

Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE)

Local Program Administrator Manual



**Homes and
Community Renewal**

OFFICE OF COMMUNITY RENEWAL
www.NYSHCR.org

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1 Introduction

1.1 Program Background

The Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE) Program funds pay for the cost of emergency repairs to eliminate conditions in homes that pose a threat to life, health, or safety of low-income elderly homeowners when the homeowners cannot afford to make the repairs. The RESTORE Program is critical to seniors in New York State who prefer to remain in their homes but need emergency repairs to ensure safe, adequate housing conditions.

Funds must be used for one- to four-unit dwellings that are owned and occupied by eligible low-income elderly households. Repair costs cannot exceed \$10,000 per building. Awarded program administrators, commonly referred to as Local Program Administrators (LPAs), include not-for-profit community-based organizations, municipalities, and counties and other incorporated entities in New York State.

In response to a publicly-issued Notice of Funding Availability (NOFA), eligible applicants submit program designs detailing how they will administer local RESTORE programs. Applicants are awarded on a competitive basis and must be approved by the Housing Trust Fund Corporation Board of Directors.

1.2 Definitions & Acronyms

Applicant – A not-for-profit community-based organization, county government, municipality, or other entity incorporated pursuant to New York State Not-For-Profit Corporation Law submitting an application for funding from the RESTORE Program in response to a request for proposals released by the Office of Community Renewal (OCR).

Emergency Repair – A repair that will address an emergency that poses a threat to the life, health, or safety of the elderly resident(s).

Housing Trust Fund Corporation (HTFC) – Established by Chapter 67, Section 45-a of the Private Housing Finance Law of 1985, HTFC is a subsidiary public benefit corporation of the NYS Housing Finance Agency. HTFC contracts with the Division of Homes and Renewal (DHCR) to administer the Corporation's activities. HTFC's mission is to create decent affordable housing for persons of low-income.

Life Lease – A residential lease in which the tenant maintains exclusive occupancy or use of a unit for the life of the tenant. Where possible, the life lease should be registered on title to the property the same as the deed.

Local Program Administrator (LPA) – An organization awarded funds to administer HCR programs, including the RESTORE Program. An LPA may be a not-for-profit community-based organization, county government, municipality, or other entity incorporated pursuant to New York State Not-For-Profit Corporation Law. Eligible LPAs must have been in existence, and providing relevant housing services to the community, for at least one year prior to the application date for program funding.

Low-Income Elderly Homeowner – A person owning and occupying a home who is over the age of 60 with an income that does not exceed 80 percent of area median income as defined by the US Department of Housing and Urban Development (HUD).

New York State Homes and Community Renewal (HCR) - Consists of all the State's major housing and community renewal agencies, including The Affordable Housing Corporation, The Division of Housing and Community Renewal, Housing Finance Agency, State of New York Mortgage Agency, Housing Trust Fund Corporation and others.

Office of Community Renewal (OCR) – An office within HCR responsible for administering a variety of housing and community development programs, including the RESTORE Program.

Property Maintenance Declaration – An agreement signed by both the LPA and the homeowner that is subsequently filed with the county clerk's office. The Property Maintenance Declaration is a lien on the subject property and ensures that the LPA will be notified regarding the sale or transfer of title on the subject property.

Recapture – The HTFC may recapture funds from the LPA if funds are not spent within the approved program agreement period, if the funds are not spent in accordance with program rules, or for other reasons. Further, the LPA, for a variety of reasons, may be required to have the homeowner return RESTORE funds to the HTFC. The LPA is responsible for the recapture and returning the funds to the HTFC.

Recipient – A low-income, elderly homeowner receiving RESTORE Program assistance from a local program administrator (LPA).

Request for Proposal (RFP) – A public solicitation made by the Housing Trust Fund Corporation (HTFC), through its Office of Community Renewal (OCR), to make funds available for the RESTORE Program. The RFP provides general requirements, application deadlines, evaluation criteria and other information for potential applicants to consider before submitting a funding application.

RESTORE – Acronym for the Residential Emergency Services to Offer (Home) Repairs to the Elderly Program.

SHARS – Acronym for the Statewide Housing Activity Reporting System. This is the database used by HCR to track LPA activity for a grant award. The system stores data related to housing units assisted in New York State. All organizations and municipalities that apply for funding receive an eight digit SHARS identification number.

1.3 Use of this Administrative Manual

This Administrative Manual describes the policies and procedures that must be followed by a Local Program Administrator (LPA) in the implementation of its NYS RESTORE Program. Policies and procedures contained in this Plan must be followed and are enforceable along with all aspects of the program agreement.

- Program documents referred to in this Manual are available on the HCR website at: <http://www.nyshcr.org/Programs/RESTORE/>
- Program forms are at: <http://www.nyshcr.org/Forms/RESTORE/>.

Any questions regarding the contents of this Manual be directed to RESTORE program staff at restoreprogram@nyshcr.org.

2 Funding Through the RESTORE Program

The Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE) Program funds pay for the cost of emergency repairs to conditions that pose a threat to the life, health or safety of low-income elderly homeowners who cannot afford to make the repairs. Funds must be used for one- to four-unit dwellings that are owned and occupied by eligible households. Repair costs cannot exceed \$10,000 per building.

Funds are made available by the HTFC through a request for proposals and an application process, typically on an annual basis, subject to the availability of funds.

LPAs may receive up to 50 percent of advance funding for the RESTORE Program. The second advance is for the balance of the program funds and may be requested after the LPA expends 75 percent of the first payment. After entering into a program agreement with the Housing Trust Fund Corporation (HTFC), the LPA has 12 months to administer the RESTORE Program.

2.1 Eligible Applicants

Not-for-profit community-based organizations, county governments, municipalities, and other entities incorporated pursuant to the Not-For-Profit Corporation Law, which have been in existence and providing relevant housing services to the community for at least one year prior to the date of application are eligible to apply for RESTORE Program funds and, if awarded, administer a local RESTORE program.

All areas of the state are eligible as RESTORE target areas.

Awarded program administrators are commonly referred to as Local Program Administrators (LPAs).

2.2 Request for Proposals

The HTFC, through its Office of Community Renewal (OCR), releases a request for proposals (RFP) upon availability of funding for the RESTORE Program. The RFP provides the general framework for the RESTORE Program and includes application deadlines, general program requirements, and evaluation and selection criteria that will be used by the OCR to determine award recipients.

The eligible funding amount is specified in the RFP. The most recent RFP states that the following applies:

- The amount requested per applicant, per program may not be less than \$25,000 and may not exceed \$150,000;
- Awardees will be allowed a maximum of twelve (12) months from the date of program agreement execution to fully expend all RESTORE Program funding; and
- Awardees may use up to a maximum of five percent (5%) of each program award for eligible administrative costs.
- Awardees may use up to a maximum of five percent (5%) of the cost of each project for eligible project delivery costs.

The RFP is widely distributed and made publicly available on the Homes & Community Renewal website at

<http://www.nyshcr.org/AboutUs/Offices/CommunityRenewal/HousingResourcesFundingOpportunities.htm>.

