th in Arverne, Queens with existing Build It Back reconstruction and elevation applicants that are potentially eligible to receive the Acquisition for Redevelopment and NYC Residency Resettlement option to gauge interest in the new option and to receive feedback on the proposed incentive amounts and the rules for the incentive option that were announced in the City's proposed Amendment. In conjunction with this effort, the City sent notices and information via physical and electronic mail, made multiple outreach phone calls and also conducted two surveys (a short, preliminary survey and a longer, detailed survey) to gather specific data. The City has received 162 short surveys and 59 detailed surveys to date. Through this survey process, the City received [10] comments requesting that applicants be able to access the incentives if they relocate to a new home outside of NYC, including [1] person stating that they wished to relocate within New York State, [3] people stating that they wished to relocate to Long Island, and [2] people stating that they wished to relocate outside of New York State. The City also received [36] comments that requested that the City provide financial assistance for moving expenses. Relative to the incentive amount being offered, 111 applicants indicated that the proposed incentive structure (\$50,000 base relocation, \$50,000 for relocation outside of the floodplain and \$50,000 for low to moderate income applicants) is sufficient to meet their unmet resettlement needs. 6 applicants indicated that the proposed incentive structure is insufficient to meet their unmet resettlement needs and requested that the total amount of incentives available be increased to between \$200,000 and \$360,000.

The City also performed targeted outreach to six severely impacted residents living in the Edgewater Park Cooperative. Of these residents, 1 person expressed that they had interest in accessing the resettlement incentives. The City also received additional feedback from members of the cooperative and local elected officials that indicated that the program's rules should be changed to allow them to relocate within the Edgewater Park Cooperative to the portion of the cooperative that is located outside of the floodplain. [1] person living in the cooperative indicated that they wished to relocate out of NYC entirely.

To date, 42 applicants have signed expression of interest forms with the Program expressing that they wish to move forward with acquisition if the City offers the resettlement incentives proposed in Action Plan Amendment 12.

In response to public comments received during this outreach process, the City has determined that it will modify its proposed Action Plan Amendment 12 to provide flexibility to residents who wish to sell their storm-damaged homes and move outside of New York City.

The Action Plan draft proposed the following:

- **NYC Residency Resettlement:** The Program may offer a resettlement incentive in the amount of \$50,000 to owner-occupants who sell their property to the Program, subsequently resettle within New York City, and agree to maintain ownership of their new home for a period of five (5) years. This resettlement incentive may be combined with an additional incentive in the amount of \$50,000 provided to homeowners who also agree to a new home located in New York City that is located outside of the 100-year floodplain. The Program may provide an incentive in the amount of \$50,000 to homeowners whose households meet the Program's low to moderate income criteria.

This will be amended as follows:

- **NYC Residency Resettlement:** The Program intends to offer a resettlement incentive in the amount of \$50,000 to owner-occupants who sell their property to the Program,

subsequently resettle within New York City, and agree to maintain ownership of their new home for a period of five (5) years. This resettlement incentive may be combined with an additional incentive in the amount of \$50,000 provided to homeowners who also agree to a new home located in New York City that is located outside of the 100-year floodplain. The Program may provide an incentive in the amount of \$50,000 to homeowners whose households meet the Program's low to moderate income criteria.

- *Outside of NYC Residency Resettlement:* The Program may offer resettlement incentives to owner-occupants who sell their property to the Program, subsequently resettle within the United States, and agree to maintain ownership of their new home for a period of five (5) years. There are two potential incentives which may be combined. The first resettlement incentive in the amount of \$50,000 may be provided to homeowners who relocate to a new home located in the United States that is located outside of the 100-year floodplain. The second resettlement incentive in the amount of \$50,000 is to homeowners who relocate to a new home in the United States and whose households meet the Program's low to moderate income criteria.

The City has also determined that it will provide moving expenses to applicants that wish to sell their storm damaged homes in a manner that is consistent with 49 CFR 24.302, which allows for the payment of a fixed amount based upon the number of rooms of furniture that must be removed from the home. Such assistance will be provided to all applicants that participate in the City's buyout and acquisition program options OR to applicants that are eligible to receive the resettlement incentives outlined in the City's proposed Action Plan Amendment 12.

The City has determined that it will modify its proposed Action Plan Amendment 12 to allow applicants that are eligible to receive Breezy Point and Edgewater Park Cooperative Relocation assistance to access the proposed resettlement incentives upon approval by HUD. The City has also reviewed FEMA's Preliminary Flood Insurance Rate Maps and has determined that a significant part of the Edgewater Park Cooperative lies outside of the 100-year floodplain. Accordingly, the City will modify its Cooperative Relocation option to allow the residents of Edgewater Park to relocate from their current home that is located in the 100-year floodplain to a new location in the cooperative that is located outside of the 100-year floodplain.

Abandoned Properties

The City received [1] comment about expanding the pilot to bring abandoned properties into the Acquisition for Redevelopment program.

Build It Back, through its Acquisition for Redevelopment Program option, is moving forward with the purchase of abandoned properties within the areas that were heavily impacted by Sandy through a pilot Program that identifies properties in heavily distressed areas using objective criteria. The Program will then attempt to purchase the identified properties through acquisition. Acquired properties will then be sold to a new owner for redevelopment. If this pilot program is successful, the City will work to identify additional funding that it may use to expand the Program. This was contemplated in the previous version of the Action Plan.

Acquisition Program Design & Future Planning

The City received [1] comment expressing that the City should have implemented its acquisition program on a larger scale with a focus upon strategic redevelopment of entire areas of the waterfront to ensure the revitalization of redevelopment of the City's shoreline rather than ad hoc redevelopment of individual lots and the elevation and reconstruction of individual homes. The

commenter also expressed that the City should perform a review of the Build It Back program's lessons learned to develop a more effective response to future disasters.

The City agrees that we need to continue developing a comprehensive approach to disaster recovery to be prepared to respond to future events. Mayor de Blasio has recently publicly expressed that the City must learn from the Build It Back program's missteps and develop more effective alternatives so that future disaster recovery programs approach recovery and resiliency in a manner that achieves more comprehensive results with services that reach families and communities with the speed required. This will include a careful review of the successes and challenges of the City's and State's acquisition and buyout programs. To that end, the City intends to utilize a portion of its CDBG-DR allocation to perform a comprehensive review of Build It Back and all recovery efforts to develop an effective and strategic storm recovery plan for use in the future.

Flood Insurance and Alternative Mitigation Measures and Support for the Reallocation of Funding to Build It Back

The City received one comment expressing concern about rising flood insurance rates and indicated that FEMA should be required to lower an applicant's insurance rates if they utilize alternative flood mitigation measures to make their home more resilient to future flood events. The commenter indicated his support for the reallocation funds to Build It Back.

Flood insurance rates are going up for two reasons in the City: (1) the passage of Biggert-Waters Flood Insurance Reform Act which required FEMA to begin to repeal long-standing subsidies on more than 80 percent of flood insurance policies in New York City; and (2) the increase in risk as shown on FEMA's Flood Insurance Rate Maps (FIRMs).

Concerning the first reason for premium increases, the City advocated for the passage of the 2014 Homeowners Flood Insurance Affordability Act which is keeping rate increases capped at 18 percent for primary homeowners. The legislation also required FEMA to study further mitigation strategies that would result in premium credits for homeowners. The City has continued to press FEMA for additional guidance on those mitigation strategies and expect FEMA to release a report in April 2017. In addition, the City is conducting flood insurance affordability study for one-to-four family homeowners and will be advocating for policies based on that work to address flood insurance premium affordability. The City has also worked with the NYS Governor's Office of Storm Recovery and The Center for New York City Neighborhoods to provide resources for homeowners to understand flood insurance rates and make the rate increases more transparent. A rate calculator and educational information is available at FloodHelpNY.org.

Regarding the second reason for premium increases, the City filed an appeal of the updated 2015 Preliminary FIRMs because they were based on inaccurate analysis. On October 17, 2016, Mayor de Blasio and FEMA announced a successful conclusion to the City's appeal. Until the new flood maps are issued, flood insurance rates in New York City will continue to be based on the prior effective FIRMs saving coastal households tens of millions of dollars per year, in aggregate.

The City is committed to analyzing all impacts of its resiliency projects including the potential to raise property values and rent costs, which can lead to the displacement of resident and gentrification. The risk of the displacement of low income individuals, businesses, and potential mitigation strategies, if necessary are examined during the environmental review process pursuant to guidance from HUD.

Build It Back Deadlines, Involuntary Withdrawal from Program, and Dropout Rates

The City received [5] comments about Build It Back's deadlines and applicants' withdrawal from the Program. [4] comments are regarding applicant withdrawal due to unresponsiveness, [1] comment is related to an applicant being withdrawn from the program due to foreclosure issues. The City received [3] comments related to concern over the number of applicants that have dropped out of the Build-it-Back program.

In Summer 2015, in order to move applicants through the application processing phase of the Program, Build It Back imposed a series of deadlines for applicants to complete the eligibility process and select a pathway and a contractor. One year later, in summer 2016, to move applicants through the design phase of the Program, Build It Back imposed a series of deadlines for applicants to complete design approvals, sign legal documentation needed to initiate construction, and move out of their homes. Throughout the program, Build It Back has established and widely communicated deadlines to ensure that homeowners can advance through the process. From case management to design to construction, at each stage Build It Back has given homeowners deadline extensions due to hardships related to medical issues, financial hardships, and other issues, where appropriate.

To help remove obstacles to applicant participation in the Program, Build It Back contracted with the Center for New York City Neighborhoods (CNYCN), a non-profit agency which partners with local community-based organizations to provide housing, counseling, and legal services to homeowners. Counselors were out-stationed in the Build It Back Centers and to date, have served more than 4,000 applicants. The most utilized types of counseling are related to:

- Transfer Amounts and Coordination of Benefits (30%),*
- SBA disaster loan cancellation (18%),*
- Temporary Relocation Assistance and Tenant Advisory Services (17%),*
- Mortgage, Foreclosure and Ownership issues (13%), and*
- Pathway and Benefit Selection (10%).*

While deadlines are required to get both the City and homeowners through the stages of Build It Back, there are hardships faced by homeowners that sometimes require a pause in the process. Build It Back grants hardship extension requests due to medical, financial, and other hardships. Within all construction categories, 300 homeowners have been granted hardship exemptions from deadlines to date. These exemptions impact the City's ability to start and complete these projects.

We are working hard to see that all City-managed single-family projects are ready to start by the end of the year. To complete the program, we need homeowners to: sign off on their plans and grant agreement; commit to a move-out date; and pay any remaining insurance payment/ transfer amount to City. We have set reasonable deadlines and provided resources to help. However, it has also led to understandable requests from homeowners and elected officials for additional flexibility to remain in their homes. To comply with these requests, we provide limited flexibility to homeowners to comply with their move-out dates. We will give homeowners the ability to remain in their homes over the holidays and work with their assigned contractors in determining a start date that works for their families. And we have learned from experience that every home is its own story. Some of these families have unique circumstances – e.g., serious illnesses – and not in a position to move forward at this time.

Build It Back Contractors

The City received [10] comments related to issues with Build It Back contractors. [5] comments surrounding contractor professionalism, [4] comments expressed concern of work quality, and [1] comments were related to delays in construction.

The Mayor's Office of Housing Recovery Operations, together with its partner agencies, actively monitors each construction project through the design, permitting and construction phases in order to detect and resolve issues related to construction quality, construction safety, project schedules and contractor professionalism. If any issues are found during monitoring or inspections, HRO and its partner agencies immediately take action to correct and resolve any issues that are found. The City also requires each contractor provide a one-year warranty on workmanship for each home where construction is taking place. Any issues that are found during this warranty period must be immediately resolved by the contractor that performed the construction. The City has completed 2,500 construction projects to date.

In order to ensure that construction issues are addressed in a timely fashion, the Program encourages applicants to contact the Program's customer service team by telephone at (212) 615-8329 or through email at housing@recovery.nyc.gov to provide information regarding any construction issues. The Program will immediately respond to any homeowner concerns and will work with the homeowner's contractor to make any required changes or repairs.

Build It Back Home Design Issues related to the Single Family Program

The City received [9] comments related to home design for Build It Back Single Family Rehabilitation projects. [2] comments expressed dissatisfaction with design options and changes in project design, [3] regarding pressure to choose a design, [2] regarding delays in scheduling design consultation, [1] commenter wants to know why the program demolishes working systems and replaces it with new unwanted systems, [1] regarding the need for technical assistance in understanding design scopes.

The Build It Back Program is federally funded and must follow certain federal regulations related to design that limits its flexibility and ensures equity among all applicants. These funding regulations apply regardless of who is performing construction. Compliance with these requirements is required even in cases where an applicant is managing their own construction project. HUD funding requirements, for example, state that federal funds cannot be used to repair a substantially damaged or substantially improved property unless such a property is brought into compliance with the FEMA designated Base Flood Elevation and any additional local requirements. HUD funding requirements also limit flexibility in design and construction since all repairs must be in compliance with New York City's Building Code and other state and local requirements. The Program, for example, must install sprinkler systems under certain conditions because of fire and/or building code requirements. In other cases, when replacing damaged systems, the Program must replace with systems that meet code requirements or HUD-mandated Green Building and Green Retrofit requirements. Finally, federal regulations require that the Program must ensure that all work that is performed is "necessary and reasonable". This requirement limits the type of construction that can be performed. In some cases, it means that the Program cannot elevate a home where the cost and complexity of the elevation is too great. In other cases, it means that the Program cannot replace basement space or non-permitted space because the cost associated with replacing that space is not reasonable.

Design professionals participate in design consultations with homeowners to ensure that homeowners have a complete understanding of the scope of work that will be performed on their home.

Mandatory Sprinkler Installation

The City received [7] comments related to mandatory sprinkler installation. [6] commenters were unhappy with the required installation, [1] commenter wants to know why the City did not seek a variance to the rule.

The Build It Back Program must follow all New York City Building Code and Fire Code requirements, including requirements that mandate the installation of sprinkler systems in certain homes. These requirements are not unique to the Build It Back Program. All homeowners that are elevating or reconstructing their homes are subject to these requirements even if they used private funds for construction. Certain program permitted elections by homeowners in regard to the height of elevation and the enclosure of foundations have necessitated sprinklers which would otherwise not be required.

Homeowner Move-Out

The City received [7] comments related to the homeowner move-out process. [2] comments related to protocols, [4] were unhappy with length of notice given prior to move-out date, [1] commenter expressed concern regarding finding temporary housing during construction, 1 commenter would like a minimum of six months to move out of home prior to construction start.

In an effort to minimize delays and ensure the Program completes all construction projects within a reasonable period of time, while returning applicants to safe, resilient, and habitable homes, homeowners were provided with move-out dates during the design process. A minimum 30-day move out notice was given to homeowners prior to construction start. All homeowners are able to ask for short extensions, while homeowners with financial and medical hardships were provided longer extensions. The City is offering additional flexibility related to move-out dates around the end of year holidays.

Over the past two years, Build It Back has responded quickly and effectively to the needs of homeowners in the construction program. When we heard that homeowners displaced by construction were struggling to pay their mortgage and rent, we established a rental reimbursement program. We worked with community leaders to increase the stock of temporary rental units. When we heard that some homeowners needed direct assistance locating housing and covering the upfront costs, we partnered with NY Interfaith Disaster Services (NYDIS) to create a pilot program combining government and charitable funds. The pilot program demonstrated emerging needs, so earlier this year we released an RFP and selected the Center for New York City Neighborhoods, along with NYDIS, to expand temporary housing services. The Build It Back Centers are staffed with dedicated Temporary Housing Desks. The Temporary Housing Hotline reaches out to homeowners to offer services. New units are being added to the clearinghouse every day. Direct rent payments to landlords and brokers are being processed. The program assists homeowners with additional storage costs when construction goes beyond six months.

Build It Back Unresponsiveness and Administrative Challenges

The City received [5] comments related to Build It Back Program unresponsiveness and administrative challenges, [3] regarding issues with lost paperwork and applications, and [2] regarding overall program failure.

Despite a number of administrative and program design challenges resulting in bureaucratic frustrations for our applicants at the onset of Program implementation, the Build It Back program has made an effort to respond to and resolve applicant complaints and concerns through the creation of localized Build It Back Centers that can be accessed more easily by Program applicants. The Program has also established multiple partnerships to help homeowners overcome obstacles relying on City resources, including Department of Aging and other agencies, and the extensive network of Disaster Case Managers and nonprofits supporting Sandy recovery. Additionally, Build It Back has contracted

with the Center for New York City Neighborhoods (CNYCN), a non-profit agency, which partners with local community-based organizations to provide housing, counseling, and legal services to homeowners to assist more than 4,000 applicants including counseling on transfer amounts and Coordination of Benefits, SBA disaster loan cancellation, and mortgage, foreclosure and ownership issues

The Build It Back program has also made a concerted effort to encourage participation through outreach and extension of eligibility period. This has involved:

- Conducting extensive outreach in communities to encourage applicant participation, including targeted door to door outreach in low and moderate income neighborhoods.*
- Providing maximum flexibility in filing the necessary paperwork to participate in the Program. Applicants were given extra time to prove eligibility and select a Program pathway. Those who needed special assistance to complete their application process were linked with a legal counselor or disaster case manager. Applicants who could not meet Program deadlines and were subsequently withdrawn were given the opportunity to return to the Program to receive a benefit through the end of 2015.*
- Opened intake on a limited basis to allow homes dependent on neighbor participation to proceed with elevation or reconstruction focusing on low and moderate income neighborhoods.*

Single Family Reimbursement

The City received [2] comments concerning reimbursement. One commenter did repairs independently after the reimbursement cut off while waiting for service and would like to know why they weren't allowed reimbursement, and one comment issued was regarding the sixty percent reimbursement policy and requesting the additional forty percent to be allowable for resiliency work on homes.

All reimbursement payments made by the Build It Back Program are made using federal funds which are subject to certain regulatory restrictions established by HUD. HUD restricts reimbursement payments made for completed permanent repairs to those expenses which were incurred by an eligible applicant before October 29, 2013, or the date that the applicant applied to the Build It Back Program, whichever is earlier. Build It Back cannot change this rule because it was established by HUD.

The Build It Back Program reimburses most applicants for 60 percent of the out of pocket costs that were incurred to complete permanent repairs before the aforementioned reimbursement deadline. Build It Back established this limit on reimbursement because it does not have sufficient funding to reimburse all applicants for 100 percent of the permanent repair expenses that were incurred.

Elevations of Single Family Homes

The City received [4] comment regarding elevation. [1] would like to know why their home must be elevated. [1] is concerned over the cost of elevation considering the risk of future weather events, and [1] is displeased with the lack of progress on the elevation of homes in Coney Island.

Federal regulations require that the Build It Back Program bring all substantially damaged or substantially improved homes into compliance with Appendix G of the NYC Building Code, Flood-Resistant Construction, which dictates the height of the first habitable floor of a home based on FEMA's Base Flood Elevations plus a margin of safety known as "freeboard" as a condition of using federal funds to repair those properties. In most cases, meeting the height compliance requirement involves

“elevating” a home so that the first floor is at or above the required height. Build It Back is unable to provide any construction assistance to such homes without bringing them into compliance with all applicable requirements.

Build It Back understands the concerns that have been expressed regarding the cost of certain elevation projects. As is outlined in this Action Plan Amendment, the site and soil conditions that are present in many of the City’s impacted neighborhoods require the use of certain foundation designs that increase the cost of elevations substantially when compared to other locations.

Design and construction requirements outlined by the 2013 Post-Sandy Housing Reconstruction Analysis prepared by HRO in partnership with FEMA include: regulatory requirements including residential sprinklers, septic systems and compliance with updated 2014 New York City Building Code requirements for life-safety; ADA requests for access to elevated homes through the use of vertical platforms and stair lifts; enhanced structural requirements due to soil conditions, site constraints, high water table, flood zones, location adjacent to major bodies of water that require the use of enhanced helical piles, dewatering and drainage; increased construction complexity to address issues such as lead based paint, asbestos and the quality and age of existing housing stock; inability of the Program to reuse existing foundations and the need for complete foundation demolition and the installation of multiple, deep helical piles for new foundations due to soil conditions; and community driven design adaptations including providing a second means of egress, enclosed foundations, and over-elevation

All of these factors impact design and, when combined with New York City’s robust construction market and the lack of available contractors, materials and labor, contribute to the increased cost of elevations and reconstructions.

Attached Homes

Hundreds of attached homes were damaged by Hurricane Sandy, presenting Build It Back with a unique challenge unlike any other storm recovery program. Attached homes pose a unique design, engineering, and legal challenge, particularly in cases where adjacent homeowners disagree about how to move forward. In summer 2015, Build It Back brought on new design and construction capacity, the DDC construction management firms, to begin focusing on complex engineering and design situations like attached homes.

Construction on attached homes requires the coordination of multiple homeowners. In some scenarios, multiple neighbors can agree to rebuild or elevate their homes together. Another option is to obtain the consent of one or more neighbors to allow construction to be done to shared building elements (party walls, roofs, or siding) through a Construction License Agreement.

In summer 2015, Build It Back created a pilot in Edgemere, Queens, to open Build It Back registration to attached neighbors of homeowners already in Build It Back, and to re-engage attached neighbors that had withdrawn. Through these efforts, dozens of additional attached homes elevation projects are proceeding in Edgemere and several new homeowners have been brought into the program. This effort was expanded last winter to include semi-attached homes citywide. Build It Back began extensive outreach to all attached homeowners and neighbors to obtain license agreements and gauge interest in program participation. Because of the special circumstances, we conducted extensive outreach through July--including additional door knocking, phone calls, neighborhood open houses and individual meetings--to ensure that all neighbors were reached.

Through coordination with federal partners, including HUD and FEMA, and with DOB, Build It Back is able to offer alternative mitigation measures focusing on the elevation of utilities to attached homeowners that are not able to mitigate through elevation.

Preference for a Private Program instead of Build It Back-managed program

The City received [3] comments that expressed preference for a “private” program in which money would go directly to the applicants for repairs.

Build It Back has offered homeowner-managed construction options through the Choose Your Own Contractor (CYOC) and the Direct Grant programs in order to provide homeowners the opportunity to select and manage their own contractors or complete construction work on their own

Small Business Association (SBA) Loans

The City received one comment asking for information regarding assistance for homeowners who took out an SBA loan and now are being told to pay large transfer amounts.

SBA provides low-interest disaster loans to homeowners to repair or replace disaster damaged real estate or personal property owned by the victim. The Program recognizes that many Program applicants paid for repairs or reconstruction using funds provided through an SBA loan. Although the SBA loan must be repaid with interest, under the Stafford Act, the Program is required to count the SBA loan as a duplicative benefit.

Funds received by the applicant from other sources for the same property and same purpose are considered duplicative benefits. This includes loans for both owner-occupied and rental properties. The amount considered potentially duplicative is determined, in part, by the status of the loan. If the applicant drew all or part of the loan amount, the total amount of real estate funds awarded by SBA is counted as the benefit received regardless of whether the entire awarded amount has been drawn by the applicant. If an applicant receives Program assistance in the form of repair or reconstruction, all benefits incurred by the applicant for repair or reconstruction must be considered when calculating the applicant's grant award and subsequent Transfer Amount (TA).

In an effort to relieve the financial burden of Program applicants and based on community input, the City performed an analysis of its population and discovered that many applicants that were reimbursement eligible had also received Small Business Administration disaster loans that had requirements that were not clearly understood and created significant financial hardships for many borrowers. The risk of financial hardship was particularly evident when the Program considered that the average age of applicants who had both received SBA loans and were reimbursement eligible was 59. In order to address this situation, Build it Back revised the following policies related to SBA loans:

- *Increased reimbursement amounts from 60 percent to up to 100 percent of the reimbursable amount for reimbursement-eligible applicants who accepted and drew down on their SBA loan so that the Program could help homeowners who incurred Sandy-related debt to repair their homes*
- *Simplified the process for applicants who declined SBA loans to demonstrate financial hardship and have their loan waived so that it was not included in their federally mandated financial contribution, also known as their transfer amount*

Permitting and Delays

The City received 2 comments about permitting. [1] comment expressed frustration with permit delays and [1] comment asked why improvements are started without proper permits being issued.

