



**NEW YORK STATE
Annual Action Plan
Program Year 2012**

**As Accepted
by U.S. Department of
Housing and Urban Development
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**NEW YORK STATE DIVISION OF
HOUSING AND COMMUNITY RENEWAL**

NEW YORK STATE HOUSING TRUST FUND CORPORATION

**NEW YORK STATE OFFICE OF TEMPORARY AND
DISABILITY ASSISTANCE**

ANDREW M. CUOMO, GOVERNOR

TABLE OF CONTENTS

Executive Summary	i
General Requirements	1
NYS Community Development Block Grant (CDBG) Program	7
HOME Investment Partnerships (HOME) Program	18
Emergency Solutions Grants (ESG) Program	30
Housing Opportunities for Persons with AIDS (HOPWA) Program	36
Homeless and Other Special Needs Activities	44
Barriers to Affordable Housing	49
Other Actions	51
Monitoring	56
Special Actions	57

Appendices

- I Citizen Participation Plan and Public Hearing Notices**
- II Summary of Public Comments and Responses**
- III State Certification Forms**
- IV Standard Form 424**
- V ESGP Substantial Amendment to 2012 Action Plan**

Executive Summary

In accordance with federal law and the rules and regulations of the U.S. Department of Housing and Urban Development (HUD), New York State must prepare a Consolidated Plan in order to receive federal funding for certain affordable housing and community development activities. This Consolidated Plan is comprised of the planning and application requirements for:

- **CDBG** – NYS Community Development Block Grant Program
- **HOME** – HOME Investment Partnerships Program
- **ESG** – Emergency Solutions Grants Program
- **HOPWA** – Housing Opportunities for Persons with AIDS Program

As required, New York State's Consolidated Plan:

- assesses the State's affordable housing and community development needs
- analyzes the State's housing markets
- articulates the State's goals, priorities, and strategies to address identified needs
- describes the actions the State will take to implement strategies for affordable housing and community development

The State's Consolidated Plan is prepared every five years, distributed widely and updated annually. In 2010, New York State submitted, and HUD approved, the New York State Consolidated Plan: 2011 – 2015. In 2010, New York State submitted, and HUD approved, an Annual Action Plan for 2011. The following Annual Action Plan for 2012 updates that Consolidated Plan by describing the methods New York State will use to distribute CDBG, HOME, ESG, and HOPWA funds in the 2012 calendar year. In addition, the Annual Action Plan for 2012 identifies the priorities to be addressed with these funds and the actions which the State expects to take to address these priorities.

In calendar year 2012, New York State's:

- **CDBG – Community Development Block Grant Program**
The CDBG Program will use, based on prior year allocations, approximately \$44 million (less administrative expenses and Section 108 Loan repayments) of NYS CDBG funds to develop decent housing, create suitable living environments, and enhance economic opportunities across the State. As a result of these activities to increase availability/accessibility, affordability and sustainability, New York State will: rehabilitate approximately 650 housing units; assist 115 first-time homebuyers; complete 20 public infrastructure projects serving 50,000 people; complete five (5) public facilities projects serving 10,000 people; create or retain 1,000 permanent, full-time equivalent jobs; and assist 30 businesses.
- **HOME – HOME Investment Partnerships Program**
The HOME Program will use approximately \$34 million to increase the availability/accessibility and affordability of decent housing by creating 1,180 affordable housing opportunities through a combination of new construction, rehabilitation, homebuyer assistance, and rental assistance.
- **ESG – Emergency Solutions Grants Program**
The ESG Program will use nearly \$3.3 million to increase the availability/accessibility of suitable living environments and decent housing by providing a wide range of supportive services to approximately 40,341 individuals.
- **HOPWA – Housing Opportunities for Persons with AIDS Program**
The HOPWA Program will use approximately \$2.2 million to increase the availability/accessibility and affordability of suitable living environments and decent housing by assisting 440 households with rental assistance or congregate housing.