2.3 Application Process

2.3.1 Non-profit Prequalification

Not-for-profit organizations must be prequalified by submitting an online Prequalification Application through the Grants Gateway. The Prequalification Application is comprised of five components to gauge the organizational structure and the types of services provided.

The required forms and document uploads are all part of the Grants Gateway Document Vault. Resources to complete the application and associated document vault can be found in the Quick Links Section of the Grants Gateway page at <http://grantsreform.ny.gov/>. Applicants that are not prequalified in the Grants Gateway by the application deadline do not meet the minimum threshold requirements and may not be scored.

2.3.2 Application

Applicants apply for RESTORE Program funding using HCR's Community Development On-Line System (CDOL), which is accessible online at <http://www.nyshcr.org/Apps/CDOnline/>. (Hard copy applications may be accepted upon written request and approval from the OCR).

Applicants are assigned a SHARS ID number as part of the application process. All communication with the OCR regarding application status should include the SHARS ID number.

Applicants for RESTORE Program funds, as with all competitive OCR program funds, are subject to an evaluation of prior program funding history, prior program administration performance and organizational capacity.

2.4 Application Review & Scoring

All RESTORE Program applications are reviewed according to eligibility criteria specified in the RFP. The criteria are derived from the regulatory and policy requirements of the RESTORE Program. The OCR evaluates the investment of the resources made available through the RFP using the following three criteria: Fundamentals, Leverage, and Outcomes.

These award decisions are made in the context of a competitive process. To the extent feasible, the OCR allocates its resources to meet housing needs and achieve a geographic distribution of funding across the State, while promoting community development policies that emphasize the needs of underserved communities and which advance smart growth principals and healthy living environments.

2.5 HTFC Board Approval

The OCR must present all proposed RESTORE Program award recommendations to the HTFC Board of Directors, which must approve such awards and provide the OCR with authorization to proceed with notification of awards and execution of program agreements.

2.5.1 Exit Conference for Applicants Not Selected

An exit conference is offered by the OCR after award determinations have been announced. The exit conference is not required, but may be useful for applicants who did not receive a funding award. The exit conference is designed to help applicants who did not score high enough to receive an award prepare for future application rounds.

2.6 Program Environmental Clearance

RESTORE Program awards are subject to the requirements of the State Environmental Quality Review Act (SEQRA) at 6 NYCRR Part 617. Documentation of compliance will occur at two stages: upfront programmatic clearance and site-specific clearance as sites are selected:

1. The Programmatic Environmental Checklist is required, but it will be completed by the Environmental Assessment Unit and provided to the LPA. Prior to entering into a program agreement with the HTFC, EAU will issue a SEQR Type II letter. LPAs may not begin individual project work until the Type II letter is issued.

2. Then, as individual sites are selected, an “Environmental Compliance Certification and Appendix A” must be completed, signed and submitted to the OCR to initiate site-specific clearance. See Section 5.3.3.

2.7 Execution of a Program Agreement

The HTFC expects to enter into a Program Agreement within 45 business days of the RESTORE award recipient’s compliance with all submission requirements. Program activities must not commence until a Program Agreement is executed with the HTFC.

2.7.1 Insurance Requirements

Award recipients are required to obtain and maintain proper insurance and bonds. At a minimum, copies of the following must be provided:

- A Certificate of General Liability Insurance (\$1,000,000 minimum);
- Workers’ Compensation and Disability Insurance; and
- A Fidelity Bond in the amount of the largest anticipated disbursement.

Insurance documents must name the HTFC and New York State as loss payee in accordance with the program agreement requirements.

2.7.2 Program Agreement Documents

The following items comprise the completed Program Agreement:

- **RESTORE Program Agreement** – Contains the overall requirements and contents of the agreement between the LPA and the HTFC.
- **Program Summary and Description of Target Area** – Exhibit A is the LPA’s proposed project and the intended service area(s). This is to be completed and returned with the grant agreement. A fillable version of the form is available online at: <http://www.nyshcr.org/Forms/RESTORE/RESTORE%20Exhibit%20A.pdf>.
- **Administrative Plan** – Exhibit B is the administrative plan that governs the activities and scope of the RESTORE Program. The plan is provided by the OCR and specifies day-to-day program management requirements for the LPA. Components of the administrative plan may include, but are not limited to:
 - Program Activities and Scope
 - Selection Criteria for Assisted Units
 - Quality Assurance & Timely Program Implementation

- Methods to Ensure Compliance
- Contractor Procurement
- Services and Program Linkages
- Public Outreach

The Administrative Plan can be found at:

<http://www.nyshcr.org/Forms/RESTORE/RESTORE%20Exhibit%20B.pdf>.

- **Program Budget** – Exhibit C is the approved budget containing the sources and uses of funds for the program. A fillable version of the form is available online at: <http://www.nyshcr.org/Forms/RESTORE/RESTORE%20Exhibit%20C.pdf>.
- **Program Schedule** – Exhibit D documents the milestones and dates expected to be achieved by the LPA, as approved by the OCR. Note: RESTORE program agreements are for a one year term; the program schedule may not be for a term longer than one year from the award date. A fillable version of the form is available online at: <http://www.nyshcr.org/Forms/RESTORE/RESTORE%20Exhibit%20D.pdf>.
- **Property Maintenance Declaration Form** – Exhibit E contains a blank copy of the form to be executed by the LPA upon the completion of each project in the RESTORE Program and filed with the county. This does not get completed as part of the program agreement. This document can be found at: www.nyshcr.org/Forms/RESTORE/ExhibitE.doc.

No work on the Program may begin until the Program Agreement is fully executed.

3 Program Requirements

The RESTORE Program Agreement is for a term of one year from the date of execution. This chapter outlines the overall program administrative responsibilities of the LPA, while Chapter 4 outlines to LPA responsibilities pertaining to individual properties assisted through RESTORE.

3.1 Eligible Participants

Recipients of RESTORE Program assistance must be:

- Residents of New York State;
- Homeowners (current on property insurance and taxes);
- 60 years of age or older; and
- Low income – a household income that does not exceed 80 percent of area median income as defined by the US Department of Housing and Urban Development (HUD).

Recipients of funding must agree to reside in the home that benefited from the emergency funds for three (3) years after the date of the most recent RESTORE repair completion. If the eligible recipient moves or leaves the unit for any reason within the three year regulatory period, the RESTORE funds must be returned repaid in full to the OCR (See Section 5.7.1.).

3.1.1 Homeownership

Each assisted household must own and occupy the unit receiving assistance, and the LPA must obtain documentation of ownership.

The following forms of ownership are permissible:

- Ownership in fee simple title;
- Ownership of unit or manufactured housing with long-term leasehold interest;
- Condo or co-op unit ownership – with condo/coop board approval;
- Life estate or life lease – right to live in the property until death, does not pay rent, and all named in the life lease sign the PMD;
- Inherited property – age 60 or over occupant shares ownership with other non-resident heirs, but pays all costs of ownership; all who share ownership must sign the PMD; or
- Beneficiary deed ownership – occupancy by beneficiary age 60 or over, and all named in the life lease sign the PMD.