The Build It Back Program continues to work with the Department of Buildings and other City agencies that are involved in the permitting process to decrease the time that it takes to issue building permits.

To assist affected property owners with the recovery process, the Department of Buildings (DOB) has assigned additional DOB-Build It Back dedicated personnel throughout the impacted areas. DOB plan examiners have achieved and maintained service levels of 48-hour review for first submissions, and a 3-5 day turnaround for second submissions.

Workforce Development

The City received [4] comments in support of the Build It Back Workforce Development Program. [1] comment specifically mentioned that they supported the pre-apprenticeship program within Workforce1.

The City acknowledges these comments and appreciates the support for the Workforce 1 center and pre-apprentice program.

Business Comments

Saw Mill Creek Marsh and Rockaways Commercial Corridor Resiliency

The City received [5] comments in opposition of the reallocation of funding from the Restoration of Saw Mill Creek Marsh and the Rockaways Commercial Corridor Resiliency.

The City is reallocating \$12 million from the Restoration of Saw Mill Creek Marsh and \$15 million from the Rockaways Commercial Corridor Resiliency programs to fund the completion of the Build It Back Program. However, both the Restoration of Saw Mill Creek Marsh and the Rockaways Commercial Corridor Resiliency programs will be fully implemented with other sources of funding, including Capital funds the City is providing as part of the Fiscal Year 2017 Adopted Capital Commitment Plan and other federal funding sources. All current planned projects will move forward without delays. This information was included in the proposed Amendment¹² and has been incorporated into the approved Action Plan.

Small Business Assistance in the Rockaways

The City received [1] comment regarding the extent of assistance to businesses in the Rockaways.

Through the Hurricane Sandy Loan and Grant Program (HSBLGP), the City provided \$13.2 million in grants and loans to impacted businesses in the Rockaways. In this Action Plan Amendment, the City also added \$10 million to HSBLGP so that it could serve all eligible small businesses that had applied to the program before the January 31, 2015 deadline for new applications.

The RISE: NYC program will also be funding the implementation of eleven innovative resiliency technologies at Sandy-impacted small businesses citywide, including businesses across the Rockaway Peninsula, to help them prepare for future storms, sea level rise and other effects of climate change. The resiliency solutions include energy technologies, building systems and resilient telecommunication networks.

The Department of Small Business Services is currently accepting applications for their Business PREP assessments. Eligible small businesses in the Rockaways are encouraged to apply. For more information, visit nyc.gov/businessprep.

In addition to individual business assistance, in January 2015, the City committed to assistance for commercial corridors in the Rockaways to better protect and revitalize areas struggling from a decline in business activity.

Application Requirements for Small Businesses

The City received [1] comment about the application requirements for the business programs and relevant business files that were destroyed during Hurricane Sandy.

The City has followed federal guidelines that required certain documents to be collected and aimed to reduce the burden of the application paperwork and the document checklist as much as possible. SBS had representatives available in impacted neighborhoods to assist with applications to the Hurricane Sandy Business Loan and Grant Program.

Although the Hurricane Sandy Business Loan and Grant Program is no longer accepting applications, SBS has launched Business PREP. In both the workshops and upcoming assessments, SBS has and will continue to demonstrate the importance of documentation and methods for preventing the destruction of paperwork. The assessments are geared toward businesses that were impacted by Hurricane Sandy. Eligible businesses are encouraged to apply at nyc.gov/businessprep.

Coastal Resiliency

Resiliency Projects in the Rockaways

The City received [1] comment regarding concern of the prior lack of resiliency projects in the Rockaways, and [2] comments in support of the implementation of a new US Army Corps of Engineers project.

The City recognizes the vulnerability of low-lying property in the Rockaways. Resiliency measures in the Rockaways remain a key part to the City's plan. Through the Hurricane Sandy Business Loan and Grant Program (HSBLGP), the Department of Small Business Services (SBS) provided \$13.2 million in grants and loans to impacted businesses in the Rockaways. Additionally, SBS will be funding the implementation of innovative resiliency technologies at Sandy-impacted small businesses citywide, including businesses Rockaway Park, Rockaway Beach through the RISE: NYC program. The Department of Transportation is working expeditiously to implement the Downtown Far Rockaway Urban Design and Streetscape project. The project is currently in design, and construction is anticipated to start fall 2017. The Parks Department has made repairs to Rockaway boardwalk, which provides comprehensive resiliency coverage across the entire ocean side of the Rockaways. This project is nearing completion and the final section is due to finish construction by Memorial Day 2017. Finally, the US Army Corps of Engineers continues to play a critical role and is working with the City to advance coastal resiliency measures in the Rockaways and Jamaica Bay.

Resiliency Projects in Coney Island

The City received [2] comments in regards to Coney Island resiliency projects. 1 comment expressed approval for Coney Island coastal resiliency projects not being affected by the reallocation, and one comment expressing the need for additional funds for resiliency projects such as raising shorelines and living breakwaters.

In August 2016, the City released its Coney Island Creek Resiliency Study and secured an agreement from the U.S. Army Corps of Engineers (USACE) to include Southern Brooklyn in its Rockaway Reformulation Study. The study laid out a comprehensive vision for Coney Island's resiliency to future coastal storms and climate change. The City is currently allocating \$32 million to address tidal flooding from Coney Island Creek under the Raise Shorelines program including repairing Coney Island Creek shorelines. Additionally, the City will use \$15 million in CDBG-DR funding to provide further resiliency measures in Coney Island Creek. Please refer to CDBG-DR Action Plan Amendment 12 for detailed description of the work planned in response to this comment (Please note that the Coney Island Resiliency project has been moved to the Coastal Resiliency chapter of the Action Plan)

The Citywide Raise Shorelines project and the Governor's Office of Storm Recovery's (GOSR) Living Breakwaters projects are both critical to the City's vision for a more resilient shoreline. The City will continue to work collaboratively with GOSR on the innovative Living Breakwaters project.

General Comments

Reallocation Plan and Budget Information

The City received [6] comments expressing overall concern about the \$500 million reallocation plan and the increased costs for Build It Back.

Per federal grant regulations, the City is required to demonstrate that all costs incurred under the CDBG-DR grant are "necessary and reasonable." The City takes seriously its obligation to demonstrate the cost reasonableness of its grant spending and, as required under federal and local procurement regulations, undertakes cost or price analysis for all contracts and contract modifications. The increased costs for the Build it Back Program can be tied to both increased construction costs and the additional forms of homeowner assistance required to fulfill the unmet needs of program participants. Please refer to the "2016 Updated Program Unmet Need Analysis" in the Housing section of the Action Plan Amendment and the comments responses above for further detail regarding the reallocation and the basis for increased costs associated with the Build It Back program.

The City received [1] comment regarding budget transparency and requested clarification on budget information included in proposed Action Plan Amendment 12 compared to the City's budget documents. The City received [1] comment that the specific funding sources that will be used to replace the approximately \$500 million to be reallocated from existing resiliency-oriented programs should be publicly disclosed.

At the time of the publication of the proposed amendment on September 23, 2016, the City's most recent Capital Commitment Plan had not yet been published. The updated budget information can now be found on OMB's website in the Fiscal Year 2017 Adopted Capital Commitment Plan: <http://www1.nyc.gov/site/omb/publications/fy17-accp.page>

The City received [4] comments generally supportive of the proposed Amendment.

The City appreciates the support of the community and elected officials and looks forward to continued engagement and collaboration with all stakeholders.

Public Input

The City received [1] comment that sufficient time was not allowed for review of proposed Action Plan Amendment 12 by the public or by City Council.

As required by HUD, each substantial amendment to the City's CDBG-DR Action Plan requires a public comment period and at least one public hearing. A substantial amendment is defined as any change greater than \$1 million in funding committed to a certain program, the addition or deletion of any program, or change in eligibility criteria or designated beneficiaries of a program. A substantial amendment remains a proposed amendment until the public has had a chance to review and comment. Following the public comment period, the City has the opportunity to make changes to the proposed amendment in response to public comment before submission of the finalized amendment to HUD for approval.

The City engaged in significant outreach for proposed Amendment 12 and has encouraged the public and elected officials to provide feedback on the changes to the Action Plan. The proposal for the CDBG-DR Action Plan Amendment 12 was posted to the City's website on Friday, September 23, 2016. This marked the start of a 30-day period public comment period. The public comment period for this amendment extended through October 24 and public hearings for proposed Action Plan Amendment 12 were held at the following locations: Beach Channel High School in Queens on October 5th, 2016; Staten Island University Hospital on October 13, 2016; and Coney Island Hospital in Brooklyn on October 20, 2016. Additionally, the City Council Oversight Committee on Recovery and Resiliency held a hearing during the period for public comment. During this hearing, Council members and members of the public shared their comments and concerns about the proposed amendment. The City's changes to proposed Amendment 12 are described above. These changes will be incorporated into the submission of the Action Plan to HUD for approval and published on the City's website.

Needs Assessments

The City received [1] comment regarding needs assessments referenced in the proposed Action Plan Amendment 12.

The most current unmet needs assessments can be found in the Funding Justifications chapter of the Action Plan. Additional detail on unmet needs assessments in each program area can be found at the beginning of each program area chapter. The Housing chapter, in particular, addresses specific unmet needs that will be funded through the \$500 million reallocation in support of the Build It Back Program. Please see the section entitled "2016 Updated Program Unmet Need Analysis."

Accountability and Reporting

The City received [1] comment inquiring about the internal and external mechanisms for accountability for CDBG-DR awards and well as interagency reporting and communication.

Agencies involved in Sandy-associated recovery efforts have a robust system of reporting through OMB, ORR, HRO, and City Hall. Additionally, HUD has developed a strong system of accountability for CDBG-DR awards to monitor grantee performance and preventing fraud and abuse. All costs associated the City's CDBG-DR award are monitored at a local and federal level.

For the public, the City's Recovery includes procurement and contract information and HUD-required Quarterly Performance Reports. Additionally, performance metrics and information on New York City's use of federal recovery funds, including CDBG-DR, can be found on the City's Sandy Funding Tracker website.

This information can be found online via the following links

- <http://www.nyc.gov/cdbg>
- <http://www.nyc.gov/recovery>

- <http://www1.nyc.gov/sandytracker/>

Hearing Format

The City received [1] comment about the pace of the presentation, the hearing format, and concerns about the audio/visual equipment.

The City appreciates this feedback on public hearing details. The City works closely with venues and vendors to make sure the hearings run as smoothly as possible. The City will work to incorporate these suggestions for our next set of Action Plan hearings.

Ferries

The City received [1] comment about ferry service in the Rockaways.

CDBG-DR funding has not been allocated for the City's plan to expand ferry service in Amendment 12 and has not been proposed in prior versions of the Action Plan. Information on the City's ferry expansion can be found at EDC's website at <http://www.nycedc.com/project/citywide-ferry-service>.

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Action Plan Amendment 8B (Substantial Amendment)

- Release Date: December 19, 2014
- Comment Period: December 19, 2014 – January 19, 2015
- Approved by HUD: April 13, 2015
- Number of comments received: 173

Housing Comments Temporary Disaster Assistance Program

The City received a total of 23 comments from 11 commenters on the expansion of the Temporary Disaster Assistance Program (TDAP). Five comments were in support of the expansion of the program, 6 comments requested that registration be reopened, 3 comments pertained to expanding outreach for TDAP, 7 comments were regarding the expansion of TDAP Private, 1 comment related to proof that applicants are looking for affordable housing, and 1 comment pertained to the number of people impacted through this proposed expansion.

Build It Back appreciates the comments and support it received in response to the proposed TDAP expansion.

TDAP provides a temporary rental subsidy and housing referral assistance to eligible low-income renters who were affected by Hurricane Sandy and who were displaced from their homes as a result of the storm. A long-term goal of the program is to prevent permanent homelessness as a result of the storm. The TDAP program, however, was by definition established as a temporary program, and the New York City Department of Housing Preservation and Development (HPD) feels that there are longer-term and more secure permanent housing solutions that exist outside of the TDAP program.

For this group of storm victims, the challenges for recovery have been acute. After administering the program for two years, HPD believes that even with an additional two years of assistance, this group will remain at a high risk of homelessness. Many of the TDAP households are not able to return to their pre-storm units because households were doubled-up, and/or units have not yet been repaired and returned to the rental market. In addition, there is an extremely low housing vacancy rate throughout New York City, making renting another affordable apartment quite difficult. Feedback from Independent Living Planners (ILPs) currently working with TDAP households indicates that many households will face challenges finding another apartment they can afford when their subsidy ends. ILPs are working with households to prevent eviction and a return to the shelter system.

Based on this information, the City anticipates reducing the allocation for this program in a future amendment to the Action Plan as other permanent affordable options have recently become available. It is expected that the conversion process can start immediately.

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The registration period for all Build it Back programs opened on June 3, 2013. It was originally scheduled to close on September 30, 2013 but was extended by one month to October 31, 2013. The City does not plan to reopen registration for TDAP.

The TDAP Private contract has ended and no further funding is expected.

Reducing Carbon Emissions

The City received 6 comments about Build it Back’s efforts to reduce carbon emissions from homes receiving construction assistance from the program.

Build it Back follows the guidelines specified in the HUD Community Planning and Development Green Building Retrofit Checklist and applies these guidelines to all rehabilitation work, to the extent applicable, including the use of mold resistant products when replacing surfaces such as drywall. When older or obsolete products are replaced as part of the rehabilitation work, rehabilitation is required to use ENERGY STAR-labeled, WaterSense-labeled, or Federal Energy Management Program (FEMP)-designated products and appliances. For example, if the furnace, air conditioner, windows, and appliances are replaced, the replacements must be ENERGY STAR-labeled or FEMP-designated products; WaterSense-labeled products (e.g., faucets, toilets, showerheads) must be used when water products are replaced.

Reasonable Accommodation

The City received 2 comments related to Build it Back’s compliance with the New York City Human Rights Law and the federal Americans with Disabilities Act. One commenter asked specifically about mold removal and cancer patients.

Build it Back provides reasonable accommodation to applicants with disabilities and the program makes reasonable modifications to its policies, practices, or procedures when necessary to both avoid discrimination on the basis of disability and to ensure meaningful access to programs, benefits, and facilities. Applicants who assert that they have a disability may request a reasonable accommodation or modification by submitting a Request for Accommodation, which can be found online at: <http://www.nyc.gov/html/recovery/html/important-documents/important-documents.shtml>.

Under the NYC Human Rights Law and the federal Americans with Disabilities Act, applicants cannot be denied housing because of disability. If an applicant believes he or she has been discriminated against, he or she may file a discrimination complaint with the NYC Commission on Human Rights by dialing the City’s 311 system or by visiting www.nyc.gov/cchr. Applicants may also file complaints with HUD.

Build it Back performs mold removal as part of its repair program when mold is identified during the damage assessment.

Community Partnerships

The City received 6 comments about Build it Back’s partnerships and communication with non-profits and houses of worship.

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Since its inception in 2012, the Mayor’s Office of Housing Recovery Operations (HRO) has worked—and continues to work—closely with non-profits and houses of worship to meet homeowner needs not otherwise addressed by public funding. The goal of these efforts is to leverage private and flexible dollars to support the housing recovery mission.

Additionally, HRO partners with non-profits and houses of worship to connect applicants to disaster recovery counseling and services. The Build It Back counseling program, in partnership with the Center for New York City Neighborhoods (CNYCN) and other local community-based organizations, is a vital resource for homeowners who face financial, legal, or construction design problems. Under the counseling program, applicants are referred to local non-profits who provide free services. To date, over 2,300 applicants have worked—or are currently working with—a counselor to resolve a range of issues, including cancelled Small Business Administration loans, insurance problems, and mortgage distress and foreclosure. Since July 2014, CNYCN representatives have also been present in three Build it Back centers, serving over 1,000 applicants directly on-site.

HRO’s other counseling partnerships include:

- *Working with Disaster Case Managers and the New York Disaster Interfaith Services’ Unmet Needs Roundtable to help distressed homeowners with financial aid and referrals to community-based services;*
- *Helping CNYCN, Enterprise Community Partners, the Local Initiatives Support Corporation, the Pratt Center for Community Development, and other local partners to host Sandy Neighborhood Design HelpDesk events, during which applicants receive architecture, insurance, and mortgage consultations; and*
- *Assisting community-based organizations to conduct outreach in senior centers and houses of worship.*

More recently, HRO invited Voluntary Organizations Active in Disaster (VOAD) to participate under the program’s Choose-Your-Own-Contractor model (CYOC). The program has thus far received applications from Habitat for Humanity NYC and Friends of Rockaway/St. Bernard Project. As with any CYOC contractor, Build it Back will pay these non-profits to do eligible repairs under the program, and the non-profits can perform other needed work on the home, such as non-storm damage repairs, with volunteer labor.

Please see Section 7 of the Action Plan – “Consultation with Stakeholders” – for an additional description of these efforts.

Single-Family Reimbursement

The City received 12 comments about Build it Back’s reimbursement pathway for homeowners who incurred out-of-pocket permanent repair expenses. Four commenters inquired about the cut-off date for eligible expenses or asked to be reimbursed for expenses incurred after the cut-off date. Four commenters asked Build it Back for a reimbursement percentage higher than sixty percent. Three commenters asked Build it Back not to delay the issuance of a reimbursement check when the homeowner files a Request for Review asking the program to credit him or her for additional permanent repairs. One comment requested clarification on the relationship between the reimbursement program and the requirements of the National Environmental Protection Act

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(NEPA). Specifically, the comment expressed concerns about reimbursement restrictions and that NEPA creates an undue hardship for residents seeking reimbursement.

Through the funding allocated in this Action Plan, Build it Back has ensured that all eligible applicants will receive assistance to repair, elevate, or reconstruct their homes. As part of that assistance, Build it Back has offered reimbursement to homeowners for a majority of out-of-pocket expenses incurred to repair, elevate, or reconstruct their home. The Program reimburses applicants for 60% of those eligible expenses due to budgetary constraints. Build it Back issues a reimbursement check to a homeowner once the final reimbursement value has been determined.

HUD set the rules for reimbursement through federal guidance issued on July 30, 2013, and the City developed its reimbursement program to ensure compliance with all relevant federal laws and regulations. This has included applying the environmental review framework that is mandated by NEPA – requirements that do not originate with Build it Back, but govern all Program pathways, from repair to reconstruction to reimbursement.

At HUD’s direction, the Program changed its guidelines to shorten the reimbursement cutoff date from the date of the applicant’s damage assessment or October 29, 2013, whichever is earlier, to the date an applicant applied to Build it Back or October 29, 2013, whichever is earlier. In addition, and in order to comply with NEPA, the Program conducts an environmental review for each reimbursement project. The Build it Back Program has no discernable environmental impact: virtually all of the repairs completed by owners after the storm are of a type for which the federal government has determined that the risk of adverse environmental impact is so small that a finding of no impact is not even required under NEPA (i.e., “categorically excluded” projects).

Coordination of Benefits and Transfer Amounts

The City received 8 comments about Build it Back’s calculation of Coordination of Benefits (COB) and collection of transfer amounts. Four commenters asked Build it Back to assist applicants who are unable to pay transfer amounts. Three commenters said that homeowners should be allowed to proceed to design consultation while transfer amount disputes are pending. One commenter asked Build it Back to allow homeowners to correct errors to the program’s COB worksheet and to the F13 (Declaration of Sandy Expenses) after the homeowner has signed the COB.

Federal law, specifically the Stafford Act, requires the City to prevent against a duplication of federal benefits. As a result, Build it Back is required to collect funds from applicants who are determined to have remaining relief funds from other sources or to have misspent funds previously allocated to them. This is called the “transfer amount.”

Build it Back is able to offer limited help to homeowners who are unable to pay their transfer amount. In some cases, and where feasible, Build it Back may reduce the scope of work that will be performed by the program if an applicant cannot pay his or her transfer amount. Build it Back cannot allow applicants to pay their transfer amount over an extended period of time or convert it into a lien against their home.

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In April 2014, in response to concerns about transfer amounts delaying applicant processing, the City revised its procedures so that applicants are able to proceed through design consultation before paying the transfer amount.

The F-13 form and COB worksheet are documents necessary to allow Build it Back to undertake the coordination of benefits process that is required by the Stafford Act. Build it Back recognizes that applicants may be incurring additional expenses, such as those that relate to ongoing temporary housing needs, and is exploring ways of allowing applicants to update their COB at a later date to reflect additional amounts spent.

Small Business Administration Loans

The City received 2 comments asking that Build it Back not require homeowners to take out loans from the federal Small Business Administration (SBA) prior to receiving assistance from Build it Back.

Federal regulations require that the receipt or denial of other funding for rehabilitation, such as loans from SBA or insurance payments, must be taken into consideration when calculating the CDBG-DR grant amount for which each applicant is eligible. This process is described as duplication of benefits. Federal policy further requires that an applicant’s SBA loan status must be taken into account with regard to calculating unmet need, though the receipt of such assistance will not make him or her ineligible for this program. Pursuant to July 25, 2013 guidance from HUD, the City has the ability to provide CDBG-DR grants for SBA loan amounts that were approved, but not accepted, provided that it analyze, on a case-by-case basis, the circumstances under which the SBA assistance was declined and demonstrate why providing CDBG-DR funds is necessary and reasonable.

As required by this guidance, the City has implemented a process through which grant-funded counselors work with homeowners to complete a detailed workbook that documents, quantifies, and explains any hardship that led to the applicant’s refusal of the SBA loan. The Program is currently exploring hardships tests that will incorporate the needs of retirees on fixed incomes.

Given the uniquely vulnerable position of low- and moderate-income (LMI) households, and the high rate of determinations by the Program that such applicants have had a material change in financial circumstances necessitating the refusal of the SBA loan, the City is also formally requesting that HUD refine its guidance regarding declined SBA loans. Specifically, it has asked HUD to waive, for applicants in LMI households, the case-by-case review of the circumstances surrounding the applicant’s decision to decline the loan.

Open Permits

The City received 4 comments inquiring about Build it Back’s ability to coordinate with the NYC Department of Buildings (DOB) to expedite the closure of open permits delaying Build it Back construction projects.

Build it Back coordinates with DOB in an effort to identify and resolve open permits that may prevent Build it Back from proceeding with a homeowner’s construction project. Homeowners are informed early in the application process of open permits and how to close those permits prior to the start of

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construction. Since April 2014, DOB has dedicated staff to expediting open permit inspections and closures on Build it Back projects.

Graham Beach Neighborhood

The City received 3 comments inquiring about future plans for the Graham Beach neighborhood in Staten Island, which is one of New York State’s Enhanced Buyout Areas.

At this time, New York State is still advancing its voluntary buyout program. In Enhanced Buyout Areas, the properties purchased will continue to be controlled by the State. The City will work with the State to help ensure that the properties best serve the future goals of the community. Visit <http://stormrecovery.ny.gov/ny-rising-buyout-and-acquisition-programs> for more information about NY Rising Buyout and Acquisition Programs.

Priority for Low- and Moderate-Income Households

The City received 6 comments asking Build it Back to continue to prioritize low- and moderate-income (LMI) households.

Build it Back is committed to providing repair, reconstruction, or reimbursement to all eligible applicants, regardless of income. To ensure that benefits can be provided to all in need of assistance and to encourage increased participation among older and LMI populations, Build it Back is reaching out to applicants who are not currently active with the Program. The outreach includes Build it Back re-engagement sessions, correspondence from local elected officials, a door knocking campaign, and phone banking by volunteers.