Outcome estimates in this Annual Action Plan for 2012 are based on actual performance in recent years. An evaluation of actual performance in 2012 will be the subject of the Performance Report for 2012, which will be filed with HUD on March 31, 2013.

As with all other Consolidated Plan-related documents, this Annual Action Plan is being prepared in accordance with a HUD-approved Citizen Participation Plan.

Section 91.320(a) through (g) Action Plan – General Requirements

The action plan must include the following:

(a) Standard Form 424;

(b) A concise executive summary that includes the objectives and outcomes identified in the plan as well as an evaluation of past performance, a summary of the citizen participation and consultation process (including efforts to broaden public participation) (24 CFR 91.300 (b)), a summary of comments or views, and a summary of comments or views not accepted and the reasons therefore (24 CFR 91.115 (b)(5)).

(c) Resources and objectives. (1) Federal resources. The consolidated plan must provide a concise summary of the federal resources expected to be made available. These resources include grant funds and program income.

(2) Other resources. The consolidated plan must indicate resources from private and non-federal public sources that are reasonably expected to be made available to address the needs identified in the plan. The plan must explain how federal funds will leverage those additional resources, including a description of how matching requirements of the HUD programs will be satisfied. Where the state deems it appropriate, it may indicate publicly owned land or property located within the state that may be used to carry out the purposes identified in the plan;

(3) Annual objectives. The consolidated plan must contain a summary of the annual objectives the state expects to achieve during the forthcoming program year.

(d) Activities. A description of the state's method for distributing funds to local governments and nonprofit organizations to carry out activities, or the activities to be undertaken by the state, using funds that are expected to be received under formula allocations (and related program income) and other HUD assistance during the program year, the reasons for the allocation priorities, how the proposed distribution of funds will address the priority needs and specific objectives described in the consolidated plan, and any obstacles to addressing underserved needs.

(e) Outcome measures. Each state must provide outcome measures for activities included in its action plan in accordance with guidance issued by HUD. For the CDBG program, this would include activities that are likely to be funded as a result of the implementation of the state's method of distribution.

(f) Geographic distribution. A description of the geographic areas of the State (including areas of low-income and minority concentration) in which it will direct assistance during the ensuing program year, giving the rationale for the priorities for allocating investment geographically. When appropriate, the state should estimate the percentage of funds they plan to dedicate to target area(s).

(g) Affordable housing goals. The state must specify one-year goals for the number of households to be provided affordable housing through activities that provide rental assistance, production of new units, rehabilitation of existing units, or acquisition of existing units using funds made available to the state, and one-year goals for the number of homeless, non-homeless, and special-needs households to be provided affordable housing using funds made available to the state. The term affordable housing shall be as defined in 24 CFR 92.252 for rental housing and 24 CFR 92.254 for homeownership.

Overview

This section describes the proposed activities and accomplishments of New York State in administering the CDBG, HOME, ESG, and HOPWA programs during calendar year 2012.

Principal Federal Resources

During 2012, it is estimated that federal funding for these four (4) programs will be available as follows:

• NYS Community Development Block Grant Program	CDBG	\$ 44,032,414¹
• HOME Investment Partnerships Program	HOME	\$ 34,106,424
• Emergency Solutions Grants Program	ESG	\$ 3,292,159*
• Housing Opportunities for Persons with AIDS Program	HOPWA	\$ 2,154,810

*New York State expects an additional \$1,281,977 in the second phase of 2012 ESG allocation.