Right to possession under a contract for deed, installment contract, or land contract (pursuant to which the deed is not given until the final payment is made) is not ownership.

The ownership interest may be subject only to mortgages or other liens or instruments securing debt on the property or any other restrictions or encumbrances that do not impair the good and marketable nature of title to the ownership interest. All owners or beneficial parties must sign the PMD.

If the building is multi-unit, only the unit occupied by the owner and the common areas are eligible.

In addition, the owner must have evidence of property insurance and be current on all property taxes.

3.1.2 Income Eligibility

To be eligible for assistance, New York State homeowners must be 60 years of age or older and have a household income that does not exceed 80 percent of the area median income (AMI) as defined by the US Department of Housing and Urban Development (HUD).

The LPA may determine the definition of income to be used consistently across all clients; however, the Part 5 (or Section 8 method) definition of gross income is the recommended definition for use in determining income eligibility. The following materials explain the Part 5 method:

- The HOME “Technical Guide for Determining Income and Allowances for the HOME Program” is available at:
http://portal.hud.gov/hudportal/documents/huddoc?id=19754_1780.pdf.
- An online income calculator is available at:
<https://www.hudexchange.info/resource/2079/cpd-income-eligibility-calculator/>.
- Additional guidance on HUD determinations of income eligibility is available at
<http://www.huduser.org/portal/datasets/il.html>.

3.1.3 Age Eligibility

The owner-occupant must be 60 years of age or older at the time of application and named on the deed to be eligible to receive RESTORE funds. The LPA must collect documentation of age eligibility.

3.2 Eligible Projects

3.2.1 Eligible Properties

Repairs may be made in 1-4 unit homes that are owned and occupied by eligible households. If the home is a multi-unit building repairs may only be made in the unit where the elderly owner resides or in common areas.

3.2.2 Previously Assisted Property

A building may receive RESTORE Program assistance more than once. However, the expenditure of RESTORE funds may not exceed a total of \$10,000 for one or more repairs to a given property within the regulatory period of a Property Maintenance Declaration.

The LPA must confirm with the OCR program staff if previous assistance has been provided and if the regulatory period is active or has expired.

- If a property has previously been served and is in its regulatory period but did not receive the maximum amount, the household can be served again until it reaches the building maximum cumulatively.
- If a property has been assisted but the previous award's regulatory period has expired, it may be eligible for further assistance through the RESTORE Program.

For example, Mr. John Doe receives a RESTORE grant for his home at 123 Main Street in the amount of \$3,500 on April 13, 2016. The regulatory period begins on the same date. Mr. Doe's home address at 123 Main Street is eligible for additional RESTORE assistance of \$6,500. A new Property Maintenance Declaration Form is filed by the LPA upon completion of the \$6,500 emergency repair. Mr. Doe is not eligible for additional assistance from the RESTORE Program for three years from the completion of the \$6,500 repair.

3.2.3 Eligible & Ineligible Repairs

Eligible activities are repairs up to \$10,000 in any one building or property and that are emergency in nature. An emergency repair will eliminate hazardous conditions in the home or unit that otherwise threaten the health and safety of elderly residents.

The Program defines an eligible emergency repair to be a repair that will eliminate a hazardous condition or physical deficiency that poses an immediate threat to the life, health, or safety of the elderly resident(s) or an imminent threat to structure habitability. To warrant RESTORE assistance, the faulty structural component or system:

- Must be non-functional or non-operative, or
- Pose an imminent threat to the viability of the structure and/or make the unit unsafe to occupy (such as a sudden need for disability modifications related to a medical condition or procedure.)

Typical repairs funded with RESTORE include (but are not limited to):

- Correction of serious structural issues including foundation, floors, doorways, and decks;
- Stabilization, repair or replacement of damaged or leaking roof and roof vents and gutters;
- Broken, inoperable or unsecured window or door repair or replacement;
- Replacement of windows to enhance energy efficiency;
- Repairs to deteriorated interior or exterior stairs and means of egress
- Accessibility modifications;
- Repairs to or replacement of failed or inadequate HVAC systems and chimneys;
- Plumbing repairs or replacement, including correcting issues with potable water supply, domestic hot water and sewage/septic;
- Mold remediation; and/or
- Electrical repairs or upgrades of electrical/utility systems to remove hazards.

The LPA is responsible for determining if a repair meets the “emergency repair” threshold. The LPA must document the hazardous condition (with photos – see Section 5.6.2) and substantiate the imminent threat to the elderly homeowner and/or structure before conducting emergency repairs with RESTORE funds.

Reasonable accommodations and reasonable modifications that are required for households with accessibility needs are eligible.

Repairs that are not of an emergency nature or not a threat to health and safety of elderly homeowners are not eligible for RESTORE funding. For example, repairs to an old or leaking roof may not be warranted if the roof condition is not an immediate threat to the structure or household but might be warranted if the conditions indicate the potential for imminent collapse or compromise to the electrical system.

The following activities are not permitted in the RESTORE Program:

- Substantial renovations, such as kitchen or bathroom remodels;
- Landscaping;
- Replacement of appliances, unless there is an obvious health or safety hazard and approved by OCR program staff prior to purchase;
- Non-emergency or cosmetic repairs;
- Exterior egress repairs that are not necessary for safe access;
- Repairs to outbuildings and non-dwelling structures; and
- Repairs to units not occupied by eligible residents.

If the LPA has concerns about the eligibility of a particular repair, the LPA should contact the RESTORE program staff prior to undertaking the repair activity. Activities undertaken that are not eligible will result in the OCR recapturing the RESTORE funds for that project from the LPA. Additionally, the OCR may recapture and/or de-obligate the balance of RESTORE funds and terminate the program agreement.

3.3 Project Timeline: 72/7/30 Rule

Each project is subject to a time frame to ensure that the emergency situation is addressed in a timely manner. When a referral is received, the following deadlines apply:

- The LPA must respond within 72 hours and inspect the home to determine if emergency repairs are needed and can be provided through the Program.
- If repairs are to be provided, the LPA is required to:
 - Commence work within 7 calendar days; and
 - Complete the repairs within 30 calendar days.

See the project timeline depicted in Section 5.1.

RESTORE program staff will monitor adherence to the project timeline. It is understood that sometimes the time frames cannot be met due to circumstances beyond the control of the LPA. For example, some work – such as a roof repair or replacement – might not be able to occur in winter. Such cases should be documented, and the situation stabilized to the extent possible until weather permits the work to occur.

Failure to meet the deadlines for the project repair timeline may result in the OCR recapturing funds for that project. Further, it may impact the remainder of the LPA's current program agreement (including possible recapture and/or de-obligation of remaining funds) and may impact future RESTORE program agreements.

3.4 Project Regulatory Period

The LPA and the homeowner must both sign a Property Maintenance Declaration that is to be filed with the local county clerk's office. The Property Maintenance Declaration acknowledges that the unit was improved using RESTORE funds provided to the LPA from the HTFC and states that the owner will:

- Reside in the residence for the three-year regulatory period;
- Maintain the property in good operating condition; and
- Notify and obtain written permission from the LPA to proceed with any sale or transfer of title on the subject property.