Two workforce development initiatives described in this Action Plan – the Sandy Recovery Workforce1 Center and the training voucher program – are designed to target LMI New Yorkers who live in Sandy-impacted areas. These programs aim to connect such residents with high-quality job opportunities with recovery contractors.

Single-Family Elevation

The City received 13 comments from seven commenters about Build it Back’s elevation pathway for substantially damaged or substantially improved homes. One commenter asked about how Build it Back calculates substantial damage. One commenter asked that Build it Back offer elevation to homeowners with non-substantially damaged or non-substantially improved homes. Three commenters asked that Build it Back offer homeowners both reimbursement for out-of-pocket repair expenses and elevation. Five commenters inquired about Build it Back’s ability to provide a basement or enclosed foundation. Three commenters inquired about how Build it Back plans to elevate attached or semi-attached homes.

As part of compliance with the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program, when a building has suffered substantial damage, or when rehabilitation and reconstruction efforts can be classified as substantial improvements, the NYC Department of Building (DOB) requires that all construction work including potential required elevation be done in compliance with NYC Building Code. DOB defines substantial damage as damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition

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would equal or exceed 50 percent of the market value of the structure before the damage occurred. The Build it Back grant assistance will cover the cost of any required elevation; however, elevations will only be provided to those homes that are substantially damaged or will be substantially improved. Due to limited funding, Build it Back is not able to offer elevation to non-substantially damaged homes or to homes that will not be substantially improved, nor will it offer reimbursement to homeowners who are substantially damaged and receiving elevation from the program.

In an elevated home, all living space must be above base flood elevation, as determined by FEMA. Build it Back will rebuild legal basement apartments as part of the elevated home to the extent it is feasible. Build it Back will not replace any basement or cellar space unless it is a legal apartment. For elevations, Build it Back is now able to offer to enclose the space below the lowest elevated floor of the home after elevation, where allowed by NYC Building Code. However, that space may only be used for access, storage, and parking.

For attached or semi-attached homes, there are a number of solutions for elevation depending on the specific circumstances. Build it Back jointly issued a Request for Proposals in December 2014 with the NYC Department of Design and Construction for additional design and construction capacity capable of addressing particular challenges, including elevation of attached and semi-attached homes. Build it Back expects to add that capacity in Spring 2015.

Build it Back Centers

The City received 3 comments highlighting concerns about staff professionalism and quality control in the Build it Back Centers.

As part of Mayor de Blasio’s overhaul of the program, Build it Back has taken many steps to increase its capacity to manage applicant cases and improve the responsiveness of its staff. Most notably, the City has taken over direct management of the Build it Back Centers, shifting to an approach that creates direct accountability and a more streamlined process for applicants. The City has also implemented weekly trainings for all Center employees.

Flood Insurance Education

The City received 4 comments urging Build it Back to educate homeowners on the expansion of the Special Flood Hazard Area (SFHA) and the effect of repair, elevation, or reconstruction on future flood insurance premiums.

All homeowners whose properties are located in the SFHA who receive assistance from Build it Back are required by federal law to purchase flood insurance. The Build it Back Feasibility Report provided to homeowners indicates whether or not the property is located in a current or updated SFHA. Homes in the SFHA that are substantially damaged or will be substantially improved must be elevated. Homeowners who are reluctant to elevate are offered additional information through a Build it Back non-profit partner about the potential benefit of elevation on the homeowner’s future flood insurance premiums. In addition to the City’s efforts to educate Build it Back applicants, the Mayor’s Office of Recovery and Resiliency will launch a public education campaign to alert residents in the current and updated SFHA to FEMA’s Preliminary Flood Insurance Rate Maps (FIRMs) updated flood maps and changing insurance regulations.

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HUD Contact

The City received 1 comment asking for contact information for HUD.

HUD’s Office of Community Planning and Development oversees the City’s disaster recovery grant. Please visit HUD’s website at http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning for contact information.

Staten Island Housing Recovery Needs

The City received 1 comment asking Build it Back to conduct a reanalysis of housing recovery needs on Staten Island.

Throughout the first half of 2015, Build it Back will be undertaking an effort to reach out to registered homeowners who have been unresponsive to the program to reengage those who may still need assistance with repairing or rebuilding their homes. Build it Back will coordinate its efforts with elected officials, civic associations and non-profits to reach homeowners with outstanding housing needs. This will allow Build it Back to do a complete re-analysis of housing recovery needs.

Breezy Point Relocation Assistance

The City received 1 comment inquiring about the timeline for the City’s acquisition program in Breezy Point.

In response to public comments, the Action Plan has been revised to provide more specific details on this Program option. Please refer to the “Build it Back Rehabilitation and Reconstruction (Additional Paths)” heading under Section 7 of the Action Plan for additional information. Applicants that may be eligible for acquisition in Breezy Point have been contacted to assess their interest in the option and provided information about potential award offerings; those additional with questions about their application may contact Build it Back Customer Service at 212-615-8329.

Legal/Developer Representative at Design Consultation and Tri-Party Agreement

The City received 3 comments asking that homeowners be allowed to have a legal or developer representative present during design consultations and at the signing of the tri-party construction agreement.

Build it Back encourages applicants to seek any professional assistance which may help them make decisions regarding their property and home.

Build it Back Registration

The City received 4 comments asking Build it Back to reopen registration to homeowners who did not register during the initial registration period, which ended on October 31, 2013.

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The registration period for Build it Back opened on June 3, 2013. It was originally scheduled to close on September 30, 2013 but was extended by one month to October 31, 2013. The Program received 25,699 applications. At this time, Build it Back does not plan to reopen registration.

Storage During Construction

The City received 1 comment inquiring about storage costs during construction.

The tri-party agreement between the homeowner, the contractor, and the City provides for the storage of furniture and households items which must be removed from the home during construction.

Case-Specific Comments

The City received 5 comments from homeowners with questions specific to their Build it Back application.

Build it Back has contacted these homeowners about their individual cases. Build it Back Customer Service is available to answer applicant questions. Please call (212) 615-8329 or email housing@recovery.nyc.gov.

Single-Family Rebuild

The City received a total of 5 comments from four commenters on the topic of the Build it Back Rebuild Program. Three of the comments pertain to recommending program changes, 1 comment pertains to design and contractors, and 1 comment pertains to allowances for architectural changes.

Amendment 8 to the Action Plan does not propose any changes to the Rebuild Program. The program is regularly reviewing its policies to help rebuild homes as efficiently as possible and the program is working hard to make sure that the policies are accurately communicated to Rebuild program applicants through the documents on our website and through direct interactions with applicants by Build it Back representatives and City-selected developers.

Multi-Family

The City received a total of 2 comments from 2 commenters on the topic of the Build it Back Multi-Family Program. One of the comments pertains to resiliency (specifically, cost-effective flood containment products) and the other pertains to multi-family housing and low-income households.

Build it Back appreciates the comments and support it received in response to the Multi-Family Program, and the proposed changes to the resiliency aspect of the program.

Upon approval of the Action Plan, Build it Back intends to increase overall funding for multi-family housing recovery to \$476 million and the Action Plan would include a Residential Building Mitigation Program to increase resiliency measures.

The Sandy Multi-Family Program does consider watertight doors, hatches, and barriers as potential retrofit measures for resiliency. Due to the structural implications of implementing these measures,

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their approval depends on the outcome of structural engineering studies and site-specific analyses. The Program also considers cost in relation to the overall available funding and cost-effectiveness of particular strategies. Dry-flood-proofing measures such as watertight doors or barriers are not considered a FEMA-acceptable mitigation strategy, and would therefore not contribute to reduced premiums. However, the Program does consider FEMA guidelines, which in turn affect insurance premiums, when evaluating potential resiliency options for projects.

The Sandy Multi-Family Program has carefully considered resiliency options in a targeted group of projects and sought to develop best practices that will inform decision-making for future resiliency programs. The resiliency strategies include a comprehensive list of options that account for existing standards where available but also consider case-by-case specifics of projects, due to the diversity of buildings within the pipeline.

In response to the comment regarding the income levels of the buildings receiving resiliency work, the resiliency funds allocated to Build it Back multi-family resiliency work are specifically for long term resiliency in majority low- and moderate-income (LMI) buildings. Supportive housing and/or government assisted developments are the highest priorities for receiving resiliency assistance. A portion of buildings that are not government-subsidized but are occupied primarily by LMI households and that suffered significant storm damage are also being served through resiliency funding.

Acquisition for Redevelopment

The City received 2 comments asking Build it Back to expand the Acquisition for Redevelopment program to non-substantially damaged properties and to provide further information about redevelopment plans for acquired properties.

Build it Back refers interested applicants to the New York State Acquisition for Redevelopment program. Applicants must be eligible for Build it Back and must meet eligibility criteria established by the State, which includes being located in the Special Flood Hazard Area (SFHA) and, in most cases, being deemed substantially damaged based on both the NYC Department of Finance fair market value and a licensed appraisal.

Under this program, after acquisition and associated requirements are completed by the State, properties will be transferred to the City through the Department of Housing Preservation and Development (HPD), or a designated entity. The City will work with residents and community organizations to help ensure that redevelopment best serves the future goals of the community and the goals of the City as a whole.

Please see Section 7 of the Action Plan – “Build it Back Rehabilitation and Reconstruction (Additional Paths)” – for an additional description of these efforts.

Community Resiliency

The City received 4 comments about Build it Back’s efforts to implement and coordinate community resiliency measures. Three commenters inquired about how Build it Back is coordinating its efforts with NY Rising’s proposed community infrastructure projects. One commenter asked for clarification on “Other Additional Paths” described in Section 7 of the Action Plan.

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Build it Back, in partnership with the Mayor’s Office of Resiliency and Recovery, works with New York State to ensure that state-sponsored recovery and resiliency projects, including NY Rising Community Reconstruction proposals, are integrated into ongoing City-sponsored recovery and resiliency efforts.

Beyond the core program paths for single- and multi-family homes, the City is committed to strategic planning at a neighborhood level, with attention to unique community challenges (i.e., narrow streets or attached homes) and community-wide resiliency measures. In a Request for Proposals issued jointly with the NYC Department of Design and Construction in December 2014, we have solicited new construction managers to provide the additional design and construction capacity necessary to provide solutions to these planning challenges. We expect these new construction managers to come on board in Spring 2015.

In response to public comments, the City has revised the language describing what non-reconstruction or repair paths may be available to homeowners. Please refer to the “Build it Back Rehabilitation and Reconstruction (Additional Paths)” heading in the Housing Chapter of the Action Plan for additional information on these options.

Direct Grant Option

The City received 7 comments about Build it Back’s proposed direct grant option for moderate repair projects.

The City is currently working in consultation with HUD to develop the parameters for the direct grant option, and it values the feedback received from community organizations and interested applicants. The overarching goal is to provide direct assistance to homeowners for moderate repair projects that do not require extensive permitting, environmental remediation, or other complex tasks to be successfully completed. In designing the program, Build it Back seeks to ensure that it is able to provide assistance to homeowners in a rapid manner while preserving administrative funds and limiting the risk to homeowners that they will perform construction activities in a manner that is non-compliant with federal, state, and local requirements.

Freedom of Information Law Requests

The City received 1 comment requesting detailed Build it Back records.

Requests for records made under New York State’s Freedom of Information Law should be sent to legal@recovery.nyc.gov.

Unit Pricing

The City received 1 comment asking that Build it Back use local pricing, rather than Federal Emergency Management Agency (FEMA) pricing, for construction items.

Build it Back does not use FEMA pricing. Instead, Build it Back utilizes a fixed cost structure based upon standardized pricing established by an industry standard cost-estimating tool, Xactimate, along with multipliers that adjust costs to take into consideration local New York City pricing factors.

Public Housing

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The City received one comment related to the availability of funds to reimburse residents of NYCHA-owned apartments who paid for certain repairs in the aftermath of Hurricane Sandy.

NYCHA residents who reported storm damage to their apartments were offered opportunities for relocation so NYCHA could plan and schedule eligible repairs to comply with the NYC Building Code using NYCHA funds. Repair costs incurred to NYCHA-owned apartments by residents who chose not to relocate and allow such repairs to be done are not eligible for reimbursement.

The City received two comments expressing concern about the need to improve support for the long-term sustainability of NYCHA.

NYCHA's recovery from Hurricane Sandy can play a significant role in building a healthier, more livable, and economically vibrant New York City. In order to do this, NYCHA needs to become more economically and environmentally sustainable, and more resilient to future disasters. As such, NYCHA is leveraging recovery dollars and incorporating innovative design, construction, and procurement techniques that will better protect people and property while addressing water, energy, funding, and quality of life in a responsible way. This includes replacing critical equipment with more energy efficient alternatives and elevating them above the floodplain, installing permeable surfaces, flood gates and pumps; and incorporating new amenities to developments which add value and create revenue. These improvements will be aligned with the long-term growth and development plans of NYCHA and New York City, for inclusion – beyond recovery – in capital planning, and to ensure a comprehensive recovery.

The City received three comments generally supportive of NYCHA's plans for its CDBG-DR allocation towards resiliency and energy efficiency in its storm recovery initiatives. The commenters encourage the City and NYCHA to continue considering the incorporation of Combined Heat and Power (CHP) units to generate heat and electricity at its facilities, despite the initial high costs. They also noted that storm recovery planning provides an opportunity to achieve long-term savings in utility costs by incorporating modern power production technology through the use of CHP/co-generation systems, and to seek necessary funding from various sources.

The focus of current funding 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. Dependent on funding availability, NYCHA will look for and evaluate the most cost-efficient way to be more energy efficient at its rehabilitated facilities. NYCHA may consider renewable energy feasibility studies for its developments and will explore different options, including CHP, solar photovoltaic and wind power, and as well as solar thermal water heating systems in combination with other fuel sources as opportunities to enhance resiliency and mitigate environmental impacts. While CHP remains under consideration by NYCHA as a means of reducing utility costs and improving resiliency, funding and other conditions have altered the scope of what is achievable. NYCHA will evaluate CHP viability based on site-specific conditions at the development level. One option under consideration by NYCHA to improve resiliency, contribute to regional sustainability, and create revenue is to install backup generators at NYCHA facilities, and enroll the generator fleet into a demand response program. Doing so could provide critical backup power to NYCHA's facilities during emergencies, and also reduce the burden on regional power grids during times of peak usage, thereby reducing the need to generate more electricity. NYCHA can be compensated for making its generated capacity available

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to the grid, providing much-needed additional revenue. Please note that CDBG-DR funding is not currently anticipated for this project.

Business Comments

Hurricane Sandy Business Loan and Grant Program

The City received 14 comments regarding direct business assistance efforts, including a general question about how the City is helping businesses return in impacted neighborhoods and if funding was available to help new owners take over abandoned spaces.

The Hurricane Sandy Business Loan and Grant Program (HSBLGP) launched in August 2013. In response to these public comments, the City reallocated \$6 million from the IOCS program to the HSBLGP, bringing the total allocation to \$48 million. The program consists of \$48 million funding from federal CDBG-DR funds to be used as “funding of last resort” for impacted businesses with needs unmet from other sources such as Small Business Administration disaster recovery loans, private insurance and grants. To date, more than 185 businesses have been awarded approximately \$32 million in funds. Please see the description of the HSBLGP in the Action Plan for further information on awards provided through this program.

Two comments applauded the simplification of the program and the switch to grant-only funding. However, there were also concerns about long processing times and “red tape” for business owners navigating HSBLGP, and the number of businesses still not approved for funds.

During 2014, the City has worked with HUD to provide grant-only awards, make approval guidelines more flexible, and improve internal processes. To date, approximately \$32 million has been committed to small businesses impacted by the storm.

The City has also improved one-on-one assistance and outreach. City employees are in impacted neighborhoods every day of the week to provide business owners with one-on-one guidance through the application process. More information on the program and office hours in impacted neighborhoods can be found on Hurricane Sandy Business Loan and Grant Program [website](#).

There was one specific question about business recovery efforts in Broad Channel, Queens.

HSBLGP funding is available for any small business located in New York City that can show it suffered loss, damage, or interruption from Hurricane Sandy. As part of program staff’s increased outreach efforts, local elected officials in the Broad Channel area were reminded about HSBLGP and in the past four months, account staff visited the local community board twice to talk about the program.

There are several Broad Channel businesses currently applying, and other small businesses in Broad Channel are encouraged to apply. However, it should be noted that a deadline of January 31, 2015 has been set for any new applications to HSBLGP.

Nine comments questioned HSBLGP policies, particularly regarding the declination and appeal process.

HSBLGP’s policies and procedures are available online on the program [website](#). Eligibility is determined based on federal guidelines for programs benefitting small businesses. All applicants to the

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HSBLGP can appeal their decision based on updated financials or additional documentation of lost inventory and/or equipment. Appeals are processed on a first-come, first-serve basis. Applicants must submit their appeal request in writing within 30 days of receiving their decision. Since funding is limited, the Program encourages Applicants to submit appeal documentation in a timely manner.

Business Preparedness & Resiliency Program

The City received three comments about the proposed Business PREP (Preparedness & Resiliency Program). Commenters were interested to know how Business PREP would help businesses, how the budget was determined for the program, and whether funding would be available to help businesses implement preparedness measures.

Business PREP will be a \$3 million program to help small businesses better prepare for emergencies, and enhance the resiliency of their operations, assets, and physical space. The program will include one-on-one site visits, an online preparedness tool, and neighborhood-based workshops. Conversations with more than 50 small businesses and business service providers informed the scope of the program; we believe the program will help hundreds of businesses prepare for the next disaster. While the City is pursuing private support for micro-grants to execute low-cost resiliency measures, in response to public comments the City will consider using CDBG-DR funding for this purpose if private resources cannot be secured.

Infrastructure and Other City Services Comments Parks/Beaches/Boardwalk

The City received five comments about rehabilitation projects associated with city parks, beaches, and areas near the Queens, Rockaway area related to the Rockaway Boardwalk project.

As noted in the Action Plan, the City has made it a priority to restore sections of the City's beaches and supporting infrastructure across Queens, Brooklyn, and Staten Island to lessen hardship faced by the communities and small businesses that rely on this public asset for their very livelihood. Design work began in August 2013 and construction began in April 2014. All work is scheduled to be complete by May 2017. It is anticipated to provide protective structures that are more resilient and able to withstand storm and tidal forces that may impact the coastline in future years. The “IOCS Covered Projects” section of the Action Plan includes full details about the Rockaway Beach Boardwalk project and other major infrastructure projects under the Department of Parks and Recreation.

The Department of Parks and Recreation identified damage to approximately 400 park sites, in addition to the displacement of more than 3 million cubic yards of sand from the City's beaches. The City plans to use CDBG-DR funds to leverage the non-federal share of FEMA Public Assistance disaster grants. The City is prioritizing its funds to address public hospitals, public safety, and the restoration of its beaches.

Funding for the Rockaway Boardwalk

The City received one comment about funding allocated for the Rockaway Boardwalk.

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As of the City’s Fiscal 2016 preliminary Financial Plan, project costs for the Rockaway Beach Boardwalk are estimated at \$341 million for construction of the coastline protection measures and the boardwalk. Part of these projects will be covered by FEMA and the remainder by CDBG-DR. The proposed 428 PAAP piece of this project may bring the total cost up to \$480 million. In response to this public comment, the City is allocating an additional \$48 million of CDBG-DR funding for FEMA local match on this project.

Water/Wastewater Systems

The City received one comment about wastewater systems.

DEP has a project to harden the 26th Ward wastewater treatment plant. Subject to available funding, the City will protect this critical treatment facility by raising or flood-proofing assets that are critical to the treatment process, constructing barriers, improving waterfront infrastructure, or implementing redundancy measures to avoid failure of these critical treatment systems. The goal is to begin implementation of adaptation measures in 2014 as part of repairs and other planned capital projects. The mitigation strategy includes: 1) replacing pumps with submersible pumps, 2) sealing meters in watertight electrical boxes, and 3) raising curbs around the areaways to protect the building and motor control center.

Details about this activity can be found in Action Plan Amendment 8B in the Infrastructure and Other City Services section under “Rehabilitation and Reconstruction of Public Facilities.”

Construction/Reconstruction of Streets/Sidewalks

The City received two comments about streets/traffic crossings and sidewalk repair.

The City may use CDBG-DR funds to leverage other federal funding sources to rehabilitate and reconstruct public facilities. The other federal funding sources CDBG-DR will leverage include FEMA Public Assistance funds and Federal Highway Administration grants. CDBG-DR eligible projects related to street repair, bridges, and tunnels will be conducted through the New York City Department of Transportation (DOT). For full details about DOT’s projects please refer to the “IOCS Covered Projects” section of the Action Plan.

Coastal Resiliency Comments Funding

The City received one comment about whether this Amendment includes funding for the U.S. Army Corps of Engineers.

The U.S. Army Corps of Engineers receives Congressional appropriations separate from the U.S. Department of Housing and Urban Development. Therefore, U.S. Army Corps of Engineers funding is not included in this Amendment. The City is working closely with the U.S. Army Corps of Engineers on several important projects in Staten Island, Coney Island, and the Rockaways and Jamaica Bay, and is working to secure U.S. Army Corps of Engineers projects in other areas of the city as well.

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The City received four comments about resiliency funding for the Rockaways, Jamaica Bay, and Broad Channel in light of Rebuild by Design projects in the Bronx and Lower Manhattan.

On October 16, 2014, the U.S. Department of Housing and Urban Development (HUD) published its Notice of Funding Availability in the Federal Register (Docket No. FR-5696-N-11). The notice informed the public that HUD would provide \$335 million for “Compartment 1: East River Park” of the Rebuild by Design proposal titled ‘BIG U’ and \$20 million for the proposal titled ‘Hunts Point Lifelines.’ To comply with HUD’s guidance, the City will pursue these specific projects.

Separate from the Rebuild by Design funding awards, the City has dedicated substantial CDBG-DR resources to housing recovery activity in Queens. The borough holds more than 45 percent of the City’s active Build it Back applications. Further, the City has reallocated \$15 million for targeted infrastructure and resiliency improvements in key commercial corridors throughout the Rockaways. Additionally, the City is working to invest hundreds of millions of dollars in the Rockaways to ensure its resiliency against the future risks of extreme weather and a changing climate. This work includes the restoration of beaches, boardwalks, and other natural areas like Jamaica Bay, investments in public housing and other city infrastructure, and upgrades to bulkheads and roadway infrastructure in places like Broad Channel and along Beach Channel Drive.

It is important to note that the CDBG-DR funding allocations enumerated in Action Plan Amendment 8 represent just one element of the City’s overall recovery and resiliency program. Projects not funded through CDBG-DR monies continue to progress in the Rockaways. For example, the U.S. Army Corps of Engineers adds sand and constructed dunes along the public beaches in the Rockaways, and the Department of the Interior awarded funds for resiliency measures in Broad Channel and other locations within Jamaica Bay. Additionally, the U.S. Army Corps of Engineers is expected to implement further measures along the Atlantic Coast shoreline and in Jamaica Bay in the future.

The City received one comment asking if recovery resources can assist houses of worship.

Federal regulations prevent the City from directing public funds to houses of worship for religious purposes. Under certain circumstances, public funds may support non-religious purposes.

The City recognizes the important and valuable role of houses of worship and other non-profit organizations in disaster recovery and emergency preparedness. Earlier this year, the City testified before the City Council in support of a task force in partnership with non-profit organizations and houses of worship to identify recovery resources and better prepare non-profits and communities for future climate-related disasters.

The City received one comment claiming the City still has billions of dollars left to use.

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After HUD approves this action plan amendment 8, all CDBG-DR funding that HUD has thus far allocated to New York City will have been committed to specific and ongoing programs, as described in the Action Plan.

Community Engagement

The City received 21 comments saying community organizations should have a strong role in planning, reviewing RFPs, and funding opportunities.

Planning: The City recognizes the unique knowledge, experience and background possessed by local residents and business owners, as well as their invaluable contributions to the Rebuild by Design conceptual design process. The City will implement resiliency projects in partnership and close coordination with community and business stakeholders, and will continue to work with stakeholders to conduct effective public engagement. To that end, the City updated sections of its action plan to include more detail about community engagement and partnerships.

Reviewing RFPs: The City’s procurement process follows all applicable regulations, including the need to provide equal and simultaneous access to RFP documents to prospective bidders. The City will continue to work with communities to identify opportunities for collaboration.

Funding: The City views partnerships with key constituencies as crucial to the success of its resiliency program. To facilitate productive interaction between the City and communities, the City will dedicate appropriate resources and attention to its engagement endeavors.

The City received two comments requesting technical assistance to help community stakeholders understand the technical implications of design decisions.

The City will provide technical assistance and explanations over the course of the engineering analyses and design processes whenever possible. For example, design engineers will continue to work closely with community stakeholders and the Manhattan Community Boards 3 and 6 Waterfront Task Force as the design of the East Side Coastal Resiliency project moves forward.

The City received three comments urging the City to work with community organizations to identify risks of displacement as a result of resiliency projects.

In line with HUD’s guidance, the City is committed to examining the risk of potential displacement as a result of its resiliency projects. This examination will take place during the environmental review process.

The City received one comment saying the Action Plan should explicitly recognize key stakeholders that have been involved in creating Rebuild by Design winning proposals.

The City recognizes the tremendous effort put forth by the community organizations that participated in the Rebuild by Design competition and plans to work with those same stakeholders as the projects move forward.

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The City received one comment asking for briefings and summaries of the Action Plan Amendment in Chinese and Spanish.

The City hosted five public hearings, one in each borough. Interpretation services in Russian, Cantonese, Mandarin and Spanish were available to all participants at each hearing. The City also had physical copies of the Action Plan Amendment in Russian, Chinese and Spanish available to all attendees. The City’s website, www.nyc.gov/cdbg, includes links to the Action Plan Amendment and previous action plans in Russian, Chinese and Spanish. To ensure meaningful language access the same materials were prepared and made available to the public in English and the target non-English languages. As project implementation moves forward, the City will continue to offer language access services to ensure clear communication with all stakeholders.

The City received eleven comments encouraging the City to thoroughly engage the community in multiple languages throughout the planning and design process.

The City acknowledges the importance of ensuring that information is accessible to all New Yorkers. In developing this Action Plan Amendment and engaging the public, the City translated public materials in Russian, Chinese and Spanish. Further, all public hearings provided interpretation services in Russian, Mandarin, Cantonese and Spanish. During the public comment period, New Yorkers had the ability to comment in their primary language in person, through 311 and online.

As the City advances its resiliency projects, it will provide meaningful language access to the public in coordination with local stakeholders, including the translation of public design and planning materials, as well as in-language interpretation at public meetings when required.

Coastal Resiliency

The City received one comment requesting that resiliency investments take into account rising sea levels and not seek to stave off encroachment of high water.

The City accounts for sea level rise in all of its design decisions. The City’s resiliency plan, A Stronger, More Resilient New York, outlines recommended risk reduction measures to mitigate the impacts from storm surge and sea level rise as part of its multilayered strategy to strengthen coastlines, upgrade buildings, protect infrastructure, and make neighborhoods safer and more vibrant. These measures are based upon climate projections provided by the New York City Panel on Climate Change. Visit nyc.gov/recovery for more information.

Additionally, President Obama recently issued an executive order requiring more stringent floodplain construction standards to account for the changing climate. The City already complies with these standards and is dedicated to enhancing resiliency through the building code and flood protection system designs.

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The City received one comment asking why the City’s Action Plan calls for a global design competition for integrated flood protection systems instead of building off the work done through Rebuild by Design.

This comment references a previous version of the City’s Action Plan. Page 228 of Action Plan Amendment 8 indicates this competition has been removed from the City’s plans, with those funds directed toward more direct design and planning efforts for flood protection projects.

All of the City’s coastal protection efforts are following the plan laid out in the City’s comprehensive climate resiliency plan, A Stronger, More Resilient New York, which includes a 37-point, \$3.7 billion coastal protection plan. Building off of the recommendations of that plan, the Rebuild by Design competition further developed resiliency concepts for four locations within New York City. HUD provided the City with funding to advance two of those concepts: Hunts Point and Lower Manhattan. The City will continue to work with community stakeholders to advance those projects, building on the stakeholder engagement and conceptual design conducted during the Rebuild by Design competition process, and applying best practices where applicable.

Hunts Point

The City received four comments asking whether the City or the State will administer the Hunts Point project, and which agencies will oversee its implementation.

HUD allocated funds to New York City to advance the Hunts Point resiliency project. NYCEDC will be a subrecipient of the City of New York and will enter into a formal subrecipient agreement with the Mayor’s Office of Recovery and Resiliency. NYCEDC anticipates engaging many City agencies in the development of this resiliency project including, but not limited to, DPR, DCP, DOT, DEP, and OMB. The City views NYCEDC’s dual role as landlord to the Hunts Point distribution facility and subrecipient of CDBG-DR funds to implement the Hunts Point resiliency project as an appropriate alignment of responsibilities.

Working with ORR, NYCEDC will determine effective partnerships and contractual services necessary to engage stakeholders and to construct a pilot project.

The City received twenty comments requesting information related to the specific pilot project for Hunts Point and how it will be chosen, including next steps and benchmarks.

On October 16, 2014, the U.S. Department of Housing and Urban Development (HUD) published its Notice of Funding Availability in the Federal Register (Docket No. FR-5696-N-11). The notice informed the public that HUD would provide \$20 million for Rebuild by Design proposal titled “Hunts Point Lifelines.” To supplement this investment, the City dedicated an additional \$25 million from CDBG-DR funds. The funding will be used for continued study, analysis, planning, preliminary design, and stakeholder engagement to further evaluate the project components of the Hunts Point Lifelines

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proposal for financial and technical feasibility. Funds will also be used for design, engineering, and construction of a first phase pilot project that will improve the resiliency of the peninsula.

The first phase pilot project has not yet been identified, and will be generated as a result of the continued study, analysis, planning, preliminary design, and stakeholder engagement. The City’s resiliency plan identified Hunts Point as a priority site for integrated coastal protection interventions and other food supply-specific initiatives such as energy resiliency measures. The “Hunts Point Lifelines” conceptual proposal calls for a comprehensive approach to resiliency that includes coastal protection, waterfront access, workforce development, energy resiliency and storm water management. The immediate next step is to work with Hunts Point stakeholders to design a stakeholder engagement process for the development of a Hunts Point resiliency implementation plan, including the selection of a pilot project and a framework for advancing additional studies and subsequent phases. Each component is intended to support the community’s long-term viability and would complement other efforts being undertaken by the City in Hunts Point to secure this vital City asset and the City’s food supply. The City has certified that it will complete a pilot project in Action Plan Amendment 8B. The City will submit a substantial Action Plan Amendment once this project is identified.

Current funding provided by HUD does not allow for full project implementation as envisioned during the Rebuild by Design process. As project planning and design progresses, the City will seek additional funding sources and opportunities to increase the resiliency of Hunts Point.

The City received one comment requesting information on how many minority and/or local businesses are on the Hunts Point Lifelines Team, excluding non-profits.

The City has not yet selected any consultant teams for the Hunts Point project. The City’s preliminary project timeline anticipates stakeholder engagement in 2015, procurement of a consultant team before the end of 2015, and initiation of the pilot project beginning as early as 2016.

The City received six comments supporting the City’s CDBG-DR allocation to the Hunts Point project.

The City recognizes the critical need to reduce risk to the Hunts Point food distribution facility. The City is dedicated to advancing this project in partnership with local stakeholders.

Lower Manhattan

The City received fifteen comments requesting information on the scope and purpose of the City’s \$3 million allocation toward planning for Lower Manhattan and about general coastal resiliency plans for the area south of Montgomery Street.

On October 16, 2014, the U.S. Department of Housing and Urban Development (HUD) published its Notice of Funding Availability in the Federal Register (Docket No. FR-5696-N-11). The notice informed the public that HUD would fund “Compartment 1: East River Park” (Montgomery Street to East 23rd

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Street) of the resiliency concept “titled ‘BIG U.’” HUD further encouraged the City to “secure additional funding to implement other phases or portions” of the project.

The City recognizes Lower Manhattan’s critical importance to New York’s economic, social and physical infrastructure. Consistent with HUD’s guidance, the City will focus attention and resources to identifying alternate means to advance coastal protection south of Montgomery Street. To that end, the City reallocated \$3 million to advance planning, feasibility analysis and preliminary design for that portion of the City. These funds will enable the City to take the critical next steps with local partners to evaluate alternative flood protection technologies, and better refine overall project costs and schedules.

It is important to note that the CDBG-DR funding allocations enumerated in Action Plan Amendment 8 represent just one element of the City’s overall recovery and resiliency program. The City will continue to engage local stakeholders and elected officials in Lower Manhattan to identify projects and proposals to reduce risk to this critical neighborhood. This work entails the coordination of planning and capital investments occurring in Lower Manhattan led by non-City entities, and identifying substantial resources to support the eventual implementation of an effective coastal protection project for all of Lower Manhattan.

The City received four comments asking who determined the funding level and whether \$335 million is enough to construct adequate flood protection from East 23rd Street to Montgomery Street.

The U.S. Department of Housing and Urban Development determined the funding level and location for the East Side Coastal Resiliency Project. This area represents “compartment 1” of the BIG-U proposal. The City intends to partner with local community stakeholders throughout the design development process to evaluate design options and corresponding implementation costs.

The City received four comments encouraging the City to spend CDBG-DR funds on homes, small businesses and vulnerable populations, not constructing anything near the rivers or in the top hurricane evacuation zone.

In New York City, Hurricane Sandy resulted in 44 deaths and approximately \$19 billion in damages and lost economic activity. The City’s resiliency plan, A Stronger, More Resilient New York, outlines recommended measures to reduce risks from a variety of climate change impacts as part of its multilayered strategy to strengthen coastlines, upgrade buildings, protect infrastructure, and make neighborhoods safer and more vibrant.

Additionally, President Obama recently issued an executive order requiring more stringent floodplain construction standards to account for the changing climate. The City already complies with these standards and is dedicated to enhancing resiliency through the building code and flood protection system designs.

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The City has dedicated more than \$2.4 billion of its CDBG-DR funding toward housing recovery efforts, namely through the Build it Back program. Per federal regulations, at least 50 percent of all CDBG-DR expenditures must benefit low- to moderate-income households. The City has also dedicated funds to small business recovery and resiliency programs and will implement targeted resiliency and infrastructure investments that will support businesses and jobs as enumerated in Action Plan Amendment 8.

The City received twenty-two comments about coordination between the East Side Coastal Resiliency project and the Pier 42 project.

The City recognizes the unique collaboration opportunity between the East Side Coastal Resiliency project and the Pier 42 project.

The City is closely coordinating schedules and designs for each project and will continue to engage community stakeholders and elected officials on design considerations as work progresses. The New York City Department of Parks and Recreation (DPR) is part of the East Side Coastal Resiliency project team and is also responsible for implementing the Pier 42 project. To ensure seamless coordination, the same staff works on both projects. Further, no part of the approved and funded Pier 42 Phase 1 implementation will be in conflict with any of the East Side Coastal Resiliency concepts.

The City received one comment asking if there are any plans or studies that incorporate enhancements to Pier 36.

The City has reallocated \$3 million to begin planning and preliminary design for the area below Montgomery Street. This study area would include Pier 36 in its footprint.

The City received one comment asking whether the East Side Coastal Resiliency project will be enough to protect structures in the Lower East Side.

No solution can provide 100% safety. However, the proposals put forward for flood protection on the Lower East Side as part of the Rebuild by Design process are an effective way to reduce risk and will make residents and businesses on the Lower East Side safer from future coastal storms.

The City received one comment expressing concern over the East Side Coastal Resiliency project’s impact on Corlears Park.

The City will partner with stakeholders throughout the project area to communicate design alternatives and evaluate project impacts.

The City received one comment expressing concern over plans to build into the East River and sell the land to a private developer.

The City will continue to evaluate a variety of long-term climate change adaptation measures to reduce risk in vulnerable neighborhoods where those measures could strengthen communities, provide co-benefits to local residents, and potentially generate funding to offset upfront costs. The City will be

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sure to continue its stakeholder engagement on all projects to identify and respond to community priorities and concerns in advance of project implementation.

The City received one comment asking whether constructing a flood protection system that ends at Montgomery Street would exacerbate flood risk below where the structure ends.

The City’s initial flood modeling efforts indicate that flood protection systems can be designed in such a way that they do not increase flooding in other areas. As the design for any of the City’s flood protection projects is moved forward, additional efforts will be made to reduce and eliminate residual flooding impacts.

The City received one comment asking if flood insurance is required for properties south of Montgomery Street and who would pay these insurance premiums.

Information about FEMA’s National Flood Insurance Program, including flood maps, is available at www.region2coastal.com.

The City received one comment encouraging the City to consider constructing bioswales in Manhattan Community Board Three.

The City will work with the community to identify priorities as design for the East Side Coastal Resiliency project advances, and will forward this comment to the appropriate agencies.

The City received one comment stressing the need for the East Side Coastal Resiliency project to incorporate waterfront access and social connectivity into its design.

A key goal of the East Side Coastal Resiliency project design will be to enhance community access to open space and the waterfront. The primary goal of this project is to provide flood protection when needed, but also to allow for a more vibrant waterfront during the majority of the time when flood protection is not required.

The City received one comment requesting a study of the effects of closing the subway tunnels on Lower Manhattan.

The City recognizes the importance of a comprehensive understanding of the impacts of resiliency measures and will continue to evaluate all appropriate impacts and alternatives.

Red Hook

The City received one comment saying the Red Hook integrated flood protection system should be constructed to allow for FEMA flood insurance changes.

The City will evaluate the design criteria that would allow for flood protection to impact flood insurance premium rates in Red Hook during the design development phase of this project.

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The City received one comment stating that the amount allocated for the Red Hook Integrated Flood Protection System has been reduced by \$65 million.

The latest amendment did not decrease funding the Red Hook Integrated Flood Protection System. The City’s CDBG-DR commitment to this important project remains the same: \$50 million.

The City received one comment saying the City should address combined sewer outfalls in Red Hook immediately, without having to wait for the integrated flood protection system to advance.

The City is committed to reducing combined sewer overflows. This comment will be forwarded to the correct agencies responsible for that work.

Coney Island

The City received one comment encouraging funding to be dedicated to advance Coney Island microgrid projects.

The City is interested in pursuing microgrid pilots and opportunities for resilient energy resources, where appropriate. For example, the U.S. Department of Energy recently provided an \$859,000 grant to the City University of New York to help advance solar installations that can operate during power outages.

The City received one comment requesting additional information on bioswales and prevention of future damage to Coney Island.

*Information about bioswale design standards can be found on the City’s Department of Environmental Protection website or by following this link:
http://www.nyc.gov/html/dep/pdf/green_infrastructure/bioswales-standard-designs.pdf.*

As enumerated on page 126 in Action Plan Amendment 8, the City has allocated \$15 million for Coney Island stormwater management and commercial corridor improvements, including right-of-way bioswales. Further, because of the complexity of the district and varying impacts from storm surge and stormwater, the City is currently pursuing a complement of programs to make the district more resilient, more attractive for businesses and consumers, and to prepare it for climate change:

- *To improve the region’s ability to manage stormwater, the City is investing in more than \$240 million in infrastructure upgrades including the new sewers and raising of street grades between W 2nd and W 22nd Streets;*
- *To protect from coastal wave action and storm surge inundation, the City will continue working with USACE on beach nourishment, T-groin construction, and related investments along Coney Island Beach;*
- *To prevent flooding from Coney Island Creek, the City is currently conducting a Coney Island Creek Tidal Barrier and Wetlands Feasibility Study to identify near-term and long-term*

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solutions to protect vulnerable public and private infrastructure. The study is anticipated to have actionable recommendations by the 4th quarter of 2015.

Rockaways

The City received one comment asking the City to elaborate on the scope of its \$15 million reallocation to the Rockaways, especially in light of State NY Rising allocations for similar streetscape projects.

The City will invest \$15 million for targeted infrastructure and resiliency improvements in key commercial corridors throughout the Rockaways, such as Beach 108th Street, Mott Avenue, and surrounding business districts, as determined by upcoming preliminary design and community engagement efforts. These funds are expected to be complemented by funds from other government programs and will complement the City's commitment to provide ferry service to the Rockaways. Businesses in the Rockaways continue to struggle from a decline in economic activity, in part due to surrounding vacant storefronts and damaged streetscapes. These funds will cover streetscape and stormwater management upgrades and the creation of new open space to renew the viability and resiliency of the commercial thoroughfares, benefiting over 200 businesses and 2,000 jobs. In response to this comment, the City is adding a new Eligible Activity to this project, Special Economic Development Activity, to provide more flexibility as the City moves forward on several ongoing Rockaways economic development and infrastructure initiatives, including NY Rising projects.

Saw Mill Creek

The City received nine comments regarding the restoration and rehabilitation of the Saw Mill Creek wetland on Staten Island's West Shore. Among these comments, one comment was in favor and eight were against:

1. The Mitigation and Restoration Strategies for Habitat and Ecological Sustainability (MARSHES) at Saw Mill Creek on Staten Island does not provide resiliency benefits to businesses and homes.
2. The usage and operation of compensatory mitigation credits that are created through the restoration and rehabilitation of Saw Mill Creek marsh is not clear.
3. NYCEDC should not manage the Saw Mill Creek project or mitigation bank.
4. Compensatory wetland mitigation banking is not good for New York City or the environment.
5. The service area of the Saw Mill Creek wetland mitigation bank is inappropriate.
6. The creation of a wetland mitigation bank will result in structures being developed in flood zones.

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1. *The West Shore of Staten Island incurred severe flooding and inundation during Hurricane Sandy. The one-half mile area surrounding the Saw Mill Creek marsh is home to hundreds of businesses; the areas immediately east and north of the Marsh are home to more than 20,000 residents (all located within the 100-year floodplain). Further, the marsh is adjacent to an important industrial business district as well as the West Shore Expressway.*

The marsh’s degraded condition no longer maintains the same absorptive capacity and has largely been filled at-grade with nearby water systems, putting local businesses and residents at risk during significant storm events. Restoring 68 acres of wetlands in the marsh will reduce risk to nearby businesses and residences by attenuating floodwaters and improving the watershed’s water and sediment quality.

Additionally, the wetlands restoration is tied to the creation of the first mitigation bank in New York City, which will create compensatory mitigation credits with the potential to expedite resiliency projects on Staten Island and citywide. The efficiencies created by this pilot add value beyond the natural flood attenuation realized through the restoration.

Finally, successful development of the Saw Mill Creek mitigation bank is expected to lead to additional banks, which will provide additional funding to restore wetland systems throughout New York at a larger scale than under the current regulatory process.

2. *The City plans to leverage the restoration of the Saw Mill Creek marsh to create a pilot compensatory wetland mitigation bank that will generate “credits” that can be used to offset permitted and unavoidable impacts of future coastal zone construction projects.*

Hurricane Sandy made clear the importance of ensuring that the waterfront and its surrounding communities become more resilient to future coastal storms and other climatic events through shoreline protection and large scale restoration. The availability of compensatory mitigation credits in New York City is an important mechanism in adapting the city’s coastline to become more resilient. Critical infrastructure, public amenities, buildings, and maritime industrial activities in the coastal zone need to adapt, and thus must go through a rigorous environmental permitting process to demonstrate that environmental impacts are avoided and then minimized to the greatest extent practicable prior to considering mitigation alternatives.

Permittees and regulators under the current regulatory system are increasingly challenged to find acceptable mitigation projects. Such projects are necessary to offset unavoidable impacts and to ensure that permitted mitigation projects remain ecologically viable and successfully replace lost resources over the long-term. Doing mitigation banking in New York City is essential to retaining and growing green infrastructure. As a mechanism, it provides ecological services and resiliency during extreme weather events. The Saw Mill Creek Mitigation Bank and future waterfront projects that use credits generated through the restoration will continue to operate within the existing regulatory rules of New York State Department of Environmental Conservation and Army Corps’ construction permit approval process. Through a process to be established by the City of New York, credits will be made

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available to projects deemed eligible by the New York State Department of Environmental Conservation and Army Corps.

3. *The City acknowledges the community's concern and will monitor progress appropriately. EDC has the capacity to manage this project effectively, in line with its work on other resiliency projects throughout the City.*

4. *The Saw Mill Creek Wetland Mitigation Bank pilot is being developed under the rules and regulations established under the Clean Water Act and the United States Army Corps (USACE) and the United States Environmental Protection Agency's (EPA) 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources. These regulations articulate a preference for mitigation banks. The National Research Council, the Society of Wetland Scientists, and the Environmental Law Institute endorse this method as the most successful approach to offset unavoidable wetlands losses.*

Unlike other forms of offsets for environmental impacts, mitigation banks such as Saw Mill Creek are legally required to perform rigorous monitoring and maintenance to ensure successful replacement of ecological function. The federal rules that dictate how mitigation banks operate require scientifically quantifiable success criteria and result in regulatory efficiencies and greater amounts of ecological function that only occurs when wetland restoration occurs at scale. A total of 28 states have established over 1,000 mitigation banks since 1990, resulting in the restoration of over 960,000 acres of wetlands.

5. *The service area of the Saw Mill Creek Bank was determined by the Interagency Review Team, comprised of the United States Army Corps of Engineers (USACE), the New York State Department of Environmental Conservation (NYSDEC), the New York State Department of State, the United States Environmental Protection Agency, the United States Fish and Wildlife Service, and the National Marine Fisheries Service. The Saw Mill Creek mitigation bank provides off-site compensatory mitigation for authorized unavoidable impacts to waters of the United States and/or State waters, including wetlands, occurring within the portions of the Lower Hudson River Basin, also known as Hydrologic Unit Code 06 (HUC06) 020301, that are within the New York City Municipal limits (Primary Service Area). This Primary Service Area includes portions of the following HUC08 subbasins: Lower Hudson River and Sandy Hook-Staten Island and excludes the HUC12 subwatershed region: Raritan Bay-Lower Bay Deep.*

The Primary Service Area includes the Boroughs of Staten Island and Manhattan and portions of the Boroughs of the Bronx, Brooklyn and Queens. The Bank secondarily would be established to provide off-site compensatory mitigation for authorized unavoidable impacts to waters of the United States and/or State waters, including wetlands, occurring within the portions of Long Island Basin, also known as Hydrologic Unit Code 06 (HUC06) 020302, that are within the New York City Municipal limits (Secondary Service Area). This Secondary Service Area includes portions of the following HUC08 subbasins: Bronx River, Long Island Sound, Northern Long Island and Southern Long Island and includes the HUC12 subwatershed region: Raritan Bay-Lower Bay Deep. The Secondary Service Area

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includes portions of the Boroughs of the Bronx, Brooklyn and Queens. Use of compensatory mitigation credits in the Secondary Service Area is limited to projects that meet the following requirements:

- I. No practical on-site mitigation alternatives are available that meet all of the mitigation need;*
- II. No practical off-site mitigation alternatives are available within the Secondary Service Area that meet all of the mitigation need; and*
- III. There are no other approved mitigation banks servicing the Secondary Service Area.*

Within the Primary Service Area, the Bank will be the preferred site for providing mitigation for authorized impacts. Within the Secondary Service Area, decisions authorizing use of credits from the Bank will be made by USACE and/or NYSDEC on a case-by-case basis in accordance with applicable permit requirements. The basis for the size and shape of the Service area is a consequence of municipal boundaries and geographic watersheds.