The Property Maintenance Declaration is a subordinate lien to any mortgage given by the owner for the purpose of construction or permanent financing of the premises. The Property Maintenance Declaration may be no lower than third in priority order of repayment.

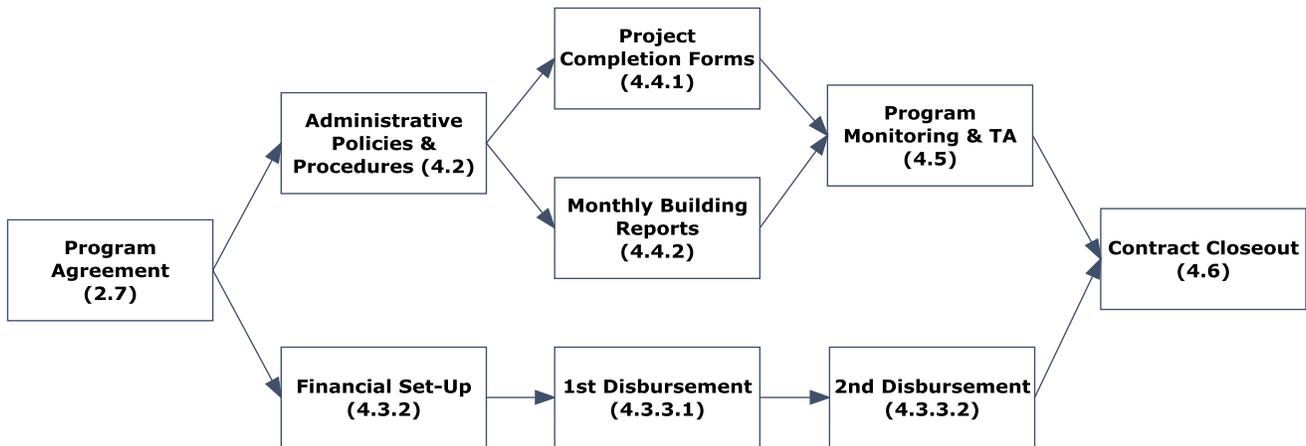
The encumbrance runs with the land and is binding on the homeowner. Should the Property Maintenance Declaration be breached, the owner is obligated to return the full amount of RESTORE funds to the LPA for recapture by HTFC.

4 Program Administration

4.1 Administrative Cycle

The RESTORE Program agreement is for a period of one year from the date of execution. Closeout is expected to occur within 45 days after the end of the program agreement term.

The administrative cycle is depicted below, with each step including the applicable section of this manual in parentheses.



4.2 Administrative Policies & Procedures

The Administrative Plan is created by OCR and is attached to the Program Agreement. It is enforceable along with the terms of the Program Agreement. In addition to the Program Agreement and Administrative Plan, the LPA is responsible for developing standard procedures for the following administrative activities:

- **Referral Outreach and Agreements.** The Recipient shall identify and reach out to agencies that are potential sources of referrals, and maintain files and records of the Referral Agreements in place that provide the following information: referral source name and copies of written commitment letters or agreements.
- **Public Outreach.** The LPA shall develop and distribute marketing materials that explain the program’s objectives to local community organizations and offices. Examples include local departments of social services, county offices for aging, community and senior centers, medical clinics, regional food banks, town halls, and local neighborhood associations. The “NYS Housing Trust Fund Corporation” shall be prominently placed on all marketing materials as the source of RESTORE Program funds.

The Recipient's marketing activities shall be non-discriminatory and be designed to encompass the diverse socioeconomic character (population, housing and economic activity) of the area. Reasonable accommodations that are necessary to make the program accessible to persons with disabilities are required, including affirmative outreach, accessible office locations and assistance with applications.

- **Contractor Recruitment.** In limited circumstances, LPAs may provide repair services with in-house crews. "Limited circumstances" means where the LPA in-house crew has specific expertise and corresponding certifications to address a repair (such as lead based paint or mold remediation); or where a repair bid solicitation receives no responses from local contractors. However, LPAs are primarily expected to utilize outside contractors. In order to achieve quick turnaround of repair projects, LPAs may maintain a pre-approved pool of qualified contractors to expedite the bidding. Outreach to contractors for pre-qualification is encouraged.

Minority- and women-owned businesses should be contacted during outreach and encouraged to pre-qualify and participate in the bidding process in order to promote participation amongst minority contractors. LPAs should use the Search Directory of Certified Minority- and Women-owned Businesses (<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>) published by the Division of Minority and Women's Business Development of the New York State Department of Economic Development to identify local minority- and women-owned businesses.

The LPA should establish standard procedures for contractor bidding and selection, including contractor procurement process, documentation of valid licensure, proof of valid insurance, standard contracts and any other required documents. The LPA should also establish standard procedures for monitoring of the work payment of invoices to ensure adherence to deadlines and quality of workmanship. Procedures should include:

- Issuing a request for contractor bids that details the work that will be required to correct the emergency health and safety situation(s);
- Collecting all documentation needed from the contractor to verify that they are licensed, insured, and that they meet local requirements, codes, rules and/or regulations for contractors;
- Selecting the lowest qualified available bidder for the project;
- Entering into a written agreement with the selected contractor that describes the details of the project and all required time frames for starting and completion; and
- Inspecting all work upon completion to ensure compliance with the specifications.

- **Applicant Intake and Eligibility.** The LPA should have standard procedures for the intake of referrals, assessment and documentation of emergency conditions, and the documentation of eligibility.
- **Service Provider Agreements.** The LPA should develop agreements with service providers to assist those elderly households in need of services. The files and records should include service provider name, a brief description of the type of service and copies of written commitment letters.
- **Project Procedures.** To ensure compliance with the RESTORE repair response deadlines, the LPA should have procedures to:
 - Inspect the property within 72 hours of referral and make a determination of eligibility for assistance;
 - Solicit, negotiate and execute a contract with a licensed private contractor that specifies the required work to be completed and timeframes to be met within seven days;
 - Monitor the licensed contractor's or in-house work crew's progress to ensure quality of workmanship and that the 30-day deadline is met; and
 - Submit a Project Detail Sheet along with backup documentation, including invoices, front elevation photo and before/after photos, to the RESTORE program staff within seven days of completion for each RESTORE-assisted unit.

These procedures must be available to RESTORE program staff as part of monitoring.

4.3 Financial Management

RESTORE program recipients must follow these instructions to report on project activity and to receive disbursements of funds. LPAs should also refer to their NYS RESTORE Program Agreement and direct all questions to RESTORE program staff before undertaking activities where there are questions or concerns. Failure to follow these instructions in the administration of a RESTORE Program award may result in the repayment, recapture or de-obligation of funds awarded for this purpose, and may adversely impact the future eligibility of an LPA to receive these or other program funds awarded by the HTFC.

NOTE: All forms required for the RESTORE Program can be found on the HCR Web site at <http://www.nyshcr.org/Forms/Restore/>.