6. New York City's 520 miles of coastline are and have always been a critical component of city life. The waterfront and coastal zones include numerous regional parks and shoreline greenways; ferry landings, docks, and piers; supporting more than 33,000 jobs in commercial maritime areas; 14 wastewater facilities; marine facilities that move 12,000 tons of municipal waste and recyclables; and energy facilities that produce electricity and supply natural gas.

Several important public policy goals will be facilitated by the creation of New York City's first wetland mitigation bank:

- Adapting the City's waterfront to respond to changing climate conditions including sea level rise;*
- Promoting ferry connectivity between new waterfront communities developed to meet population growth and the need for affordable housing;*
- Promoting natural features, such as the Staten Island Blue Belt, to handle stormwater runoff; and*
- Supporting maritime-dependent uses on the City's waterfront that promote waterborne commerce, thereby reducing dependency on trucking and making the City's freight transportation system more resilient.*

Structures that are inappropriate for being sited within flood zones will not be facilitated through the existence of mitigation credits. This project and future waterfront projects will continue to operate within the regulatory rules of New York State Department of Environmental Conservation and Army Corps' construction permit approval process. State and Federal regulations do not allow for irresponsible construction in mapped flood zones.

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Staten Island

The City received one comment supporting the City’s allocation of resiliency funds to Staten Island University Hospital.

The City recognizes Staten Island University Hospital’s importance to the borough’s capacity to respond to future disasters, as well as its vulnerability to storm-related flooding. SIUH facilities provide approximately 59 percent of all inpatient care and 58 percent of all emergency department visits for the borough. Both North and South campuses rest on low-lying property located less than one mile from the shoreline. The funding allocation will support mitigation strategies and resilient construction work on both campuses.

The City received one comment requesting that the next Action Plan Amendment include additional funding for the Staten Island Living Breakwaters project.

HUD provided funding for the Staten Island Living Breakwaters project to New York State, not New York City. Details can be found in New York State’s Action Plan Amendment.

The City received three comments asking the City to provide resiliency funds to Richmond University Medical Center.

The City will continue to evaluate requests for support of critical facilities. At this time, all CDBG-DR funds have been committed to specific and ongoing programs and the City is unable to reallocate funds from other housing recovery and resiliency programs to Richmond University Medical Center (RUMC).

The City commits to working with RUMC and with Staten Island elected officials to identify alternative mechanisms for improving RUMC’s resiliency.

The City received three comments supporting small flood control projects on the South Shore.

The City is committed to working with local elected officials and community stakeholders to reduce risk to residents of Staten Island’s South Shore. The City recognizes this region’s unique vulnerabilities and, in its climate resiliency plan A Stronger, More Resilient New York, has identified a multilayered plan to improve the resiliency of the neighborhoods on the South Shore.

To that end, the City recently launched a \$100 million shoreline investment program that includes specific allocations for the South Shore. This program complements other investments being made between Great Kills and Tottenville, including HUD’s Rebuild by Design living breakwater program, NY Rising’s protective berms, and any potential U.S. Army Corps of Engineers projects that are identified as part of its current study or related programs.

The City received three comments asking the City to consider what recovery means for Staten Island in the long-term.

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Since Hurricane Sandy, the City has been advancing short- and long-term recovery and resiliency initiatives across Staten Island. These efforts are being guided by a multidisciplinary city team that is coordinating housing recovery programs, bluebelt investments, US Army Corps of Engineers projects, infrastructure upgrades, land use changes, and recreational amenities.

Economic Opportunity

The City received twelve comments asking how the City will incorporate workforce development into its resiliency projects.

The City recognizes the unique opportunity to leverage its long-term resiliency program to create new employment and career pathways for jobseekers and low-wage workers. To achieve this, the City will seek to build and support education and training programs throughout the city that connect local residents to newly created jobs in fast-growing sectors of our economy through new industry and community partnerships as well as existing city resources including our network of Workforce1 Career Centers. Information on the City's Workforce Development Plan can be accessed at the Career Pathway website: <http://www1.nyc.gov/site/careerpathways/index.page>. Through ongoing public engagement, the City will continue working with stakeholders to explore resiliency workforce development opportunities.

The City received one comment asking whether the City has plans to open a Sandy Workforce1 Center in Manhattan.

The City currently has plans to open a Sandy Workforce1 Career Center in South Brooklyn, as well as to dedicate resources to delivery of services to Sandy-impacted residents in the Far Rockaway and South Shore of Staten Island Workforce1 Career Centers. While there are no current plans to dedicate a Workforce1 Career Center in Manhattan specifically to Sandy-impacted residents, appropriate outreach will be conducted in Manhattan to drive Sandy-impacted residents to the centers dedicated to Sandy Workforce1 service delivery and Sandy Workforce1 staff will periodically deliver services in Manhattan.

General Comments Citizen Participation

The City received 32 comments regarding the community outreach process. Six comments asked for notification of the public hearing process. Five comments asked about social media outreach. Five comments requested information about future public hearings. One comment asked for more information about the Action Plan. Two comments requested translation services for the presentation and Action Plan. Three comments asked why a portion of the comment period overlapped with holidays and two comments requested a speedy approval process. Eight comments requested the opportunity to read their comments aloud as a part of the public hearing.

HUD published the Federal Register Notice that details third allocation requirements on October 16, 2014. A proposed Action Plan amendment is due to HUD within 120 days of the effective date. The process includes a 30 day public comment period, including at least one public hearing, and a 60 day

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period of review by HUD after the City submission. The City published the proposed Action Plan and opened the comment period on December 19, 2014. The comment period remained open until January 19, 2015 at 11:59 PM (EST).

The November 18th Federal Register Notice requires that for a substantial amendment to the Action Plan there is at least a thirty (30) day public comment period and at least one public hearing to solicit public comment. For Action Plan Amendment 8, there was a 31-day public comment period and five public hearings were held. The public hearings were held in Staten Island, Queens, Brooklyn, the Bronx, and Manhattan. Spanish, Russian, Cantonese, and Mandarin translators were available at every public hearing to interpret the presentation and assist during the breakout sessions. Spanish, Russian, and Chinese translations of the proposed Action Plan were available at all public hearings and at the New York City Office of Management and Budget. Digital copies of these translations were posted on the CDBG-DR website on December 19, 2014 and remain available online.

Written comments were accepted at the public hearings. Comments were also accepted through the mail, the CDBG-DR website, and 311. All received comments are acknowledged in this document and are were taken into account for the submission of the Action Plan to HUD.

The City took extensive measures to ensure that participation was facilitated for all segments of the population; similar measures will be taken for future Action Plans and Amendments. This includes translation efforts, citywide marketing campaigns, and targeted outreach. Public notices for each substantial amendment have been published in eight local newspapers. These notices contain information on where to access the electronic and paper copies of the amendments, how to comment on the Action Plan, and the locations of the public hearings. On the date of publication, the notice for proposed Amendment 8 also appeared in the City Record and was referenced in a press release from the Mayor’s Office. For more information, please refer to the Executive Summary and Citizen Participations sections of the Action Plan.

Up-to-date information about the Action Plan and amendments (both substantial and non-substantial) can be found on the City’s CDBG-DR website.

Transparency

The city received two comments requesting greater transparency and reporting in the Sandy Funding Tracker for programs laid out in the Action Plan.

The City is required to track program expenditures in HUD’s Disaster Recovery Grant Reporting (DRGR) system. Quarterly Performance Reports (QPRs) are posted on the City’s website (<http://www.nyc.gov/cdbg>) and contain information about the uses of funds for activities identified in the Action Plan. The City’s QPRs must be submitted to HUD no later than 30 days following the end of each calendar quarter and will be posted on the City’s website within three days after submission to HUD. More information about the DRGR system and QPRs can be found in the HUD March 5th Federal Register Notice. In addition, the City maintains an additional resource, the Sandy Funding Tracker, which is not mandated in HUD’s requirements. This public portal provides further allocation, spending, and program data for all federal Sandy Recovery funds dedicated to New York City, including from the CDBG-DR grant, FEMA Public Assistance and FEMA Resiliency grants, the Army Corps of Engineers, the Federal Transportation Authority, and many other sources. The City regularly updates the Sandy

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Funding Tracker and will continue to work to provide even greater transparency and additional tools for the public to interact with disaster recovery data. The Sandy Funding Tracker can be found at (<http://www1.nyc.gov/sandytracker/>).

Allocation of Funds

One comment asked if the City was expecting more funds to be allocated through the CDBG-DR grant.

The third tranche is the final allocation for New York City. Of the original \$16 billion Federal appropriation, there is approximately \$1 billion in CDBG-DR funds remaining. The remaining CDBG-DR funds will be distributed via the National Disaster Resilience Competition (NDRC), which was announced by the White House on June 14, 2014.

The City received two comments asking for funding for specific projects or areas. One comment noted that the Action Plan did not make sufficient references to Canarsie. One comment asked for the inclusion of churches.

The City's Action Plan focuses on four program areas: Housing, Business, Infrastructure and Other City Services, and Coastal Resiliency. The Action Plan details the proposed use of CDBG-DR funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas. The Executive Summary of the Action Plan includes a table with details of funding allocation for each of the City's program areas.

Section IV. Funding Justifications of the Action Plan details the City's plans to spend its allocation of CDBG-DR funds to address the most urgent housing, business, infrastructure, and resilience needs in the neighborhoods hardest hit by Hurricane Sandy.

Other

One comment asked how the Action Plan addresses the City's plan to reduce carbon emissions by 80 percent by the year 2050.

The City is dedicated to realizing its ambitious goal of reducing carbon emissions by 80 percent by the year 2050 (80 by 50). This document, though, stipulates how the City will allocate disaster recovery funds provided by the federal government for recovery and resiliency measures in the aftermath of Hurricane Sandy.

One comment acknowledged that some resiliency projects require a full environmental impact statement and input from the public and federal, state and city agencies and expressed concern about environmental impacts of resiliency projects.

The City will follow all requisite regulatory procedures in advancing its resiliency projects, including those required by the National Environmental Policy Act and the New York State Department of Environmental Conservation.

One comment suggested the City to update its Action Plan Amendment to leverage the resources of NYS RISE (Resiliency Institute for Storms and Emergencies).

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This comment details suggestions for the City’s implementation of its recovery and resiliency agenda. The Amendment, by contrast, provides a broad overview of the projects and programs to which the City will dedicate this round of CDBG-DR funds. The City recognizes the value provided through partnerships with other governments, the private sector, academia, and other stakeholders. The City will forward these suggestions to the appropriate offices and agencies as program implementation progresses.

One comment suggested that the City dedicate funds to ceding certain private property to nature.

This Amendment dedicates substantial funding to Build it Back, the City’s housing recovery program. Build it Back provides all applicants whose homes sustained substantial damage the option to voluntarily sell their home to the City.

One comment requested additional information about the City’s hurricane evacuation zones.

Information about the City’s hurricane evacuation zones and evacuation center locations may be found at: http://www.nyc.gov/html/oem/html/hazards/storms_evaczones.shtml. It is important to note that evacuation centers are not located in evacuation zones.

One comment suggested that the City incorporate planning and administration into local centers.

The City’s Build it Back program has staff deployed to offices in Sandy-impacted areas. Other City offices and agencies will deploy staff in a manner that supports robust community engagement and that falls within budgetary and resource constraints.

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Responses to Public Comments

This document describes the comments received from the public following the release of the initial Partial Action Plan A and subsequent proposed amendments. Each amendment’s section reflects the public’s comments on the corresponding proposed modifications made to the City’s Action Plan. Responses to comments made prior to the most recently released amendment may no longer be accurate. For the most up-to-date information, refer to the current Action Plan and responses to the most recent amendment.

The City has not removed any answers to comments on prior amendments that are now out of date. Instead, the City has provided strikethroughs for any answers to comments received on previous amendments that are no longer accurate.

Action Plan Amendment 8A (Substantial Amendment)

- Release Date: December 19, 2014
- Comment Period: December 19, 2014 – January 19, 2015
- Approved by HUD: February 13, 2015
- Number of comments received: 39

Housing Comments

Optional Relocation Assistance

The City received a total of twenty-six comments on Build it Back’s proposed Optional Relocation Assistance program. The comments included questions related to program eligibility requirements and process, as well as proposals for implementation of the program.

Under the first category, eight commenters asked for clarification regarding eligibility for the benefit and timelines for approval of expenses and distribution of reimbursement payments. Nine commenters asked questions about how the Program would apply to homeowners who have already been displaced due to Build it Back construction or who are currently displaced because of the storm but not due to Build it Back construction.

Under the second category, eight commenters said that the City should assist homeowners in finding temporary housing options, especially in cases where pet-friendly housing is needed. Five commenters asked that the benefit be made available to homeowners in the form of an upfront payment due to homeowners’ limited financial resources. One commenter recommended that Build it Back speed up the home elevation process to shorten the relocation period. Three commenters asked for the benefit to be expanded to include assistance with mortgage payments.

One commenter asked that Build it Back provide assistance whether or not the displacement duration is more than 30 days. Three commenters recommended that the program expand the benefit by collecting Increased Cost of Compliance funding available to homeowners who participate in the National Flood Insurance Program. Five commenters suggested that an expedited payment process be put in to place for homeowners with urgent cases who need reimbursement quickly.

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The Housing Recovery Office (HRO) appreciates the comments and support it received in response to the proposed Optional Relocation Assistance program.

Upon approval of the Action Plan by the Department of Housing and Urban Development (HUD), Build it Back intends to provide relocation assistance to homeowners who are displaced for more than 30 days as a result of Build it Back construction. The City has determined that the majority of applicants will incur significant rental expenses during construction, with the greatest financial burden on those that are required to leave their homes for an extended period of time. To develop a program that meets this need within budgetary constraints, the City will provide payments for rental expenses but not additional housing-related expenses and will provide this benefit for households required to vacate for greater than 30 days. The City recognizes that relocation may be disruptive and is bringing on additional design and construction resources to expand our capacity to handle all projects, especially elevations.

Build it Back is working to set up a process that will allow applicants to submit claims for verifiable rental expenses and receive reimbursements once those claims have been approved. The City intends to allow homeowners to submit claims requests on an ongoing basis during their construction period and will make every effort to reimburse homeowners expeditiously after receiving a reimbursement claim.

Applicants who are already out of their homes as a result of Build it Back construction lasting longer than 30 days and who are otherwise eligible for relocation assistance will not be able to be reimbursed for eligible expenses until approval of the Action Plan. The City anticipates being able to reimburse homeowners who have already been or are currently displaced due to Build it Back construction. These homeowners are advised to retain all receipts for temporary housing expenses so that they may claim those expenses if sanctioned under the approved program budget. The City anticipates approval of the Action Plan in spring 2015.

This relocation assistance is specifically for the period of displacement caused by Build it Back construction. The Program continues to work to ensure that homeowners can use housing recovery benefits received from other sources to offset pre-construction temporary housing expenses. In order to address rental placement needs, the HRO is exploring a pilot program to master lease apartments to be made available to displaced applicants. Additionally, HRO intends to work with civic associations and nonprofit organizations to inform homeowners about locally based options for temporary housing.

Currently, homeowners eligible to receive Increased Cost of Compliance funds from the National Flood Insurance Program (NFIP) to use toward Build it Back's cost to elevate their home are required to assign those funds to the City. These funds reduce the City's share of construction costs and were included in determining funding available for the Optional Relocation Assistance program.

The City will establish clear procedures for implementing the temporary housing benefit, including documentation requirements and timeframes for claim approval and payment. Homeowners should visit www.nyc.gov/recovery for updates.

Workforce Development

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The City received a total of thirteen comments about Build it Back’s proposed workforce development initiatives. The City received seven comments in support. Two commenters asked how residents may apply for recovery-related career opportunities. One commenter asked how the City will ensure that the workforce development initiatives are responsibly and effectively carried out by contractors and vendors. Three commenters asked about job and training opportunities in the Rockaways and in Manhattan.

HRO appreciates the comments and support it received on the proposed workforce development initiatives included in New York City’s Amended Action Plan.

HRO is partnering with NYC’s Small Business Services (SBS) to connect New York City residents to recovery-related career opportunities through the new Sandy Recovery Workforce1 program. Workforce1 will work through its network of Career Center locations to connect eligible Sandy-impacted residents to opportunities available in rebuilding and recovery work. Interested candidates should visit www.sandyrecoveryopportunities.com to submit information about their skills and experience, so that they will be in the first pool of candidates that Workforce1 connects to opportunities with employers. Build it Back contractors will register job opportunities with Sandy Recovery Workforce1.

In October 2014, Build it Back hosted its first Sandy Recovery Opportunity and Resource Fair in Far Rockaway to connect Sandy-impacted New Yorkers with workforce development and other opportunities with the City’s Hurricane Sandy recovery and resiliency programs. That event brought together nearly fifty government agencies, businesses, and organizations in an effort to provide career opportunities, job training, union apprenticeships, and recovery and community resources to Sandy-impacted New Yorkers.

Beginning in spring 2015, a new Sandy Recovery Workforce1 Center, as well as Sandy Recovery staff at two existing Workforce1 Centers (Far Rockaway Center and Staten Island - South Shore Center), will provide resources to directly connect Sandy-impacted residents to recovery- and resiliency-related career opportunities. The Far Rockaway Center is located at 1637 Central Avenue and the Staten Island – South Shore Center is located at 3845 Richmond Avenue, 2nd Floor.

Workforce1 has three Career Centers in Manhattan: the Upper Manhattan Workforce1 Career Center at 215 West 125th Street; the Midtown Workforce1 Satellite Center at 1250 Broadway; and the Healthcare Workforce1 Career Center at 79 John Street. Additionally, Workforce1 has three Career Centers in the Bronx: the Bronx Workforce1 Career Center at 400 East Fordham Road; the University Heights Workforce1 Career Center at 2150 University Avenue; and the Hunts Point Workforce1 Career Center at 1029 East 163rd Street.

Numerous safeguards are in place to ensure the proper delivery of funds to responsible workforce training organizations. In order to be eligible, providers must demonstrate past performance related to graduation and placement rates, and pre-apprenticeship programs must also demonstrate a proven pathway to registered apprenticeship programs. For individual courses and clients, the City requires a combination of signed attendance sheets and a copy of the earned certification in order for the full voucher value to be disbursed.

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Action Plan Amendment 5A and 5B (Substantial Amendment)

- Release Date: December 27, 2013
- Comment Period: December 27, 2013 – March 2, 2014
- Approved by HUD: Amendment 5A approved April 18, 2014, Amendment 5B approved June 13, 2014
- Number of comments received: 210

Housing Comments

Temporary Housing Costs

The City received six comments expressing concerns about temporary housing expenses. The commenters explained their reluctance to choose a Build it Back pathway in anticipation of these expenses.

The City recognizes that homeowners who voluntarily enter Build it Back may face the burden of temporary housing expenses while their long-term repair or rebuild projects are completed and is currently exploring Programmatic options to address this issue.

Appeals Process

The City received one comment requesting an explanation of the appeals process, specifically whether applicants will have an opportunity to appeal their program outcome.

If an applicant does not understand or disagrees with a Program determination, the applicant may “appeal” those determinations by taking advantage of NYC Build it Back’s Issue Resolution Process. The Program has established a formal two-tier process to resolve issues with applicants. Prior to the formal review process, applicants will be given the opportunity to understand and discuss Program decisions through informal communications with Customer Service Representatives and Housing Recovery Specialists.

If the applicant continues to disagree with a Program determination after receiving an explanation from a Customer Service Representative or Housing Recovery Specialist, the applicant may submit a Request for Review of a written Program determination using the form provided by the Program.

If the Request for Review is denied, and the determination relates to the applicants’ eligibility to participate in the Program, the applicant may submit a formal Appeal of the eligibility determination using the form provided with the review response sent by the Program (for eligibility determinations only). Appeals must be submitted within 30 days of receipt of the review response from the Program.

More information can be found on the Build it Back website, or by following this link.

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http://www.nyc.gov/html/recovery/downloads/pdf/issue_resolution_form.pdf

Attached Homes

Two commenters had questions about the mechanics of raising attached homes when the homes require different program services.

Attached homes will be considered on a case-by-case basis, with the expertise of design and engineering professionals. HRO is working with the NYC Departments of Buildings and City Planning to analyze the design and cost implications of strategies for attached buildings including.

Basement Rehabilitation

The City received two comments from property owners with furnished basements. The City received one comment requesting that the City create a pathway for homeowners citywide to legalize basement apartments and bring them up to code without hikes in property taxes.

The New York City Department of Housing Preservation and Development makes available information to help homeowners understand the difference between legal and illegal basement and cellar spaces. Build it Back used these definitions to develop policy on rehabilitating and rebuilding damaged basements to meet the requirements of New York City Housing and Maintenance Code.

http://www.nyc.gov/html/hpd/downloads/pdf/PreservationSvcsBrochure_BasementCellar.pdf

Under the Program, legally habitable basements will receive basic rehabilitation, including rehabilitation of any damaged sheetrock, doors, windows, electrical and flooring. Habitable basements will also be included in the Rebuild square footage. Non-habitable basements and cellars will be rehabilitated only to the extent necessary to meet any minimal applicable codes; secondary kitchens and baths will not be replaced.

Resiliency, Elevation, and Flood Insurance Rates,

The City received twenty four comments regarding resiliency planning. These comments requested additional clarification on the City's housing resiliency plan and included suggestions on how home elevations could be used as potential solutions to increased flood insurance rates.

The NYC Department of Buildings (DOB) construction code indicates that when a building has suffered substantial damage, or when rehabilitation and reconstruction efforts can be classified as substantial improvements, any construction work has to be done to code, including potential required elevation. DOB defines substantial damage as damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The Build it Back grant assistance will cover the cost of any required elevation; however, elevations will only be provided to those homes that are substantially damaged or will be substantially improved.

As described in the Action Plan, the City's grant assistance will also incorporate resilience measures for homes that were destroyed by Sandy or have suffered substantial damage, as defined by DOB. DOB construction code for 1-4 unit buildings requires that when a building has suffered substantial damage, or undergoes rehabilitation and reconstruction efforts that can be classified as substantial

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improvements; all construction work has to fully comply with flood zone regulations in Appendix G of the 2008 NYC Building Code. For residential buildings, this may include elevating habitable spaces and filling in the basement or cellar. As part of the reconstruction program, the resiliency requirements for newly constructed homes include flood resilient construction; elevation above required Base Flood Elevations; the use of mold-resistant materials, such as Hardy-Plank siding in the homes; wind resistant roof-strapping features and storm shutters; and homes must meet Enterprise Green Community Standards or Energy Star for energy efficiency.

Funds permitting, homes with less severe damage may be eligible for discretionary resilience measures to mitigate future flood risk, consistent with the principles set forth by the Hurricane Sandy Rebuilding Task Force and the Federal Register November 18, 2013 Notice (78 FR 6911).

Redevelopment Plan in the Rockaways

The City received two comments from community advocates in the Far Rockaways requesting more information about the City's plans in those areas.

Several neighborhoods hard hit by Hurricane Sandy will serve as a focus area for the NYC Department of City Planning's resilient neighborhoods studies. These studies will seek to coordinate community-based long term planning goals with coastal protection, neighborhood reconstruction and infrastructure investment. The Rockaway peninsula will be included in the resilient neighborhoods studies.

Site Assessment and Community Rebuilding

The City received six comments asking about the individual site assessment process. The commenters were hoping to better understand how Build it Back plans to maintain a sense of community in areas where blocks of homes are being rebuilt. Two commenters specifically requested coordinated assistance for a specific bungalow community in Sheepshead Bay.

Homes that suffered substantial damage during Hurricane Sandy will be rebuilt or elevated according to new Flood Insurance Rate Maps. These higher elevations are required by Building Code and will ensure the long-term livability of the housing and safety of the residents. Homes that are not substantially damaged will not be eligible for elevation by the program. This will result in streets with houses that have different levels of resilience and street profiles with buildings at various heights. The character of neighborhoods will change as a result of Hurricane Sandy and the flood maps that have followed.

The City has recently adopted changes to zoning which are designed to mitigate the impact of elevated buildings on the character of neighborhoods by requiring streetscape elements such as porches and planting. See the Department of City Planning's Flood Resiliency Text Amendment (http://www.nyc.gov/html/dcp/html/flood_resiliency/index.shtml) and the Designing for Risk Report (http://www.nyc.gov/html/dcp/html/sustainable_communities/sustain_com6.shtml).

The Build it Back program will generally match the character of the neighborhood as described by zoning. When the proposed construction does not meet zoning, the program is seeking special permits from the Board of Standards and Appeals. In order to pass this public review, the program will have to prove to the Board that the proposed construction does not harm neighborhood character.

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Access to Insurance Proceeds

Prior to commencement of repair work, Build it Back requires homeowners to transfer to the City any remaining insurance proceeds intended for the repair or replacement of the structure that have not already been spent on allowable activities. The City received five comments asking whether those allowable activities include temporary housing or mortgage payments; three asked if and how the Program intends to facilitate the release of bank-held insurance proceeds.

As per federal regulations, insurance proceeds used to voluntarily pay down a mortgage are counted as benefits received during the Build it Back Coordination of Benefits process. (Coordination of Benefits is the process by which Build it Back performs the federally mandated duplication of benefits analysis. This process is described in more detail in Section XIII of the Action Plan.) When an applicant claims an allowable activity offset for temporary housing expenses, the amount received from private insurance for temporary housing is deducted from the applicant’s verified claim prior to calculating the offset.

In those cases where insurance proceeds are being held by a bank due to mortgage requirements, the Program will coordinate with the bank and the applicant to seek release of those funds for Program repairs.

Financial Counseling and Program Eligibility

The City received seven comments asking for clarification on how an at-risk mortgage may impact an applicants’ Build it Back eligibility. The commenters were also concerned that homeowners with underwater mortgages would need to turn their relocation payments over to the mortgage bank instead of using the funds for housing purposes.

The City intends to apply federal dollars toward home repair and rebuild grants for applicants with the financial means to stay in their home. To this point, the City is partnering with the Center for New York City Neighborhoods (CNYCN), a registered 501(c)(3) non-profit organization, to provide counseling services to all Build it Back applicants with mortgage issues or concerns. CNYCN-experienced financial counselors and legal representatives work with applicants with distressed mortgages to find a debt solution.

The City recognizes that homeowners who voluntarily enter Build it Back may face the burden of temporary housing expenses while their long-term repair or rebuild projects are completed; the City is currently exploring Programmatic options to address this issue.

Section 3 Enforcement

The City received 28 comments requesting information on the City’s plan to enforce HUD’s Section 3 requirement. The commenters are hopeful that Section 3 will serve as a mechanism for job generation across Hurricane Sandy-impacted areas.

Section 3, a provision of the US Housing and Urban Development Act of 1968, is meant to ensure that employment and other economic opportunities generated by certain HUD-funded projects will, to the greatest extent feasible, be directed to low- and very low-income individuals. In particular, the Act seeks

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to serve those that are recipients of government housing assistance and businesses run by low and very low income people.

In compliance with this federal requirement, the City requires vendors of all contracts that trigger Section 3 to submit proof of their work meeting Section 3 targets. The City is also coordinating with the New York City Housing Authority (NYCHA) to ensure that contractors send job descriptions of newly created positions to the Office of Resident Economic Empowerment and Sustainability (REES). REES then contracts public housing job-seekers that meet the job requirements and assist them in applying for the positions.

Eligibility Requirements for Citizenship

The City received three comments requesting more information on citizenship as a requirement for housing program eligibility.

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.

Community Partnerships

The City received six comments suggesting that 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 is working to leverage private resources and harness the work of voluntary agencies and contractors to make rehabilitations to homes that may not be eligible for Build it Back due to federal rules and restrictions. Please see Section 5 of the Action Plan (“Sources of Funding to be Leveraged”) for a description of these efforts.

Affordability Requirement for Landlords

The City received multiple comments regarding housing affordability. More specifically, 37 commenters requested information on the affordability requirements of landlords in the Build it Back program, and 49 commenters requested that CDBG-DR funding be used to construct new affordable housing.

~~*The NYC Build it Back Program has prioritized applications so that the low-to-moderate income applicants will be served first.*~~

HRO is working to define policy that would allow owners of rental buildings where there are unoccupied units to receive priority Build it Back grant assistance so long as they agree to rent a certain percentage of their units to low income households at affordable rates during the Build it Back program.

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Furthermore, for landlords with current low-income tenants who must temporarily relocate during construction, these landlords are required to continue renting the units to the current tenants under the same terms upon completion of construction.

The City agrees that funding new construction of affordable housing in the CDBG-DR allocations is a critical policy objective. However, the first priority of the Build it Back program is to repair damaged homes and buildings. If sufficient funds are received to address all remaining repairs and reconstruction, the City would explore this type of program option, in alignment with existing new construction and preservation programs administered by the NYC Department of Housing Preservation and Development (HPD).

Reopening of Build it Back Registration

The City received 42 comments requesting that the City reopen Build it Back registration as a way of targeting those impacted by the storm but not enrolled in the program.

The registration period for Build it Back opened on June 3, 2013. It was originally scheduled to close on September 30, 2013 but was extended by one month to October 31, 2013. As of October 31st, the program had brought in 25,699 applications.

Damage Assessment Process

The City received one comment requesting more information about the damage assessment process.

Homeowners will work with their Housing Recovery Specialist to schedule a damage assessment for their damaged or destroyed property. The damage assessment will typically last for 1-2 hours and the homeowner must be present during the assessment. The purpose of the damage assessment is to help Build it Back determine the total storm damage sustained by the home (repaired and unrepaired), whether the property is eligible to be repaired, repaired and elevated, or rebuilt, and whether the property contains any lead or asbestos that must be mitigated during repair. Information from the damage assessment, along with information on previous repair awards received, is used to determine the homeowners’ potential program pathways.

Registration, intake, and assessment process overview

The City received seven comments regarding the process of registration, intake, and assessment for Build it Back eligibility.

Build it Back registration closed on October 31, 2013. After registering with 311, applicants were called to schedule an in-person intake meeting at a Housing Recovery Center. Applicants were supplied with the list of documents necessary to complete program intake. As documents are reviewed, applicants are scheduled for a damage assessment. The damage assessment tells Build it Back the total storm damage, whether the property is eligible for repair, repair and elevate, rebuild, or reimbursement and whether the property contains lead or asbestos that must be mitigated. With this information, an award amount is calculated and a pathway is chosen.

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Each point in this process includes the submission and review of forms, as well as the scheduling of home visits and appointments in the Housing Recovery Centers. For more information on each piece of the process, visit the link below.

<http://www.nyc.gov/html/recovery/html/homeowners/homeowners.shtml#document>

Primary Residency Requirement

The City received two comments regarding second homes and their eligibility for Build it Back assistance.

The HUD Federal Register Notice, at 78 FR 14329, dated March 11, 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. This information is contained in the Build it Back section of the Action Plan under “Eligibility Criteria.”

Eligibility and prior awards

One commenter asked about the eligibility and the prior receipt of an SBA loan; one commenter asked about how insurance proceeds would impact award calculation.

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. Any such awards will be taken into consideration with regard to calculating the CDBG grant amount for which each applicant is eligible for based on federal guidelines. This process is described as Coordination of Benefits.

Insurance Proceeds: The grant amount for each applicant in the Build it Back 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 equal to the cost to complete (scope of work) less assistance currently or previously available to the applicant for the same purpose. These funds include payments such as insurance payouts, FEMA assistance, SBA loans and philanthropic programmatic support for home repair or replacement. This policy is driven by federal Duplication of Benefits guidelines.

Reimbursement

The City received six comments requesting additional information on the Build it Back Reimbursement program, including the timing and structure of this program. One commenter requested information on eligibility for reimbursement for homes with substantial damage. One commenter requested that the City extend the cut-off deadline for eligible expenses to be extended past October 29, 2013.

Details about the reimbursement program and related deadlines have been added to the Housing Programs section of the Action Plan as part of this amendment. Please see “Program Objective and Description” under the “NYC Build it Back (Core Paths)” section.

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Income Eligibility and Prioritization

The City received two comments requesting that funds are provided to all those affected by Hurricane Sandy, not just low- and moderate-income households. One commenter requested information on how the Build it Back Program uses income in the homeowner prioritization process.

Eligibility and priorities for each program are outlined in the Action Plan. In most instances, there is no income limitation regarding eligibility. However, as per federal regulations, the City is required to expend at least 50% of all CDBG-DR funds on activities that benefit low-and moderate-income persons. “Low-and-moderate-income” is based on a HUD metric called “Area Median Income” (AMI). AMI is a HUD-determined metric used for eligibility thresholds in a number of HUD-funded programs. HUD defines “area,” which for New York City includes all five boroughs plus Putnam, Rockland, and Westchester counties. While the City acknowledges the range of income averages across various city neighborhoods, our HUD-funded disaster recovery program must use income definitions that are consistent with funding source regulations. For additional information on prioritization, please see the “Program Priorities” header under each housing program in the Action Plan.

Buyouts

The City received five comments regarding buyouts. Two commenters requested buyouts for their neighborhoods in Staten Island (New Dorp Beach and Tottenville). Two commenters expressed general support for the buyout option. One commenter requested clarification on whether the City would be offering buyouts.

The State of New York, as described in their Action Plan, is pursuing an Enhanced Buyout option for targeted areas. Please continue to visit www.nysandyhelp.ny.gov for more information about this program. All interested applicants in the NYS Enhanced Buyout program should apply through the State.

In addition to buyouts, New York City residents may also pursue the Acquisition for Redevelopment pathway within Build it Back. All applicants interested in acquisition should have applied to NYC Build it Back as the Program will be directly coordinated with the State. Additional information on the coordination with the State to advance this pathway was added to Housing Programs section of the Action Plan as part of this amendment.

For more details about buyouts and acquisition for redevelopment, please see “Build it Back Rehabilitation and Reconstruction (Additional Paths)” under the “NYC Build it Back (Core Paths)”.

Acquisition for Redevelopment

The City received two comments expressing concern that the Acquisition for Redevelopment pathway would be used as a way to force people from their homes in cases where they are not eligible for other Program pathways.

As noted in the Action Plan, the City will not use eminent domain for this activity. Enrollment and participation in Build it Back is completely voluntary.

Local Community Development through the Acquisition Program

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The City received five comments regarding using the New York State Acquisition for Redevelopment Program as an opportunity for supporting local development capacity in Sandy-affected communities. The commenters requested that block grant funding be used to support entities such as community land trusts and non-profit, neighborhood-based development corporations and development of affordable housing.

The City and State finalized an Acquisition for Redevelopment Program in December. It is designed to offer owners of Sandy-affected properties the opportunity to sell their property to New York State. Referrals are in process and the program will be fully operational once all required approvals are received. Properties purchased by the State will be transferred to a subrecipient, an entity of the City of New York, for disposition and reuse. HPD will have a loan agreement with this entity and will approve sale and reuse of properties. The details and objectives regarding property disposition are forthcoming and will depend on geography of applicant-selected sites. Comments to this plan are regarded as useful input.

Environmentally Conscious Rebuilding

The City received one comment urging the City to use environmentally conscious rebuilding methods when repairing and reconstructing homes.

The City's residential programs will require that all rehabilitation, reconstruction, and new construction work adhere to federally-mandated green building standards. More details on this aspect of the housing program can be found in the Housing section of the Action Plan. Please see the Program Objective and Description under “NYC Build it Back (Core Paths)”.

Electrical Meters

The City received one comment requesting that the Build it Back program replace electrical meters damaged by the storm.

If electrical utility meters are damaged, Build it Back will repair or replace the damaged meter pan and any associated wiring. The Program also intends to coordinate with any relevant private utility companies to have the meter itself replaced.

Accessibility

The City received one comment concerning elevations for homes where the occupants have accessibility needs.

The Build it Back Program's Reasonable Accommodations Policy can be found at [www.nyc.gov](http://www.nyc.gov/html/recovery/downloads/pdf/rar_form.pdf) in the “Important Documents” Section (http://www.nyc.gov/html/recovery/downloads/pdf/rar_form.pdf) and addresses accessibility needs for applicants. This covers applicants who need to request accessible construction, including accommodations to reconstruction or rehabilitation and elevation.

Tenant Income Information

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The City received two comments asking why the City needs to collect tenant income information from property owners.

For tenant-occupied properties, tenants are asked to complete an income self-certification form. The income of the tenants can affect the property's priority because, in accordance with HUD rules, priority is based on the household income of all occupants of the dwelling units in a property.

Case-Specific - Homeowner Comments

The City received 14 comments from homeowners providing details of their specific situation.

Build it Back applicants with specific questions about the status of their application may contact Build it Back Customer Service at 212-615-8329. Individuals with concerns that are not related to the Build it Back Program, or those who are looking to find out about other forms of assistance, are directed to call 311 so that their issues may be directed to the appropriate agency or resource.

Build it Back: Pace of Recovery

The City received 15 comments regarding the lack of progress in housing recovery under the Build it Back program.

Since January 1st, Build it Back has increased the number of damage assessments conducted by 149% and the number of completed options review meetings by 383%. As of early March 2014, Build it Back has scheduled or completed 3,255 options review meetings, representing more than \$241 million in assistance offered. We anticipate completing most eligibility reviews for our Priority 1 applicants by May 2014, damage assessments by the end of June, and award calculations soon thereafter.

Multi-Family

The City received one comment requesting clarification on the shift in funding from the Multi-family to Single-Family program.

This change was approved as part of [Amendment 5B](#) (see pages 41-42). A list of all Action Plan amendments can be found in the [Approved Action Plan](#) section of the CDBG-DR website.

Renters/TDAP

The City received 50 comments requesting an expansion of funding, eligibility, and outreach efforts for the Temporary Disaster Assistance Program (TDAP). The City also received 25 comments requesting that TDAP be made available to undocumented immigrants.

The City's objective is to make sure that resource allocation and need are matched as closely as possible. At this time, New York City anticipates that the \$19 million allocated to TDAP will be sufficient to serve all the households who have registered through 311 as in need of rental assistance, and who meet other TDAP eligibility requirements. The City monitors need and budget utilization regularly, and if further funds are needed, the City will assess options for shifting additional resources to the program. CDBG-DR funding, while significant, is capped, so any funds added to TDAP must be taken from elsewhere.

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The Action Plan amendment does not preclude households who were living in “non-conventional” pre-storm housing from receiving TDAP, because the program has not included a requirement that households demonstrate that they were living in a legal unit. The change gives the City flexibility to serve all in need, and removes the requirement that households must document that their pre-storm housing met this definition, which can be difficult.

In response to public comments, the City has made an additional adjustment to the program eligibility criteria in order to expand the reach of the program. The updated Action Plan removes the requirement proposed in Amendment 5 that households have “leases expiring within 4 months of applying to the program.” Eligibility is now open to Households at or below 50% of AMI that relocated following Sandy and which now pay more than 40% of income in rent.

The TDAP program is currently unable to serve households with undocumented members. Section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) 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, this 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 shares the concern for undocumented households, and is working with philanthropic partners to raise private funds to provide rental assistance to this group.

Please note that the TDAP section of the Action Plan has been updated to reflect the above response to public comments.

Public Housing

The City received two comments that the New York City Housing Authority (NYCHA) should be held accountable to a timeline for completing Sandy-related repairs.

The design work for the repairs and resiliency measures at NYCHA developments most impacted by Sandy is currently in progress. NYCHA has contracted with a Program Management Firm to coordinate Sandy Long Term Repairs including the scheduling and prioritizing of needed recovery efforts.

The City received two comments generally supportive of NYCHA’s plans for its CDBG-DR allocation. The commenters noted that needs exceed current funding and encourage NYCHA to continue to pursue additional funding sources.

Additional information about NYCHA’s unmet needs and planned funding sources can be found in the introduction to the Housing Section of the Action Plan.

The City received one comment requesting funding to restore community centers at NYCHA facilities. The commenter noted that these centers could be used as resources for future disaster recovery and response efforts.

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One of the lessons learned from Sandy was the need to improve communications between NYCHA staff and residents. NYCHA plans on strengthening emergency response and preparedness for future floods with initiatives such as a new Emergency Operations Center, a standard Incident Command Structure-based system, and rehabilitating a total of 90 Community Centers located in Evacuation Zones 1-6.

The City received two comments requesting that NYCHA include its residents in disaster planning and recovery efforts. The commenters suggested NYCHA dedicate a portion of the funds towards a participatory budgeting process.

NYCHA intends to work collaboratively with residents, workers, and community-based organizations to ensure the best outcomes for the community. Additional information about NYCHA's projects can be found in the Public Housing section of the Action Plan.

The City received three comments requesting that NYCHA use CDBG-DR funding to build back its facilities in a more resilient and energy efficient way.

A critical element in the Housing Authority's recovery and the overall effort to preserve public housing in New York City will be to ensure that the infrastructure that is replaced, is replaced in a manner that reduces the risk of that equipment being damaged in future storms, and minimizes the impact on the City's most vulnerable population. To date, some basic resiliency measures include initiatives that will include the installation of new boilers in newly built elevated structures, elevation of mechanical and electrical equipment above the floodplain, and the installation of flood gates and pumps. NYCHA will look for the most cost-efficient way to be more energy-efficient. NYCHA will explore not only solar photovoltaic power and solar thermal water heating systems as opportunities to enhance resiliency and improve environmental impacts, but all methods to increase long-term energy-efficiency and resiliency measures. Additional information about planned resiliency measures can be found in the Action Plan.

The City received three comments related to mold problems at NYCHA facilities.

NYCHA's Hurricane Sandy Program recovery efforts include contracts for the clean-up, abatement and restoration of apartments for developments damaged by Sandy. The work includes, but is not limited to, cleaning and disinfecting and or sanitizing areas flooded by the storm surge and sewer back-up, removal of bulk debris, and removal and replacement of damaged items as pipe insulation, floor tiles, plasters, drywall, baseboards, electrical outlets and wall cabinets. Mold problems in NYCHA developments pre-date the Sandy disaster. NYCHA will continue to improve its efforts in eliminating mold problems at its developments.

Business Comments

Small Business Requirement

The City received four comments expressing a desire to ensure that funding only go to small businesses. One of these comments also requested a particular focus on immigrant-owned businesses.

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As required by the March 5th 2013 Federal Register Notice, all CDBG-DR funds and assistance distributed to for-profit entities must be provided to small businesses, as defined by the US Small Business Administration (SBA) in 13 CFR Part 121.

Neighborhood Game Changer Investment Competition

The City received one comment that allocations for the Business Programs should be increased, as small businesses suffered disproportionately during the storm and hire residents, making housing more affordable. This comment included a request to restore the Neighborhood Game Changer Investment Competition funding from \$84M to \$90M and launch a second Game Changer program with additional publicity.

The City recognizes the critical role played by small businesses and the substantial impact of the storm in commercial areas. The City has proposed re-allocating funding for the Business Programs based on a variety of factors, such as application volume, responses received pursuant to a Request for Proposals process, and the types of projects expected to be funded. However, the City will continue to monitor programs and evaluate future funding re-allocations as well as programmatic changes, such as a second Game Changer program, to help address business needs.

Hurricane Sandy Business Loan and Grant Program (formerly the Business Recovery Loan and Grant Program)

The City received several comments relating to the total amount and type of awards available through the Hurricane Sandy Business Loan and Grant Program, including:

- Two comments requesting that the proposed reallocation of funds from the Hurricane Sandy Business Loan and Grant Program be reconsidered.
- One comment asking to re-apportion the Hurricane Sandy Business Loan and Grant Program to create a grant-only program option.
- One comment requesting that that disaster-related loan programs be modified to cover business interruption and expressing concern that many small, local businesses have difficulty producing the records/documentation required to apply for the program and are therefore unable to get the assistance they need.
- One comment requesting that the proposed re-allocation of funds from the Hurricane Sandy Business Loan and Grant program be reconsidered, that the funds be distributed as grants only, as many businesses have taken out a substantial amount of debt, and that the grant limit be increased to at least \$10 million based on specific criteria.
 - The City also received 20 comments in support of this comment, including 15 from individuals who had either lost or are at risk of losing their job at a Sandy-impacted business with needs above the current loan and grant limits.

Based on the comments above, the City has proposed the following changes to the Action Plan:

- *In response to public comments requesting higher loan and grant amounts as well as additional grant-only funding, particularly in cases where the funds would support a significant number of jobs, the Hurricane Sandy Business Loan and Grant Program has been amended as follows:*

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- First, the program will offer up to \$100,000 in grant-only awards with no matching debt required. Any remaining unmet need above \$100,000 will be addressed by providing up to \$1,000,000 in 1:1 matching loans and grants.
- Second, SBS and/or NYCEDC will review requests for any awards above \$1,100,000 and/or grant-only funding in excess of \$100,000 to a maximum of \$1,100,000 for businesses that can demonstrate severe need. This review will evaluate businesses against the following criteria:
 - Ability to demonstrate that the business anchors significant economic activity, above and beyond employment at the business's location (e.g., through suppliers, distribution partners, etc.) particularly to benefit LMI individuals or areas
 - Number of jobs at risk as a share of pre-Sandy employment (i.e., more than 30%); the type of jobs at risk, including wage and benefits, will also be a factor
 - All other program eligibility and underwriting standards are applicable
- Lastly, ~~in developing Component B of the program and identifying partnerships with CDFIs~~, the City will offer higher maximum loan and grant amounts. Specific details on these grant and loan amounts, program rules and requirements will be posted at www.nyc.gov/nycsmallbusiness ~~as Subrecipient Agreements with CDFIs are finalized~~.
- Existing awardees who would like to have their application re-evaluated based on these changes will be eligible to re-submit their application to the program.
- In response to public comments requesting that the Hurricane Sandy Business Loan and Grant Program be modified to cover additional uses such as business interruption, the current program allows businesses that have suffered indirect impacts from Hurricane Sandy, including business interruption, to apply for assistance.
- ~~In response to comments regarding the difficulty that small, local businesses face in meeting program requirements, as well as to help support businesses who may be receiving higher award amounts and/or grant funds only, the City plans to procure a technical assistance provider to assist program applicants with developing business plans, credit training, and other technical assistance services. Businesses that have already applied to the program will also be able to request this technical assistance through the program. The City will work to partner with experienced organizations to provide this service to program applicants.~~

Total funding for the Hurricane Sandy Business Loan and Grant Program has been re-calibrated based on application volume. The City will continue to monitor this program and evaluate future funding re-allocations to help address business needs.

Non-profit Organizations

The City received one request that funding be available for non-profit organizations for repair and two comments requesting that funding be available for non-profit organizations, such as religious and community based organizations, for community programming.

Through the Hurricane Sandy Business Loan and Grant Program, storm-impacted businesses can apply for working capital, moveable equipment, and inventory assistance; these funds may not be used for infrastructure or leasehold improvements. Although non-profit entities are not eligible for assistance under Section 24 CFR 203(b), the City is working to ensure that we match and maximize the

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pool of eligible applicants to the programs we have. The City will continue to monitor applications to this program as well as additional business needs to evaluate future expansions of the eligible uses of program funds.

Business Resiliency Investment Program

The City received two requests that the Business Resiliency Investment Program funding be available to hospitals and healthcare facilities and one comment that resiliency funds should be available to non-profit organizations.