4.3.1 Program Budget

The Program Budget is approved prior to execution of the program agreement and is included as an attachment to the agreement (Exhibit C). It is enforceable along with all program agreement provisions.

RESTORE funds will not be disbursed over the amount originally approved.

4.3.2 Financial Set-up

Two financial forms must be submitted prior to the start of the program agreement:

1. An Authorized Signatory Form; and
2. A Depository Designation Form.

An Authorized Signatory Form for Request for Funds form must be completed prior to the start of all program agreements, and at any time an employee is added or removed as a signatory. This form is available at:

<http://www.nyshcr.org/Forms/AuthorizedSignatureForm.pdf>.

Recipients must send signed copies of each Authorized Signatory Form to program staff. LPAs are encouraged to submit signed, legible copies scanned into PDF and e-mailed to expedite processing and disbursement. LPAs must submit to the following addresses:

RESTORE Program
Office of Community Renewal
The Hampton Plaza, Room 403S
38-40 State Street
Albany, NY 12207-2804

or

E-mail: restoreprogram@nyshcr.org

The LPA is responsible for establishing a separate account for the receipt and disbursement of the RESTORE funds. Funds will be transferred directly into the LPA's designated account through an Automated Clearing House (ACH) procedure. Recipients must send signed copies of each Designation of Depository Form to program staff. LPAs are encouraged to submit signed, legible copies scanned into PDF and e-mailed to restoreprogram@nyshcr.org to expedite processing and disbursement. Recipients are **not** required to submit and original hard copy Designation of Depository Form to program staff.

The Designation of Depository form is available at:

www.nyshcr.org/Forms/ocdhm_directdeposit.pdf.

4.3.3 Disbursements

The RESTORE Program is set up to provide program funds to LPAs in two disbursements:

1. The LPA can request disbursement of up to 50 percent of the award immediately upon program agreement execution; and
2. The LPA can request the remainder of the awarded funds when it can document substantial expenditure (at least 75 percent) of the initial draw.

Disbursement requests may be submitted electronically to restoreprogram@nyshcr.org but must be submitted as a signed and scanned PDF. The form and signature must be legible. LPAs are no longer required to submit a hard copy with original signatures.

While the timing of payments cannot be guaranteed, generally payments can be expected to be disbursed by the OCR within 2 – 4 weeks upon submission of all required documentation.

4.3.3.1 1st Disbursement Request

After program agreement execution, LPAs may request up to 50 percent of RESTORE funds by submitting the following directly to OCR:

- The Disbursement Request Form signed by an Authorized Signatory on file with the OCR (available at: www.nyshcr.org/Forms/RESTORE/RESTORE-DisbursementRequestForm.dotx); and
- An Administrative Funds Detail Sheet documenting anticipated administrative costs for the first half of the Program year (available at: http://www.nyshcr.org/Forms/RESTORE/REST_Admin_Funds_Detail.dotx.)

The Disbursement Request Form may be scanned PDF and E-mailed to RESTORE program staff for review. Disbursement Request Forms may be submitted in hard copy form but scanned PDF is preferred.

4.3.3.2 2nd Disbursement Request

A second request for the remainder of the award funds may be submitted to the OCR when 75 percent of the first disbursement has been expended (and the Project Detail Forms associated with the 1st disbursement have been accepted.)

After 75 percent of the first advance payment is spent on documented and eligible program activities, an LPA must submit:

- A Disbursement Request Form (as noted above); and
- An Administrative Funds Detail Sheet.

The release of the second half of the awarded funds is contingent upon the receipt of these Project Detail Forms for completed expenses documenting expenditures.

The Building Log must be submitted to the OCR the first business day of each month regardless of RESTORE Program activity or the second disbursement request may be denied.

The second, and final, payment should be requested when 75 percent of the first funds have been spent. A RESTORE draw can be requested after the program agreement period ends, but is strongly discouraged and should happen in only unique circumstances. Only documented projects whose repairs started prior to the end of the program agreement will be reimbursed, and no funds will be disbursed after the 45 day window for submitting program agreement paperwork closes.

4.3.4 Eligible Administrative and Project Delivery Costs

LPAs are eligible to set aside up to five (5) percent of the total award to offset costs of administering the program (Administrative Costs). The LPA may also charge costs incurred that are identified as part of a specific project (Project Delivery Costs) up to 5 percent of the award amount.

4.3.4.1 Administrative Funds

Administrative funds may be awarded up to five (5) percent of the total award to offset overall costs of implementing the RESTORE Program. This information is made available to applicants in the RESTORE Request for Proposals and application NOFA guidance.

LPAs may consider the following costs for reimbursement with administrative funds:

- Insurance costs directly associated with implementing the program; and
- Offset salary of staff/fringe costs associated with implementing and/or monitoring the program.

The following are NOT permitted administrative costs:

- Any costs that are listed below as “project delivery costs”; and
- Offset of salary/fringe costs of staff not associated with the RESTORE program.

LPAs may incur administrative costs prior to program agreement execution. However, any costs incurred prior to execution will not be reimbursed if the program agreement, for any reason, is not executed.

4.3.4.2 Project Delivery Costs

The RESTORE Program permits LPAs to incur very limited project delivery costs. Project delivery costs are related to the repairs for a specific building or client. Total delivery costs may not exceed five (5) percent of the RESTORE funds utilized for the specific project.

LPAs may consider the following project delivery costs for reimbursement to specific projects:

- Mileage for LPA program staff who perform project oversight;
- Fees for filing the Property Maintenance Declaration (PMD);
- Attorney fees; and
- Staff salary/fringe costs directly associated with a project such as:
 - applicant intake and determining eligibility,
 - conducting site visits,
 - completing scope of work, and
 - preparation of documents such as executed contracts, contractor invoices.

The following are NOT permitted project delivery costs:

- Marketing and/or advertising the RESTORE Program;
- Staff salary/fringe costs NOT directly associated with a project; and
- Costs incurred by LPA to meet state insurance requirements as found in the program agreement.

The OCR may consider other project delivery costs not listed above for reimbursement. The LPA must submit a written request to OCR and receive written approval from OCR prior to the start of the project.

4.4 Progress Reporting

4.4.1 Project Completion Forms

The Project Completion Form and related documentation must be submitted within seven days of completion of each project, as described in Section 5.6.2.

4.4.2 Monthly Building Log

The Building Log must be submitted to the OCR the first business day of each month regardless of RESTORE Program activity or the second disbursement request may be denied.

4.4.3 Records & Record Retention

Supporting documentation will be maintained by the LPA in the project files and will include the following:

- participant (recipient) application
- eligibility documentation (including ownership, income, age, prior assistance)
- property documentation, including address and photos
- original inspection, work specifications & cost estimates
- bid documentation
- contracts
- documentation on historic preservation issues, lead-based paint, and environmental conditions and clearances, as applicable
- signed property maintenance declaration (s) with property owner(s) (deferred loan terms and conditional repayment agreement)
- inspection reports and period of work performance
- contractor invoices & documentation of payment
- pre- and post-photographs of the modifications, as specified above.
- copy of recipient sign-off of completed work
- copy of any warranties on equipment installed
- all correspondence between the LPA and the OCR

LPAs are responsible for maintaining complete project files for a retention period of five (5) years from Closeout, as described in Section 4.6.