The proposed Action Plan Amendment 5 clarifies that if an applicant to the Business Resiliency Investment Program is a for-profit entity, it must qualify as a small business based on the definition established by the US Small Business Administration (SBA). It is the City’s understanding that non-profit entities are eligible to apply to this program under Section 24 CFR 507.203(a), which permits non-profit to complete “acquisition, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements.” Non-profits would be eligible to apply for funding for Business Resiliency Investment Program activities that fall under this definition, subject to all other programmatic requirements.

The City received two comments requesting that the Business Resiliency Investment Program be reduced in size. One of these comments also requested that the program include additional incentives for businesses to create jobs.

As described in the proposed Action Plan Amendment 5, this program now includes both the Business Resiliency Investment Program (originally a \$90M program) as well as the funding for commercial structures available through the Building Mitigation Incentive Program (originally a \$60M program). As such, overall program size has been reduced from \$150M to \$110M. As with all of the business programs, the City will monitor program demand following launch and adjust program funding, if needed, to ensure business needs can be met. Furthermore, a key goal of the program is to create and retain jobs. For example, applicants may qualify for higher awards amounts based on several factors, including the high density of uses protected as a result of the resiliency investment, based on total square footage and/or number of jobs or businesses protected, per dollar of investment.

The City received one request that the size of awards for the Business Resiliency Investment Program should be based on a project by project basis, taking into account factors such as the overall impact and benefit to the community and local economy, and not specifically capped at \$2 million.

The proposed Action Plan Amendment 5 notes that applicants may qualify for higher award amounts above the \$2 million cap and/or the full amount of the incremental cost of completing measures, based on factors such as significant financial hardship (i.e., extreme difficulty funding a project using other available sources); significant estimated impacts on low-to-moderate income communities or employees; and/or high density of uses protected as a result of the resiliency investment, based on total square footage and/or number of jobs or businesses protected, per dollar of investment. The City will monitor the level of funds requested following program launch to further evaluate potential changes to the \$2 million threshold or the criteria above.

Transparency

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The City received one request that a provision be included to require that public-private partnership projects, such as those funded through the Neighborhood Game Changer Investment Competition, report through the Sandy Tracker (outlined in legislation passed by the New York City Council late 2013) to provide benchmarks for evaluating the program's effectiveness.

The City expects that all projects using more than \$100,000 of CDBG-DR funds will be included in the Sandy Tracker, including any public-private partnership projects funded through the Neighborhood Game Changer Investment Competition. For construction projects in particular, the City anticipates that the Sandy Tracker will include such performance metrics as the estimated start and completion dates of the project, the purpose of the project in relation to the City's recovery and rebuilding efforts, the value and type of funding provided, and the total number of jobs to be created and retained over the life of the project.

Business Program Design and Proposals

The City received one request that it provide career training for local unemployed residents that address communities' post-disaster needs.

The New York City Department of Small Business Services (SBS) operates several programs funded through non-CDBG-DR sources that help serve this need. SBS operates two programs that specifically target individuals whose employment was affected by Hurricane Sandy: 1) The National Emergency Grant program, which provides short-term employment on projects to help in recovery activities; and 2) New Skills, New Jobs: an on-the-job training program that reimburses employers for the cost of training new employees.

SBS also operates a range of other training programs. These include:

- *Individual Training Grants (ITGs): SBS makes grants available to individuals to use at an eligible training provider of their choice for a set of in-demand occupations.*
- *Cohort trainings through educational institutions: SBS works with educational institutions to provide training that helps individuals launch or advance their career in the healthcare, technology, transportation, or manufacturing industries.*
- *Customized training through businesses: Through a competitive application process, SBS funds NYC businesses to train their workers and increase their business' productivity.*

Additional information on these programs can be found at www.nyc.gov/sbs. The City will continue to monitor these programs and evaluate potential allocations of CDBG-DR funds to help address business needs.

The City received one request that it prioritize and support coastal communities in establishing merchants associations, or in some cases Business Improvement Districts (BIDs), as business communities that are organized and able to self-advocate are more resilient and have better access to resources.

The New York City Department of Small Business Services (SBS) has launched programs, funded through non-CDBG-DR sources that help serve this need. For example, as part of its ongoing responsibilities, SBS is currently engaged in BID program management, capacity building, and oversight tasks for the City's 69 existing BIDs. Additionally, the BID team oversees the formation and

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start-up of new BIDs, providing technical assistance and support to over 25 neighborhoods and corridors throughout the City interested in BID formation.

Following Hurricane Sandy, MasterCard granted \$250,000 to SBS and The Mayor’s Fund to Advance New York City to implement commercial revitalization initiatives in business districts severely impacted by the storm. SBS worked with three existing organizations in Red Hook and Brighton Beach in Brooklyn and Midland Avenue in Staten Island, and worked with merchants in South Street Seaport, Manhattan and Beach 116th Street in the Rockaways to establish two new local economic development organizations. Grant recipients received funding to develop and implement business attraction strategies to reduce the retail vacancy rates, marketing campaigns that increased consumer foot traffic and strategic plans that examined commercial development opportunities and increased organizational capacity, as briefly described below.

Formation of the Beach 116th Street Partnership (Rockaway)

The Beach 116th Street Partnership is a local economic development organization that focuses on business interests on Beach 116th Street. To date, the organization has improved 17 storefronts, engaged new businesses in leasing retail vacancies, created neighborhood branding & online profiles (e.g. Twitter, Facebook, www.shopbeach116.com), and beautified the corridor and improved safety with presence of local police. The next steps for this organization include engaging potential business owners to fill vacant retail spaces, finalizing and implement a long-term revitalization plan for the commercial district and encouraging community input in the future development of the corridor.

Formation of the Old Seaport Alliance (South St. Seaport, MN)

The Old Seaport Alliance is a local economic development organization that has opened over 20 businesses, engaged new businesses in leasing retail vacancies, and created an online presence (e.g. website, Facebook) in South St. Seaport. The next steps for this organization include advocating for merchants’ needs and encouraging more businesses to become members.

Additional information on these programs can be found at www.nyc.gov/sbs. The City will continue to monitor these programs and evaluate potential allocations of CDBG-DR funds to help address business needs.

The City received one request that it provide funding to address the problem of decreased foot traffic in in business districts post-disaster, such as providing funds for projects that publicize small business re-openings, as well as opportunities for business owners to relocate within the district.

The following three programs administered by SBS highlight the City’s ongoing commitment to help increase foot-traffic and publicize small businesses in Sandy-impacted areas through storefront improvements and the creation of local economic development organizations.

Beach 116th Street Storefront Improvement Program

Leveraging \$650,000 from Citi Community Development and the Mayor’s Fund to Advance New York City, the City led the implementation of a façade improvement program along Beach 116th Street in the Rockaways. The storefront program produced tangible improvements that significantly aided in the recovery of small businesses and encouraged local residents to shop in the commercial district. Construction is still underway for 14 grant recipients, for a total of 39 businesses assisted.

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Mastercard Commercial Corridor Recovery Grants

Following Hurricane Sandy, MasterCard granted \$250,000 to SBS and The Mayor's Fund to Advance New York City to implement commercial revitalization initiatives in business districts severely impacted by the storm. SBS worked with three existing organizations in Red Hook and Brighton Beach in Brooklyn and Midland Avenue in Staten Island, and worked with merchants in South Street Seaport, Manhattan and Beach 116th Street in the Rockaways to establish two new local economic development organizations. Grant recipients received funding to develop and implement business attraction strategies to reduce the retail vacancy rates, marketing campaigns that increased consumer foot traffic and strategic plans that examined commercial development opportunities and increased organizational capacity.

Citywide Storefront Improvement Program

SBS and the Mayor's Fund to Advance New York City launched a \$1 million Storefront Improvement Program in August 2013 to help repair storefronts impacted by Hurricane Sandy, enhance commercial corridors and support small businesses. To date the program has executed thirty-two grant agreements allocating approximately nearly \$600,000, with an additional eight agreements out for signature. Twenty-five storefronts are under construction with two completed and several more nearing completion.

Additional information on these programs can be found at

http://www.nyc.gov/html/sbs/nycbiz/html/home/Hurricane_Sandy_Recovery_Services.shtml.

The City will continue to monitor these programs and evaluate potential allocations of CDBG-DR funds to help address business needs.

The City received one request that it set up a revolving loan fund to help struggling businesses with marketing needs and loan payments post-disaster.

Businesses impacted by Hurricane Sandy can receive financing assistance through NYC Business Solutions Centers across the five boroughs. Center staff has knowledge of an array of loan products available through various institutions including credit unions, non-profits and other alternative lenders. By working with staff at the Centers, businesses will be assisted with the completion of the loan application and document collection and creation and referral to a lender.

In addition, NYC Business Solutions Centers have available over 25 business courses designed to equip business owners with the skills and knowledge to launch and operate a small business. Classes include Mastering Marketing, Social Media Fundamentals and Advance Strategies to Social Media. Businesses with marketing needs can take advantages of these offerings to help promote the business, target new customer base or develop entirely new marketing campaigns to help their business recover post Hurricane Sandy.

Additional information on these programs can be found at

http://www.nyc.gov/html/sbs/nycbiz/html/home/Hurricane_Sandy_Recovery_Services.shtml.

The City will continue to monitor these programs and evaluate potential allocations of CDBG-DR funds to help address business needs.

Business Program Outreach and Accessibility

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The City received two comments expressing concerns with competition-based Business Recovery programs because businesses in impoverished or minority areas often lack the capital or leverage capacity as other businesses and requesting that funding be reduced for the Neighborhood Game Changer Investment Competition and RISE : NYC (formerly named the Infrastructure and Building Resiliency Technologies Competition).

Among other goals, the two competition-based programs included in the City's Action Plan—the Neighborhood Game Changer Investment Competition and RISE : NYC - are designed to address the needs of businesses in Sandy-impacted communities, many of which are low-moderate income areas. For example, the goals of the Neighborhood Game Changer program include identifying and funding projects or programs that will catalyze significant long-term economic growth impacted neighborhoods, anchor new and existing industry clusters, generate full-time jobs, bring permanent investment to target areas, leverage public funds to attract private investment, and increase resiliency. In addition, the program has established targets for the utilization of minority- and women-owned businesses as part of project implementation.

In addition, the program involves advisory panels designed to help ensure projects address the needs of local businesses and communities. As outlined in the Neighborhood Game Changer Investment Competition Request for Proposals (RFP), this program convened an Advisory Panel of city and neighborhood representatives, such as civic leaders, merchant organizations, real estate development experts, academics and planners, amongst others, to provide feedback on proposals and help ensure proposals complement community goals and are responsive local needs. NYCEDC is also assembling a group of leaders from across the private and public sectors to act as advisors for the RISE : NYC program. These advisors bring expertise in multiple areas, such as infrastructure, building design and technology innovation, investment and finance, and the needs and concerns of small businesses and communities in areas impacted by Hurricane Sandy.

The City is also extremely dedicated to ensuring that CDBG-DR funds benefit low- and-moderate income (LMI) communities and employees, and has committed to use at least 50% of the CDBG-DR funds to benefit low-moderate income individuals across its programs.

The City received one comment requesting that the proposed Action Plan Amendment 5 be amended to include a description of the outreach efforts with respect to business programs, including those taking place to include small and minority business. The City also received two comments requesting that outreach efforts be expanded for the Hurricane Sandy Business Loan and Grant Program – particularly to ensure that small and minority businesses can participate, in addition to one comment indicating that public outreach has not been sufficient in the Asian community in particular.

The City has completed extensive marketing and outreach for each of its business programs. A summary of completed and planned outreach efforts has been added to the Action Plan in Chapter VIII - Business.

Infrastructure and Other City Services Comments

Health and Human Services, Healthcare, Healthcare Facilities

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The City received three comments concerning the allocation of funds towards infrastructure projects for hospitals, medical facilities, and urgent care centers in storm affected areas. One comment was specific to Richmond University Medical Center in Staten Island. Two comments were about the lack of medical facilities in the Rockaway Peninsula area and about the need to bolster healthcare facilities in the general Far Rockaway area.

The City plans to use CDBG-DR funds to leverage the non-federal share of FEMA Public Assistance disaster grants. The City is prioritizing its funds to address its public hospitals, public safety, and the restoration of its beaches. These services, and the additional programs identified, have been prioritized both for the speed with which funds can be expended as well as for their benefit to low- and moderate-income persons. This will enable the City to expend funds within two years of obligation, which is a requirement of the appropriation.

The City expects to employ a range of mitigation measures as it restores and rehabilitates structures. These measures include raising boilers and electrical systems above the Advisory Base Flood Elevation levels. Additional mitigation needs will be determined on a site-specific basis. The City continues to explore mitigation opportunities at high risk facilities. The City will make all possible efforts to best leverage funding sources for which health and human services programs are eligible.

The City received five comments about creating new medical facilities. The five comments were specifically about the need for a new medical facility in the area of Far Rockaway, Queens.

As stated in the HUD March 5th Federal Register Notice, “Typical infrastructure activities include the rehabilitation, replacement, or relocation of damaged public facilities and improvement.” HUD requires that funded activities tie back to the effects of the storm.

Parks/Beaches/Boardwalk

The City received two comments about boardwalk rehabilitation and shoreline restoration. The comments 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. They also noted the economic benefits of beach restoration and protective measures. The comments focused on the Rockaway area of Queens. The City received one comment about rebuilding parks that were destroyed during the Hurricane.

As noted in the Action Plan, the City has made it a priority to restore sections of the City’s beaches and supporting infrastructure across Queens, Brooklyn, and Staten Island, to lessen hardship faced by the communities and small businesses that rely on this public asset for their very livelihood. As of August 2013, the design of the Rockaway Beach Boardwalk has begun. It is anticipated to provide for protective structures that are more resilient and able to withstand storm and tidal forces that may impact the coastline in future years. The “IOCS Covered Projects” section of the Action Plan includes

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full details about the Rockaway Beach Boardwalk project and other major infrastructure projects under the Department of Parks and Recreation.

The Department of Parks and Recreation identified damage to approximately 400 park sites, in addition to the displacement of more than 3 million cubic yards of sand from the City’s beaches. The City plans to use CDBG-DR funds to leverage the non-federal share of FEMA Public Assistance disaster grants. The City is prioritizing its funds to address its public hospitals, public safety, and for the restoration of its beaches.

Water/Wastewater Systems

The City received four comments about water and wastewater. Three comments were specific to Queens (Far Rockaway and Canarsie), and one comment about Staten Island (North Shore).

Hardening the City’s wastewater treatment plants and pumping stations is critical. In A Stronger, More Resilient New York, 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.

~~*The large unmet need to reconstruct and rehabilitate the City’s damaged water and wastewater systems is expected to be funded out of future allocations. Details about this activity can be found in Action Plan Amendment 5 in the Infrastructure and Other City Services section under “Rehabilitation and Reconstruction of Public Facilities.”*~~

Waterfront

The City received one comment about development along the Bronx waterfront.

As noted in the Action Plan, the City is prioritizing its allocated Infrastructure and Other City Services funds to address its public hospitals and damaged schools as well as for the restoration of its beaches. However, the extremely large additional City infrastructure unmet needs are expected to be addressed pending funding availability.

Construction/Reconstruction of Streets

The City received one comment expressing concern for repairs to the sidewalks and roads in the Far Rockaway area.

The City may use CDBG-DR funds to leverage other federal funding sources to rehabilitate and reconstruct public facilities. The other federal funding sources CDBG-DR will leverage include FEMA Public Assistance funds and Federal Highway Administration grants. CDBG-DR eligible projects related to street repair will be conducted through the New York City Department of Transportation (DOT).

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For full details about DOT’s projects please refer to the “IOCS Covered Projects” section of the Action Plan.

Debris Removal

The City received one comment about debris removal. The commenter expressed concern about tree removal in the Staten Island area.

Debris Removal activities have been identified in the Action Plan. Full details about Debris Removal activities in response to Hurricane Sandy can be found in the Infrastructure and Other City Services section of the Action Plan under the title “Debris Removal/Clearance”. ~~Action Plan Amendment 5 \$12.5M from the second allocation of CDBG-DR funds for Debris Removal/Clearance activity.~~

Local Match

The City received one comment requesting that the City seek funding from FEMA for the Rapid Repair program.

The City is pursuing FEMA reimbursement for the Rapid Repairs Program (RRP). FEMA Public Assistance funds are expected to cover 90% of the RRP costs as identified by FEMA. FEMA rules require a “local match” to pay for the remaining 10% of the cost of the program, and the City intends to use CDBG-DR funds for this purpose. CDBG-DR funding for RRP has been identified as an Interim Assistance activity as part of the City’s Infrastructure and Other City Services program. CDBG-DR funds for RRP are separate from the funds allocated to Housing Recovery. More information can be found in the Infrastructure and Other City Services section of the Action Plan under “Interim Assistance.”

Resilience Comments

Micro Grid

The City received one comment related to the funding of power resiliency for Brightwater Towers in Southern Brooklyn.

According to the March 5th Federal Register, CDBG-DR funds may not be used to assist a privately-owned utility for any purpose. Multi-family residential buildings may be eligible for assistance to support power resiliency from the Multi-family Build-it-Back and the Residential Building Mitigation Incentive 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.

Coastal Protection

The City received seventeen comments about coastal protection and the decision making process behind certain types of protection. The City received specific comments about coastal protection for Canarsie, Gravesend Bay, Tottenville, Central Harlem, and the north shore and waterfront communities of Staten Island. One comment asked for more natural barriers throughout the City.

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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 citywide flood protection program, detailed in the Action Plan, prioritizes the construction of bulkheads and revetments and an integrated flood protection system in areas that suffered the greatest damage from inundation and flooding. The City will be evaluating the highest priority locations for bulkhead and revetment work given the limited funding available. Priority locations will be based on a number of factors, one of which will be ownership status. To increase coastal edge elevation, the City will nourish beaches, install armor stone revetments, bulkheads, tide gates/drainage devices, dunes, and offshore breakwaters. This adaptive strategy allows for ongoing monitoring of sea level rise and investment as and where needs arise.

To minimize upland wave zones, the City will pursue dune reconstruction, the installation of offshore breakwaters, wetlands (living shorelines and reefs), and groins. Storm waves are projected to increase in size and strength of time. This approach will reduce potential damage to structures, reduce erosive forces on the shoreline, and protect infrastructure. Additionally, this approach should influence the delineation of high-risk V and Coastal Zones on FEMA's future Flood Insurance Rate Maps, especially if measures are built, where possible, to 100-year flood elevation with an additional allowance for sea level rise. This, in turn, potentially could reduce the costs of flood insurance and mitigation within protected areas.

The City plans to install the remaining aspects of the full-build coastal protection scenario as additional funding becomes available. These plans, however, do not include installing floodgates on the Belt Parkway. The City encourages commenters to contact their Member of Congress about working with the USACE on this project.

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, A Stronger More Resilient New York which can be found at <http://www.nyc.gov/html/sirr/html/report/report.shtml>.

Canarsie

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Through its Special Initiative for Rebuilding and Resiliency, the City analyzed flood risk for Jamaica Bay and identified a few recommendations that would directly benefit Canarsie. As detailed in A Stronger, More Resilient New York, the City recommended that the US Army Corps evaluate strategies in Jamaica Bay. The Corps has committed to this study and is expected to include a Jamaica Bay surge barrier that would provide flood protection and reduce risk for the entire Jamaica Bay region, including Canarsie.

The City has partnered with the City University of New York and the Rockefeller Foundation to launch the Science and Resilience Institute at Jamaica Bay to develop flood protection techniques that could protect vulnerable areas like Canarsie. The Institute is assisting in the process by providing a science-based analysis of the Corps alternatives. The New York City Department of City Planning is conducting local studies to identify ways to decrease risk from natural hazards, enhance economic resiliency, and identify city infrastructure investment priorities; Canarsie is included among the first 10 areas to be studied.

Gravesend Bay

The City's plan for Southern Brooklyn includes several measures that would directly benefit the vulnerable areas of Gravesend Bay. The City and FEMA have already completed emergency bulkhead repair along Shore Parkway. Additionally, the City is conducting a feasibility study for developing a surge barrier and wetlands restoration project for Coney Island Creek that could reduce risk throughout Gravesend Bay. The City and the Congressional delegation have called for the US Army Corps study of New York Harbor to identify a plan to reinforce Belt Parkway (the study is expected to be completed by 2015).

Harlem

The citywide bulkhead program, detailed in the Action Plan, prioritizes the construction of bulkheads in areas that suffered the greatest damage from inundation and flooding. The City plans to install bulkheads along the Harlem River and an integrated floodwall protection system, as funding becomes available.

North Shore and Waterfront Communities of Staten Island

The City plans to evaluate the lowest-lying areas in the City in order to recommend investments in revetments and bulkheads Citywide, including along the North Shore and waterfront communities, as funding becomes available. The USACE complete floodgate repairs at Oakwood Beach in the aftermath of the storm. The City will continue to call on the USACE to install offshore breakwaters adjacent to and south of Great Kills Harbor, to study and install living shorelines for wave attenuation in Tottenville, to complete existing USACE studies on Staten Island in order to implement coastal protection projects, and to study the construction of a floodgate at Mill Creek. The City has applied for a grant from the United States Department of Interior for a project in the Mariners Marsh and Arlington Marsh. If funded, this revitalization project will make the marshes a more resilient and sustainable buffer during storm events and improve shoreline access for future recreation and educational opportunities.

Expected funding sources for various projects can be found in the above-referenced report, A Stronger More Resilient New York.

Insurance

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The City received four comments on insurance.

Flood insurance rates are calculated by FEMA. FEMA administers the National Flood Insurance Program (NFIP) that sets insurance premiums and establishes minimum building standards on the basis of FEMA's Flood Insurance Rate Maps (FIRMs) that it produces. These maps delineate the geographic boundary of the floodplain in different regions, including the 100-year and 500-year floodplain. The FEMA FIRMs also show the height to which the floodwaters from a 100-year storm could rise, which is known as the Base Flood Elevation. For more information about how FEMA sets rates, please see the FEMA Flood Insurance Manual available online: <http://www.fema.gov/flood-insurance-manual>.

The City is pursuing efforts to help homeowners and renters get "credit" for large-and smaller-scale mitigation efforts on the part of individual homeowners and/or the City. The City's advocacy work and due diligence on all coastal protection projects includes consideration for their impact on insurance.

Please note that these determinations are made by FEMA and not by New York City.

Buildings

The City received two comments about the resiliency portion of the Residential Building Mitigation Program. The first comment related to clarifying the funding stream for single family and multifamily homes. The second comment advocated for increasing funding for the Residential Building Mitigation Program in the third-tranche of CDBG-DR funding.

The \$100 million in funds referenced in the amended action plan for housing will be allocated to the Build It Back program for repairs of 1-4 family homes. The \$60 million in funds referenced in the amended action plan will be for multifamily housing resiliency, administered by the New York City Department of Housing, Preservation, and Development under the Multi-family Build-it-Back Program.

The City is pursuing additional funding for the Business Resiliency Investment Program including considering the allocation of additional CDBG-DR dollars should further funding become available.

Preparing for the Next Extreme Weather Event

The City received three comments about preparations for the next extreme weather event and medical planning in emergency management.

The City recognizes that climate change is a threat. The plan outlined in A Stronger, More Resilient New York is the culmination of extensive research and planning efforts to strengthen coastal defenses, upgrade buildings, protect infrastructure, and make neighborhoods safer and more vibrant against a wide range of extreme weather and climate change impacts, as recommended by the NPCC. New York City will continue to work with the NPCC to ensure the City monitors and mitigates future risks.

While broad climate change initiatives are outside 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.

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In 2007, the City 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 likely future effects of climate change.

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.

Due to 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.

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.

Emergency Planning

The Office of Emergency Management (OEM) works with the Department of Health and Mental Hygiene (DOHMH) to request Medical Reserve Corps (MRC) volunteers to respond to local needs. MRC is an existing, vibrant program of trained (and vetted) medical professionals that live throughout the City. During emergencies, OEM works with its health and medical partners to monitor for health impacts, and supports the existing healthcare infrastructure with resources and information (e.g. a hospital that is seeing a surge of patients of a certain type.)

OEM does not have the authority and/or jurisdiction to create a database of medical records and is generally an issue related to Albany/State laws. OEM does not keep or maintain a registry of patients because it has found registries to be unworkable. Many individuals are already covered by Con ED (and other utility providers) and their life sustaining equipment (LSE) programs.

OEM provides public outreach to individuals and special needs service providers in order to push out information and has those organizations check in on their most vulnerable clients. In an evacuation event, individuals can receive assistance evacuating by calling 311.

Hospitals

The City received nine comments about healthcare. Six comments inquired about additional CDBG-DR funding for Staten Island University Hospital to mitigate the facilities against wind and flood

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damage. Two comments were about supporting healthcare facilities in the Rockaways and South Queens.

The City believes that securing funds to mitigate wind and flood damage to Staten Island University Hospital (SIUH) is a priority and has provided technical and other support to SIUH to secure FEMA Hazard Mitigation Grant Program funding through the state-administered allocation process. There is no additional funding for hospitals in Amendment 5 but there may be in future amendments. However, the City has identified healthcare retrofits as a priority in A Stronger, More Resilient New York as many existing hospital buildings in the floodplain remain vulnerable to the impact of storm surge, which becomes more likely as the climate changes.

The City, through the Mayor’s Office of Long Term Planning and Sustainability, is also working to amend the Construction Code for hospital buildings in the 500-year floodplain to meet, by 2030, a subset of the amended New York City Construction Code standards for flood-resistant design. OLTPS plans to take this legislation to the Council in the upcoming months. Requirements in the legislation include:

- *Protect electrical equipment, emergency power system, and domestic pumps to 500-year flood elevation*
- *Install back up air-conditioning service for inpatient care areas in case of utility outages*
- *Pre-connections for temporary boilers and chillers if primary equipment is not elevated*
- *Pre- connections for external generators as a back-up power source*

General Comments

Green Infrastructure, Energy Efficiency, and Sustainability

The City received 5 comments related to promoting energy efficient measures, use of green infrastructure, and environmental sustainability.

HUD’s November 18th Federal Register Notice requires that all grantee’s include a description of how major infrastructure projects (Covered Projects) will align with the President’s Climate Action Plan to “identify and evaluate additional approaches to improve our natural defenses against extreme weather, protect biodiversity, and conserve natural resources in the face of a changing climate . . .” The Notice also requires each grantee to describe its process for the selection and design of green infrastructure projects or activities, and/or how selected projects or activities will incorporate green infrastructure components.

In A Stronger, More Resilient New York the City proposes five strategies, composed of 23 initiatives, to address energy needs. The strategies are: 1) redesign the regulatory framework to support resiliency; 2) harden existing infrastructure to withstand climate events; 3) reconfigure utility networks to be redundant and resilient; 4) reduce energy demand; and 5) diversify customer options in case of utility storage. These proposals are designed to enable electricity, gas, and steam to be delivered reliably to

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New Yorkers, even during extreme weather events and to address gaps in the regulatory framework and infrastructure came to light in the aftermath of Sandy. These proposals will reduce the frequency and severity of service disruptions, while allowing for more rapid restoration of service when disruptions do occur throughout the City.

Citizen Participation

The City received thirteen comments regarding the community outreach process.

In the November 18th Federal Register Notice, which assigned the second allocation of Hurricane Sandy funds, HUD modified the waivers in the March 5th Federal Register Notice which permitted changes to the City of New York’s Consolidated Plan Citizen Participation Plan. The November 18th Federal Register requires that for substantial amendments to the Action Plan there is at least a thirty (30) day public comment period and at least one public hearing to solicit public comment. The City is complying with these HUD requirements, and the City’s Citizen Participation Plan was amended in Action Plan Amendment 5 to reflect these new requirements. For Action Plan Amendment 5 there was a 66-day public comment period and three public hearings were held. The public hearings were held in Brooklyn, Queens, and Staten Island - areas severely impacted by Sandy.

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 Action Plans and Amendments. This includes translation efforts, citywide marketing campaigns, and targeted outreach. Public notices for each substantial amendment have been published in eight local newspapers. These notices contain information on where to access the electronic and paper copies of the amendments, how to comment on the Action Plan, and the locations of the public hearings. For more information, please refer to the Executive Summary and Citizen Participations sections of the Action Plan. Up-to-date information about the Action Plan and amendments (both substantial and non-substantial) can be found on the City’s CDBG-DR website.

Allocation of Funds

The City received 17 comments asking for funding for specific projects or areas. Six comments asked for the inclusion of social services including healthcare, mental health, daycare, and after school programs. One comment expressed the need for a new school in Far Rockaway, and two comments expressed interest in a spa/wellness center. Two comments requested funding for soccer pitches and park development in the Bronx. Two comments noted that the Action Plan did not make sufficient references to Canarsie. Two comments requested funding for telecommunications recipients including the Hispanic Information and Telecommunications Network. One comment requested allocation of funds for undocumented workers for worker centers and protection from threats of deportation. One comment requested the creation of a mobile screening to assess and alleviate the threat of long-term mold exposure.

The City’s Action Plan focuses on four program areas: Housing, Business, Infrastructure and Other City Services, and Resilience. The Action Plan details the proposed use of CDBG-DR funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas.

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The Executive Summary of the Action Plan includes a table with details of funding allocation for each of the City’s program areas.

Section IV. Funding Justifications of the Action Plan details the City’s plans to spend its allocation of CDBG-DR funds to address the most urgent housing, business, infrastructure, and resilience needs in the neighborhoods hardest hit by Hurricane Sandy.

Job Creation/Volunteerism

The City received 27 comments related to using CDBG-DR funding to create long-term, high-wage, local jobs in Sandy-impacted areas, including expanding Section 3 efforts, job training, and promotion of volunteerism.

The City is dedicated to compliance with all HUD Section 3 requirements and will enforce and monitor compliance with Davis-Bacon Labor Standards and Section 3 regulations addressing the provision of employment and other economic opportunities for low- and moderate-income persons in the project area, wherever applicable. The City 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.

NYCHA construction projects funded with CDBG-DR are one example of the City’s Section 3 compliance. NYCHA contracts related to Sandy recovery will comply with Section 3 requirements. NYCHA’s Resident Employment & Economic Sustainability (REES) office has begun efforts to prepare and/or train residents for opportunities in the building trades most likely to be the focus of Sandy recovery efforts.

The City is committed to creating jobs through all of its programs, including the Business Programs. The economic impact of projects, including job creation, is a key evaluation criteria for several business programs. ~~Both the Neighborhood Game Changer Investment Competition and RISE : NYC~~ evaluates projects across several criteria, including the ability to create positive economic impacts, such as job creation and economic impact, particularly for low-moderate income individuals or low-moderate areas, as well as the ability to leverage and catalyze growth and investment in communities. In the Hurricane Sandy Business Loan and Grant Program, ~~and as currently envisioned for the Business Resiliency Investment Program~~, applicants can qualify for higher award amounts based on several key criteria, including the number of jobs protected as a result of the investment.

Tracking of Expenditures

The City received three comments requesting a more transparent method of showing CDBG-DR expenditures.

The City is required to track program expenditures in HUD’s Disaster Recovery Grant Reporting (DRGR) system. Quarterly Performance Reports (QPRs) are posted on the City’s website (<http://www.nyc.gov/cdbg>) and contain information about the uses of funds for activities identified in the Action Plan. The City’s QPRs must be submitted to HUD no later than 30 days following the end of each calendar quarter and will be posted on the City’s website within three days after submission to

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HUD. More information about the DRGR system and QPRs can be found in the HUD March 5th Federal Register Notice.

Other

The City received one comment about grant applications from private developers related to rebuilding efforts.

For full details about the City's procurement process and to find out about upcoming bids please contact the Mayor's Office of Contract Services or visit their webpage online at www.nyc.gov/mocs. A list of current contracts funded through CDBG-DR grant allocations can be found online at NYC Recovery website: www.nyc.gov/recovery.

The City received two comments about transparency specific to development efforts in Far Rockaway. One commenter mentions the FAR ROC competition and lack of obligations for the selected developers. The second comment requests further information about the developers.

The FAR ROC competition is not funded with the City's CDBG-DR grant.

One commenter proposed that cameras should be added in all NYCHA buildings. Another commenter expressed the need for more after-school programs. A commenter also expressed concern about the nuclear facility at Indian Point and noted that it should be closed.

These comments are outside the scope of the Action Plan.

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The City has not removed any answers to comments on prior amendments that are now out of date. Instead, the City has provided strikethroughs for any answers to comments received on previous amendments that are no longer accurate.

Action Plan Amendment 4 (Substantial Amendment)

- Release Date: October 4, 2013
- Comment Period: October 4, 2013 – October 10, 2013
- Approved by HUD: November 25, 2013
- Number of comments received: 14

Housing Comments

Resiliency Assistance

The City received one comment requesting clarification regarding resiliency planning, specifically, whether or not the Program supported mandatory resiliency for both the single family (1-2 unit) and multi-family (3-4 unit) programs.

While 3-4 unit buildings are funded through the Build it Back Multi-Family program, they will be addressed through the Single Family Rehabilitation and Reconstruction program (formerly NYC Houses) along with 1-2 unit buildings. Mandatory resiliency, as described in the Action Plan and required by the NYC Department of Buildings (DoB), will apply to all 1-4 unit 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 has to 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's grant assistance will incorporate resilience measures for homes that were destroyed by Sandy or have suffered substantial damage, as defined by the Department of Buildings. Resilience measures will make the house compliant with local building and zoning code and ordinances at a minimum.

Rapid Repairs

The City received one comment regarding the Rapid Repair program. The commenter requested clarification on the structure and scope of the program.

Typically after a disaster of Hurricane Sandy's magnitude, families are forced to relocate for extended periods of time to shelters and other forms of temporary housing, which delays the real recovery that begins when families return to their homes. Founded on the premise that the best temporary shelter is permanent shelter, the City implemented the Rapid Repairs program, which restores the basic services that families need to return home. Rapid Repairs is New York City's implementation of FEMA's Sheltering and Temporary Essential Power (STEP) program, created to address the unique housing challenges created by Hurricane Sandy. STEP funds emergency and necessary residential repairs such as restoration of temporary electricity, heat, and hot water so that residents can remain in their homes while permanent repair work continues.

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Rapid Repairs was the first program of its kind in the country and repaired more than 11,500 homes representing more than 20,000 units. At the peak of the program in January 2013, Rapid Repairs completed work on more than 200 homes per day with labor from more than 2,300 skilled workers in a single day working under 9 prime contractors.

Area Media Income

The City received one comment requesting clarity on how the City calculates Area Medium Income (AMI) as it relates to the TDAP (rental assistance) program.

Area Median Income (AMI) is a HUD determined metric used for eligibility thresholds in a number of HUD-funded programs. HUD defines "area" for New York City to include all five boroughs plus Putnam, Rockland, and Westchester counties. While the City acknowledges the range of income averages across various city neighborhoods, our HUD-funded disaster recovery program must use income definitions that are consistent with funding source regulations.

Reimbursement

The City received two comments requesting additional information on the Build it Back Reimbursement program, including the timing and structure of this program.

The NYC Build it Back Reimbursement program is designed to pay customers back for out-of-pocket funds they used to permanently repair homes damaged by Hurricane Sandy. The City recognizes that many homeowners used personal funds, and in some cases may have taken on debt to make repairs to their homes after the storm. These homeowners may apply to the program and request reimbursement. Applications for reimbursement will follow the established program eligibility process including environmental review.

NYC Build it Back's primary goal is to ensure that Hurricane Sandy affected New Yorkers are in safe and secure housing. Due to limited funding, reimbursements for repairs already made to homes will, in many cases, be paid after NYC Build it Back serves applicants with existing damage. The Reimbursement program will consider the same expenses that the NYC Build it Back Repair program covers.

In general under the program, all repairs must be completed by the time of a customer's scheduled Damage Assessment. This is the case for applicants submitting requests for reimbursement. In compliance with federal guidelines established for reimbursements, if a homeowner hires a contractor and/or spends money on materials for repairs after October 29, 2013, those amounts will not be eligible for reimbursement.

Additional details on the City's reimbursement program can be found at <http://www.nyc.gov/html/recovery/html/homeowners/reimbursement.shtml>

Counseling

The City received two comments requesting information regarding financial services and support available for those applying to Build it Back.

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The Build it Back program is committed to helping those impacted by the storm and will offer financial and legal counseling during the application period. Build it Back offers financial and legal counseling referrals to eligible applicants who may need additional assistance moving their application along in the BIB Program. The Build it Back Counseling Program may be able to provide support for the following issues related to a person's application: delinquent mortgage and foreclosure; title issues; replacing lost or difficult to obtain documentation; documentation of income; insurance issues; landlord issues; SBA loan issues; denial of FEMA benefits based on significant misunderstanding; victim of illegal practices.

Applicants in need of services outside of the scope of the Build it Back program may be provided with a referral list of other City and nonprofit support services.

Buy-outs and Acquisition

The City received two comments asking for additional information about the New York State buy-out and acquisition plan.

The State of New York, as described in their Action Plan, is pursuing a buyout/acquisition option for targeted areas. The Build it Back program is actively coordinating with New York State officials and more details are forthcoming. Please continue to visit www.nysandyhelp.ny.gov for more information about this program.

All interested applicants in the NYS Enhanced Buyout program should apply through the State. All other applicants should apply to Build it Back as the program will be directly coordinating with the State as soon as program details are finalized. Note that prioritization for Build it Back is based on funding, applicant income, and level of damage to the property. Applicants to all Build it Back program pathways are subject to the same prioritization process.

Elevation

The City received two comments regarding the requirements for elevating homes impacted by Hurricane Sandy.

Please refer to the City's responses to public comments for the July 12th amendment. These responses are located in the "Proposed Action Plan Amendment 1" section of this document under the heading "Elevation Requirements".

The City received one comment concerning elevations for homes where the occupants have accessibility needs. The commenter requested information on how construction work will be designed to meet the needs of customers with disabilities.

The Build it Back Program's Reasonable Accommodations Policy can be found at www.nyc.gov in the "Important Documents" Section (http://www.nyc.gov/html/recovery/downloads/pdf/rar_form.pdf) and addresses accessibility needs for applicants. This covers applicants who need to request accessible construction, including accommodations for reconstruction or rehabilitation and elevation.

Prioritization

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The City received two comments regarding prioritization of customers for Build it Back assistance. Specifically, one comment raised concerns about the expense of repair and rebuilding work and the ability to receive funding from Build it Back.

Please refer to the City’s responses for the July 12th amendment. These responses are located in the “Proposed Action Plan Amendment 1” section of this document under the heading “Prioritization”.

Public Housing

The City received one comment requesting feasibility studies for renewable energy generation capacity at the City’s public housing developments.

The focus of current funding 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. Dependent on future funding allocations, NYCHA may consider renewable energy feasibility studies for its developments.

Business Comments

Beneficiaries

The City received one comment related to the low-moderate income benefit for the Business Programs.

The City is extremely committed to ensuring that CDBG-DR funds benefit low- and-moderate income (LMI) communities and employees, and the commitment to use at least 50 percent of the CDBG-DR funds to benefit low-moderate income individuals through these programs has not changed.

Eligibility

The City received one comment on the eligibility of home-based businesses and the provision of grants through the Business Programs.

Incorporated home-based businesses are eligible to apply for Business Programs, and are subject to the same program regulations and procedures as other businesses. The Business Programs also offer a mix of both loans and grants. For example, the Business Loan and Grant program offers both loans and grants for moveable equipment and working capital, and the funds offered for the Neighborhood Game Changer Investment Competition and the Infrastructure and Building Resiliency Technologies Competition will also be in the form of grants.

Infrastructure and Building Resiliency Technologies Competition

The City received two comments regarding the Infrastructure and Building Resiliency Technologies Competition. One comment related to the removal of language regarding utility waivers as part of the Infrastructure and Building Resiliency Technology Competition. One comment suggested that representatives from local community-based organizations, labor unions, and workers centers be added to the technical advisory panel for this program.

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Under HUD rules for this CDBG-DR allocation, privately owned utilities are not eligible to receive CDBG-DR funding. The City will not be seeking a waiver of this restriction as part of the Infrastructure and Building Resiliency Technology Competition.

The language on the technical advisory panel has not been amended since the original Action Plan. Please refer to “Program Objective and Description” and “Program Administration” under the Infrastructure and Building Resiliency Technologies Competition for additional information on the technical advisory panel. The purpose of the technical advisory panel is to provide expertise on technical merits of the proposals submitted under the Competition to support detailed proposal review. In designing the technical advisory panel, the City is seeking representatives to provide expertise on building design, energy infrastructure, telecommunications, climate change, related business fields, local expertise and financial expertise.

Infrastructure and Other City Services

The City received three comments concerning the allocation of funds within the Infrastructure and Other City Services category. One comment expressed concerns that money used to cover past costs may be better used towards housing assistance and requested additional funding for future programming for the Health and Hospitals Corporation. One comment requested additional funding for the Department of Aging and the Department of Youth and Community Development to restore community centers and programming lost due to the storm. One comment was related to the allocation of money for the Rapid Repairs program.

Costs for disaster response and relief were paid for out of City’s general revenue. Federal disaster funds will permit the City to cover these costs while allowing for the continuation of essential city services and agency programming. In many instances, these CDBG-DR allocations serve as the required 10 percent local match portion of disaster relief projects which were 90 percent funded by FEMA. As per the HUD March 5th Federal Register Notice (78 CFR 14329), the funds “may be used as a matching requirement, share, or contribution for any other Federal program when used to carry out an eligible CDBG-DR activity.”

As stated in the Action Plan, the City is prioritizing this portion of funding to address its public hospitals and damaged schools as well as for the restoration of its beaches. Pending future funding allocations, the City may be able to provide additional funding to other city agencies.

Other/Off Topic Comments

Resiliency

The City received one comment regarding environmental sustainability, resiliency, and long-term cost-effectiveness of reconstruction. The commenter inquired about Local Law 87 and the use of sustainable and Green Communities approved materials.

As required by the HUD March 5th Federal Register Notice, all rehabilitation work will follow, as applicable, the HUD CPD Green Checklist and reconstruction will adhere to Enterprise Green building standards.

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Local Law 87 is part of New York City’s Greener, Greater Buildings Plan which requires all buildings over 50,000 square feet to file an Energy Efficiency Report (EER) with the New York City Department of Buildings (DoB). The Program will comply with all existing Local Laws and will work with the NYC DoB to comply with building and code requirements.

The City received one comment requesting additional funding for Resilience Programs.

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.

Citizen Participation

The City received six comments regarding the community outreach process. Several comments requested a longer public comment period. Others provided suggestions for additional outreach, including public hearings, the use of social media, wider distribution public notices and hard copies of proposed amendments.

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 Action Plans and Amendments. This includes translation efforts, citywide marketing campaigns, and targeted outreach. Public notices for each substantial amendment have been published in eight local newspapers. These notices contain information on where to access the electronic and paper copies of the amendments and how to comment on the Action Plan. For more information, please refer to the Executive Summary and Citizen Participations sections of the Action Plan.

~~*As stated in the HUD March 5th Federal Register Notice, HUD has waived certain requirements of the traditional CDBG regulations “to permit a more streamlined process, and ensure disaster recovery grants are awarded in a timely manner.” The City is complying with HUD requirements for a 7 day public comment period and is not required to hold public hearings on the Action Plan. Due to the urgent nature of disaster recovery programs, these streamlined requirements are necessary to expedite the Action Plan amendment process and the delivery of funding to those in need.*~~

Up-to-date information about the Action Plan and amendments (both substantial and non-substantial) can be found on the City’s CDBG-DR website.

Tracking of Expenditures

The City received two comments requesting that the City track its CDBG-DR expenditures and make this information available to the public.

The City is required to track program expenditures in HUD’s Disaster Recovery Grant Reporting (DRGR) system. Quarterly Performance Reports (QPRs) will be posted on the City’s website and will contain information about the uses of funds for activities identified in the Action Plan. The City’s first QPR is due to HUD by January 30 and will be posted on the City’s CDBG-DR website during the first week of February. More information about the DRGR system and QPRs can be found in the HUD March 5th Federal Register Notice.

Emergency Preparedness

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The City received one comment with recommendations for improving emergency response and implementing resiliency measures in preparation for the next storm.

While the City is taking extensive measures to prepare for future emergencies, the intended purpose of CDBG-DR funding is for longer term relief and recovery efforts. The HUD March 5th Federal Register Notice states that CDBG-DR are available for “necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974.”

More information on the City’s emergency response plans, such as updated evacuation maps, can be found on the Office of Emergency Management’s website (<http://www.nyc.gov/oem>). Specific resiliency projects are detailed in the CDBG-DR Action Plan.

Income Eligibility

The City received one comment requesting that funds are provided to all those affected by Hurricane Sandy, not just low- and moderate-income households.

Eligibility and priorities for each program are outlined in the Action Plan. In most instances, there is no income limitation regarding eligibility.

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Action Plan Amendment 1 (Substantial Amendment)

- 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 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

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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*

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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.nysandylhelp.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

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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 at http://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

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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.”

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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

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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.

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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.

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The City has not removed any answers to comments on prior amendments that are now out of date. Instead, the City has provided strikethroughs for any answers to comments received on previous amendments that are no longer accurate.

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 resiliency measures for homes that were destroyed by Sandy or have suffered substantial damage, as defined by DOB. Resiliency measures will make the house compliant with local Building Codes and zoning and ordinances at a minimum.

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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

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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,

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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

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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.

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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

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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.

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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

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family members. This protocol will be developed as part of 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 resiliency strategy for the needs of buildings that are required to meet resiliency 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

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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.

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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.*

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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

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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.

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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.

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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.

Multi-Family Building Rehabilitation

22. 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.

23. 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

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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.

24. 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 New York City 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/nycrecover.

25. 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.

26. 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 the City has 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

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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

27. 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.

28. 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.

29. *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.

30. *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.

31. *Mold Remediation in NYCHA Buildings*

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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 wherever necessary. These ongoing efforts are anticipated to be reimbursed through NYCHA’s insurance, FEMA proceeds, and/or future rounds of CDBG-DR funding.

32. **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.

33. **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.

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34. **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.

35. **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.

36. 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.

37. 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.

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38. 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.

39. 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.~~

40. 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.

41. 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.~~

42. 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.

43. 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

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each of the highly-impacted areas), neighborhood canvassing, and work with the current business assistance programs.

44. 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.

45. 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. 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.

46. 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.

47. 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

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~~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.~~

48. 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.~~

49. 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

50. 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

51. 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

52. 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, DSNY has and will continue to provide additional debris removal operations to address this issue.

FDNY-Related Comments

53. 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

54. 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. The 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

55. 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

56. 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

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Investments, the specific uses of which will be detailed in a future Partial Action Plan (see “Resiliency” for more information).

57. 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

58. 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 www.nyc.gov/oem to learn more about CIMS, CERT, and Ready New York.

59. 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.

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

OEM works with non-profit organizations through 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.

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Capital Expenditures to Address Infrastructure Needs Beaches/Boardwalks

61. 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.

62. 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.

63. 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

64. 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

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65. 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

66. 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

67. 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

68. 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

69. 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

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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, ongoing 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

70. 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

71. 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.

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In order to maintain transparency throughout the process, the City plans to comply with all HUD requirements for reporting.

Non-Profits and Religious Organizations

72. 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.feny.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

73. 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)

74. 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.

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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

75. 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

76. 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

77. 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.

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78. 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.

79. 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

80. 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

81. 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 is 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

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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.

82. 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.

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

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