4.5 OCR Technical Assistance & Monitoring

4.5.1 Technical Assistance

All award recipients are strongly encouraged to participate in the program implementation TA program, usually conducted as a webinar. This TA opportunity helps award recipients new to the RESTORE Program gain an understanding of day-to-day management and oversight of the program. The implementation program is also useful for past recipients because it highlights changes to the program made from previous funding rounds.

The slides for the previous webinar are available online at:

<http://www.nyshcr.org/Programs/AccessToHome/RESTORE-Implementation-Webinar.pdf>.

The LPA may request technical assistance from the OCR or the agency may recommend an organization for additional technical assistance at any time during the program agreement term. In most cases, the OCR program staff or other agency staff will act as the technical assistance provider. In some cases, the staff may determine that technical assistance should be provided by a peer-to-peer exchange, a consultant, or (if applicable) from the Neighborhood Preservation Coalition of New York State, Inc. or the New York State Rural Housing Coalition, Inc.

The OCR strongly recommends that a request for technical assistance be submitted as soon as the LPA recognizes the need. This will help ensure that the OCR and the LPA can work together to ensure the successful implementation of the RESTORE Program. Requests for technical assistance can be made to the OCR program staff or to restoreprogram@nyshcr.org.

4.5.2 Monitoring

Project files will be examined by the OCR program staff on regularly scheduled site visits or desk audits. LPAs will be contacted and notified in writing in advance of all scheduled site visits, desk audits, or other program reviews.

Files are subject to examination at any time by representatives of the HTFC or HCR whether as part of a scheduled site visit, desk audit, or any other RESTORE Program review. The review of files can include:

- Client application (homeowner, prior RESTORE funding, age documentation)
- Household Size & income eligibility verification (SSI, pay stubs)
- Verification of homeowner's insurance
- Verification of current taxes
- Pre-construction Inspection
- Service Provider/Referral Agreement(s)
- Work write-up/specifications
- Lead-Based Paint (LBP), if pre-1978: -- disclosure, Renovator use, clearance
- Cost estimate
- Contractor bid package/proposals
- Construction Documents (contract, insurance, permits, affidavit/waivers of lien)
- Contractor invoice(s)/vouchers
- Evidence of contractor disbursement
- RESTORE Project Detail Sheet
- Pictures (front elevation, before & after)
- Property Maintenance Declaration (PMD)

4.5.3 Compliance Findings

A LPA may be in non-compliance for a variety of reasons including, but not limited to:

- Lack of performance, including failure to meet goals agreed to in the executed program agreement;
- Misuse of program funds;
- Broader financial/audit issues within the company;
- Failure to submit required program documents in a timely fashion;
- In default or poor standing with other HCR programs; or
- Failure to comply with rules and regulations as outlined in this manual, in statute, or in the program agreement.

Any LPA that is in non-compliance will be placed in default. The OCR will issue a default letter within 10 calendar days after the company is found to be in non-compliance.

The LPA will normally have 15 calendar days to cure the default. The OCR reserves the right to authorize other cure periods as deemed appropriate.

If the LPA submits the information within the cure period, the default will not be released until the Program Director has reviewed the submission in consultation with the OCR President and determined that the default has been resolved.

If the LPA fails to submit the information within the cure period or submits an incomplete or unsatisfactory reply to the default, the OCR will terminate the program agreement. Termination of the program agreement may include recapture and/or de-obligation of program funds.

4.5.4 Recapture of Funds

The OCR may recapture and/or de-obligate funds from the LPA for a violation of program rules, as a result of a program default, or in the event of a terminated program agreement. In the event of a violation of program rules by program participants, the LPA is required to recapture RESTORE funds and return the funds to HTFC. The OCR RESTORE Program staff may require the LPA to recapture funds for program violations including, but not limited to:

- Change in residency of elderly homeowners assisted with RESTORE funds;
- Providing repairs not eligible for RESTORE funding;
- Excess project costs and/or improper use of project cost funds;
- Failure to meet project timelines (3 days to inspect, 7 days to start repairs, 30 days to complete repairs);
- Failure to submit reports or other required documents to OCR program staff in a timely fashion;
- Improper or inadequate documentation of projects;

- Inadequate records retention for the full five years; and
- Failure to adequately monitor residency requirements for the three year regulatory period.

Funds recaptured from specific projects are for the full amount of RESTORE funds used for the building. OCR may withhold delivery of future funds (such as the second half payment) for program violations until such time as they are corrected in accordance with RESTORE requirements and to the satisfaction of OCR.

4.6 Program Agreement Closeout

Within 45 calendar days from a program agreement end date, the LPA must submit the RESTORE Program Contract Closeout Report to restoreprogram@nyshcr.org or the report may be submitted as a hard copy to the RESTORE Project Manager at:

Office of Community Renewal
New York Homes and Community Renewal
Hampton Plaza – Room 403S
ATTN: RESTORE Program
38-40 State Street
Albany, NY 12207-2804
E-mail: restoreprogram@nyshcr.org

This Closeout Report form is available at:
www.nyshcr.org/Forms/Restore/REST_Closeout.dot.

The OCR Program staff will contact the LPA to discuss outstanding projects, de-obligated or recaptured funds, and program closeout. The OCR will issue formal notification to the LPA upon successful closeout of the RESTORE Program.

5 Project Administration

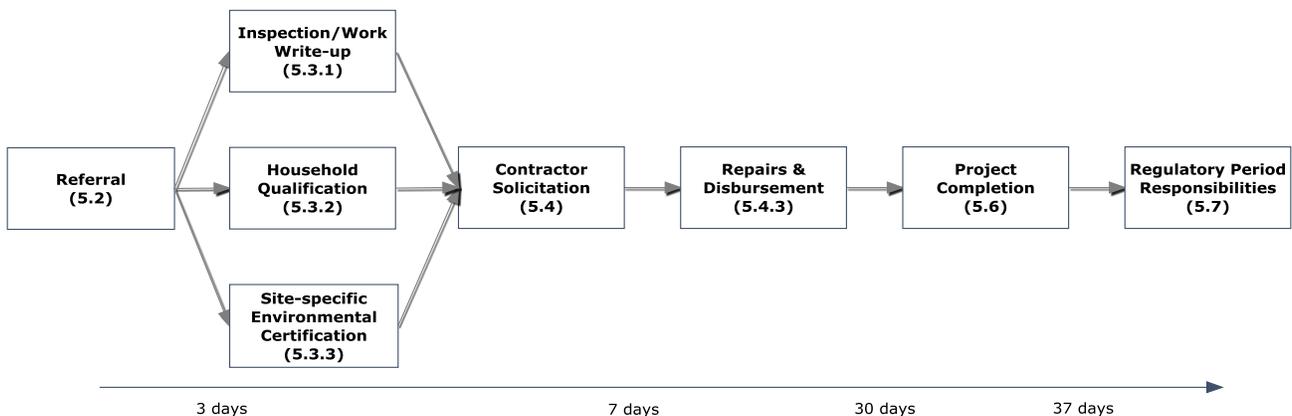
This chapter outlines the requirements and standard procedures for individual projects assisted with RESTORE.

5.1 Project Timeline: 72/7/30 Rule

Each project is subject to a time frame to ensure that the emergency situation is addressed in a timely manner. When a referral is received, the following deadlines apply:

- The LPA must respond within 72 hours and inspect the home to determine if emergency repairs are needed and can be provided through the Program.
- If repairs are to be provided, the LPA is required to:
 - Commence work within 7 calendar days; and
 - Complete the repairs within 30 calendar days.

The steps of project administration and the project timeline are depicted below (with the relevant section of this manual in parentheses):



OCR staff will monitor adherence to the project timeline. It is understood that sometimes the time frames cannot be met due to circumstances beyond the control of the LPA. For example, some work – such as a roof repair or replacement – might not be able to occur in winter. Such cases should be documented, and the situation stabilized to the extent possible until weather permits the work to occur.

Failure to meet the deadlines for the project repair timeline may result in the OCR recapturing funds for that project. Further, it may impact the remainder of the LPA's current program agreement (including possible recapture and/or de-obligation of remaining funds) and may impact future RESTORE program agreements.

5.2 Project Referral

RESTORE LPAs receive referrals from a variety of public and nonprofit agencies that work with low-income elderly homeowners, including (though not limited to):

- The Office for Aging;
- NY Connects;
- Department of Social Services; and
- Various local and nonprofit human services agencies.

As described in Section 4.2, the LPA should outreach to the agencies that work with elderly homeowners in the target area, and enter into agreements where possible to formalize the process for referrals.

Upon receipt of a request for assistance or upon the referral of a homeowner in need of emergency support, the Recipient shall:

- Log the referral;
- Inspect the home within 72 hours of contact;
- Collect all documentation from the homeowner to verify age, ownership and income eligibility; and
- Complete a work write-up consisting of a description (and documentation) of the emergency situation(s) and detailed specifications that describe the measures required to correct the emergency situation(s).

5.3 Project Qualification

With the information that is assembled upon referral as outlined above, the LPA should determine if the household and property qualify for assistance, including:

- The assisted unit must fall within the targeted service area;
- The assisted household must be owner-occupied unit and have an occupant aged 60 years or older;
- The home must be the primary residence of the homeowner;
- The household's annual income does not exceed 80 percent of the area's median family income (AMI);
- The owner must be current on taxes and maintains property insurance;
- The existence of emergency condition(s) pose an imminent threat to the life, health or safety of the elderly homeowner(s); and

- The work undertaken will not exceed \$10,000 of RESTORE funds per building for the full regulatory term, including any previous work completed with RESTORE funding still within its regulatory period. (If a property previously received RESTORE assistance, the LPA should check with OCR program staff to determine if the regulatory period has expired. Provide the address, county and section/block/lot (S/B/L) numbers.)

If these conditions are met and funding is available, the LPA should prepare and submit the environmental information noted below.

5.3.1 Inspection & Work Write-up

The LPA is required to inspect the home within 72 hours of the referral contact to assess the physical conditions and determine that the emergency repairs are needed. The Program defines an eligible emergency repair to be a repair that will eliminate a hazardous condition or physical deficiency that poses an immediate threat to the life, health, or safety of the elderly resident(s) or a threat to structure habitability. To warrant RESTORE assistance, the faulty structural component or system:

- Must be non-functional or non-operative, and
- Pose an imminent threat to the viability of the structure and/or make the unit unsafe to occupy (such as a sudden need for disability modifications related to a medical condition or procedure.)

If eligible emergency repairs are identified, the LPA should complete a work write-up consisting of a description (and documentation) of the emergency situation(s) and detailed specifications that describe the measures required to correct the emergency situation(s). Eligible repairs (and ineligible repairs) are defined in Section 3.2.3.

The LPA should also complete an estimate of the cost of repairs to ensure that repairs will not exceed the program limits of \$10,000 per building.

5.3.2 Household Qualification

At the same time that the home is being inspected and the repairs itemized and estimated, the LPA should also collect documentation to determine the household as eligible, including:

- Age – The assisted household must be an owner-occupied unit and the owner occupant aged 60 years or older;
- Ownership – The home must be the primary residence of the homeowner;
- Income – The household’s annual income does not exceed 80 percent of the area’s median family income;

- Financial requirements – The owner must be current on taxes and maintains property insurance; and
- Prior assistance – The LPA should verify from records and consultation with OCR program staff that the household/unit was not previously assisted with RESTORE funds that are still within a regulatory period.

All of these items should be documented in the project file.

5.3.3 Site-specific Environmental Certification

As sites are chosen, an “Environmental Compliance Certification and Appendix A” must be completed, signed and submitted to the OCR to initiate site-specific clearance. This checklist will identify and document any issues that must be resolved and address any environmental issues that might impact individual sites in your program. A PDF fillable Environmental Compliance Checklist, along with instructions on how to complete the checklist, is available for viewing and printing at the RESTORE Program website, <http://www.nyshcr.org/Forms/Restore/>.

The Site Specific Certification and Appendix A must be completed and submitted to the RESTORE program staff prior to any work on each site. EAU may need to review and approve work in circumstances such as:

- Substantial improvement in a flood zone;
- Work on a building determined by SHPO to have historic or cultural significance;
- Ground disturbance;
- Zoning changes; or
- If the work constitutes a SEQRA Unlisted action

The Certification must be submitted even if there are no “Circumstances” that warrant further review.

5.4 Contractor Selection & Monitoring

As noted in Section 4.2, the LPA is required to establish a standard practice procedure for contractor selection. Upon the determination of eligibility for program assistance and that environmental compliance is achieved, the LPA should proceed with contractor bidding and selection.

For each project, the LPA must issue a request for contractor bids that details the work that will be required to correct emergency conditions. Proposals must be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. An award may be made to the responsible bidder whose

proposal will be most advantageous with price and other factors considered. The use of in-house crews is permitted in limited circumstances. Limited circumstances” means where the LPA in-house crew has specific expertise and corresponding certifications to address a repair (such as lead based paint or mold remediation); or where a repair bid solicitation receives no responses from local contractors.

As noted, LPAs may maintain a pre-approved pool of qualified contractors for bid solicitation.

5.4.1 EPA Renovator

The EPA’s Renovation, Repair and Painting Rule (RRP) requires contractors or firms performing renovation, repair, or painting projects that disturb lead-based paint in homes built before 1978 to be licensed and use certified renovators trained by EPA-approved providers and follow lead-safe practices. LPAs should require all of their contractors to be EPA licensed renovation firms, and require a renovator to be onsite and supervise when any painted surface is being disturbed.

More information is available at <http://www2.epa.gov/lead/renovation-repair-and-painting-program>.

5.4.2 Equal Employment Opportunity/Minority and Women Owned Business

Recipients are required to comply with Articles 15 A and 17 B of the New York State Executive Law. These requirements include equal employment opportunities for minority group members and women (“EEO”), and contracting opportunities for certified minority and women owned business enterprises (“MWBES”) and Service Disabled Veteran Owned Businesses (“SDVOBs”). Recipient’s demonstration of “good faith efforts” pursuant to 5 NYCRR §142.8 shall be a part of these requirements.

The Recipient will promote and assist the participation of certified M/WBEs and SDVOBs as outlined and in accordance with Participation by Minority Group Members, Women and Service Disabled Veterans with Respect to State Contracts: Requirements and Procedures attached to the grant agreement with Housing Trust Fund Corporation.

Please visit NYS Empire State Development’s Division of Minority & Women Business Development website for a directory of certified Minority and Women-Owned Businesses: <http://www.esd.ny.gov/MWBE.html>

RESTORE program recipients awarded less than \$100,000 are not subject to Article 15A and 17B of the New York State Executive Law. LPAs are, however, encouraged to make efforts to meet the equal opportunity provisions of Section 312 of the Article. This includes affirmative efforts to ensure that New York State Certified Minority and Women-Owned Business

Enterprises are afforded opportunities for meaningful participation in projects funded by the HTFC pursuant to Section 313 of the Article.

5.4.3 Construction Monitoring

The LPA must also establish a standard practice for monitoring licensed contractors for adherence to deadlines and quality of workmanship.

This should include:

- Verification of work performed prior to payment; and
- Final inspection prior to the release of final payment to ensure that the entire scope has been completed and the owner will sign off.

5.5 Owner Agreement Execution

The LPA and the homeowner must both sign a Property Maintenance Declaration that is to be filed with the local county clerk's office. The Property Maintenance Declaration acknowledges that the unit was improved using RESTORE funds provided to the LPA from the HTFC and states that the owner will:

- Reside in the residence for the three-year regulatory period;
- Maintain the property in good operating condition; and
- Notify and obtain written permission from the LPA to proceed with any sale or transfer of title on the subject property.

The Property Maintenance Declaration is a subordinate lien to any mortgage given by the owner for the purpose of construction or permanent financing of the premises. The Property Maintenance Declaration may be no lower than third in priority order of repayment.

The encumbrance runs with the land and is binding on the homeowner. Should the Property Maintenance Declaration be breached, the Owner is obligated to return the full amount of RESTORE funds to the LPA for recapture by HTFC.

5.5.1 Referral for Services (if applicable)

Any RESTORE client that needs assistance outside of the scope of services offered by the RESTORE Program shall be referred, by the Local Program Administrator (LPA), to an appropriate service provider that may assist the individual. For example, when working on a RESTORE project and it becomes evident that the customer is a person with a disability(s) and would benefit from accessibility modifications completed in his/her home beyond the scope of RESTORE, the Recipient shall refer that individual to the HCR Regional Office for possible assistance through the Access to Home Program.

The LPA shall establish a standard practice procedure that details the referral process to be used in coordinating the delivery of the RESTORE grant with other programs.

The LPA shall maintain files and records of the Service Provider Agreements in place that provide the following information: service provider name, a brief description of the type of service and copies of written commitment letters.

5.6 Project Completion

5.6.1 Property Maintenance Declaration

A Property Maintenance Declaration must be signed by all owners for each property assisted. The PMD must be filed with the county clerk upon completion of the repairs. The form should be completed for the amount of hard costs for emergency repairs only (administrative and project delivery costs are excluded).

5.6.2 Project Completion Reporting

A Project Detail Form and supporting documentation must be submitted for each completed RESTORE project no later than seven (7) days after project completion. This form must specifically detail the work that has been completed. The Project Detail Form is available at: http://www.nyshcr.org/Forms/RESTORE/REST_Project_Detail.dotx.

The submission must include:

- The Project Detail Form
- Photographs:
 - Front elevation views of the building, and
 - “Before” and “after” photographs of the repairs
- Supporting documentation of incurred expenses (include copies of ALL receipts and/or invoices for activities related to each project).

The pictures must accompany all Project Detail Forms and must be sent electronically to the RESTORE Email at restoreprogram@nyshrc.org:

- Digital photographs in JPEG format are preferred.
- The street address of the unit must be in the Subject line of the Email.
- The Body of the Email must include the LPA’s name and the RESTORE Contract SHARS ID number.

Improper documentation may delay payment of the balance of award funds. The release of the second half of the awarded funds is contingent upon the receipt of these forms documenting expenditures in a timely fashion.

LPAs **may not** submit required documentation in bulk after 75 percent of funds have been spent. Each project must be submitted as finalized, according to the timelines mentioned previously.

5.7 LPA Ongoing Project Responsibilities

5.7.1 Sale or Non-compliance during the Regulatory Period

The Property Maintenance Declaration requires the owner during the three-year regulatory period to:

- Reside in the residence;
- Maintain the property in good operating condition; and
- Notify and obtain written permission from the LPA to proceed with any sale or transfer of title on the subject property.

Should the Property Maintenance Declaration be breached, including a sale during the three-year period to other than a low-income elderly household, the Owner is obligated to return the full amount of RESTORE funds to the LPA.

The LPA must return recaptured funds to HTFC funds invested in the unit. Funds must be returned to:

Housing Trust Fund Corporation
RESTORE Program
PO Box 1339
Albany, NY 12201-1339

Funds must be returned with the HTFC HCR Returned Funds Coversheet and a brief letter explaining the purpose including program name, SHARS Identification Number, and the client name and address. The HTC HCR Returned Funds Coversheet is available at <http://www.nyshcr.org/Forms/Restore/>.

5.7.2 Resubordination

A homeowner whose building received RESTORE funds may request an agreement to subordinate the Property Maintenance Declaration for the purposes of refinancing their existing mortgage or taking out a new or reverse mortgage during the residency requirement period.

The request must come through, and be approved by, the LPA. The LPA will then forward the request to HTFC for review. The HTFC may approve refinances only under the following limited circumstances:

- Lower the interest rate (no cash out permitted) on a first mortgage;
- Pay for major home renovations;
- Pay for major medical expenses;
- Death and burial of elderly spouse; or
- Pay for educational expenses.

Circumstances justifying resubordination must be well documented. Caution must be used to verify that there have been at least six months of timely first mortgage payments. Modifications of first mortgages are not always a true “refinance” for a better rate or in the best interest of the homeowner.

Appendix One – Program Funding Overview

Program Year	Funding Limits	Administrative Funding	Project Delivery	AMI Limit	Building Maximum	Regulatory Period
2012	\$50,000	5%	r/c*	80%	\$5,000	3 years
2013	\$50,000	5%	r/c*	80%	\$5,000	3 years
2014	\$50,000	5%	r/c*	80%	\$5,000	3 years
2015	\$150,000	5%	5%	120%	\$10,000	3 years
2016	\$150,000	5%	5%	80%	\$10,000	3 years
2017	\$150,000	5%	5%	80%	\$10,000	3 years

*Reasonable and customary