Federal Agencies and Programs in Support of New York State's Objectives

In addition, wherever appropriate, funding from a variety of other sources will be used in conjunction with CDBG, HOME, ESG, and HOPWA funds. These other sources include:

- **Federal Housing Programs:**
 - Low-Income Housing Credit Program
 - Public Housing New Construction Program
 - Section 514/516 Rural Housing Service (RHS) Farm Labor Housing Loans and Grants
 - Section 515 RHS Rural Rental Housing Program
 - Section 523 RHS Self-Help Technical Assistance Program
 - Section 504 RHS Housing Repair Loan and Grant Program
 - Section 509 RHS Construction Defect Housing Compensation Program
 - Section 533 RHS Housing Preservation Grants Program
- **Federal Non-Housing Community Development Programs:**
 - Program Income retained by awardees
 - Other HUD Community Planning and Development programs
 - Rural Development Agency
 - Community Facilities Loans and Grants
 - Federal Empowerment Zone and Federal Enterprise Communities resources
 - Department of Commerce, Economic Development Administration
 - Workforce Investment Act funds
 - Community Services Block Grant Program - Department of State (DOS)
 - Community Support Services Program - Office of Mental Health (OMH)
 - Home and Community Based Services Waiver – Office for Persons with Developmental Disabilities (OPWDD)
 - Appalachian Regional Commission – many program areas
 - Department of Health and Human Services (Administration on Aging)

New York State Housing Agencies and Programs in Support of New York State's Objectives

- **New York State Homes and Community Renewal**

¹ This amount is subject to 108 Loan Guarantee commitments made by HUD prior to October 21, 1999. A portion of the funds must also cover interest subsidies and grants awarded by HUD for the Canal Corridor Initiative.

New York State Homes and Community Renewal (HCR) aligns all of the State's housing programs in a logical way to enhance decision making and ensure that program resources are being coordinated and targeted to maximize resources.

The new alignment established in 2010 takes similar programs that had in the past been administered by the Housing Trust Fund Corporation (HTFC), the State of NY Mortgage Agency (SONYMA), the Housing Finance Agency (HFA), the Affordable Housing Corporation (AHC), and the Division of Housing and Community Renewal (DHCR) and organizes them into three units led by one manager and a dedicated staff:

- **Finance and Development** aligns all programs that fund the development of affordable housing, including Low Income Housing Tax Credit programs, tax exempt and taxable bond finance programs, single family loan and Capital awards programs.
 - **Housing Preservation** includes all the programs that maintain and enhance the State's portfolio of existing affordable housing. This includes the Office of Rent Administration, the Section 8 program, Asset Management and the Weatherization Assistance Program.
 - **Community Renewal** includes all the programs geared toward community and economic development, job creation and downtown revitalization, including the NYS Community Development Block Grant program, the NYS HOME program, NY Main Street program, RESTORE, Access to Home, Affordable Housing Corporation, Neighborhood Stabilization program, the Neighborhood and Rural Preservation programs, and the Foreclosure Prevention programs.
 - **Professional, administrative and support services**, including Budget and Finance, Communications, Legal Affairs, Fair Housing and Equal Opportunity, Intergovernmental and Regional Affairs, and Policy and Research fall within the Office of Professional Services. The Mortgage Insurance Fund will continue to be administered as an independent office reporting directly to the Commissioner/CEO. This new model is designed to cut red tape and simplify the delivery of programs, eliminate duplicative efforts and increase accountability and impact.
- **New York State Non-Housing Community Development Programs**

In addition to NYS CDBG, the following agencies and programs are available to meet non-housing community development needs and provide other leveraged resources. These resources can provide assistance to undertake economic development, public infrastructure, facility, and service projects that meet the program objectives.

 - **Empire State Development Corporation (ESDC)**

New York has a unified economic development organization in the form of the ESDC, integrating staff of several economic development organizations, while keeping the flexibility of the various legal entities. ESDC's primary function is to assist in the creation and retention of jobs, thereby strengthening the economic base of communities. The investment of state resources is reviewed in terms of its community economic impact on a variety of factors including employment and expansion of the tax base. ESDC provides assistance through a variety of programs including Empire Zones, brownfields development, commercial / industrial business financing, and small business financing.
 - **Environmental Facilities Corporation (EFC)**

EFC provides advisory services and financial and technical assistance for constructing/upgrading of water supply systems, sewage treatment facilities, and

environmental compliance and remediation. EFC also administers the State's revolving funds for drinking water (in cooperation with the New York State Department of Health) and clean water (federal/State matching programs). An interagency committee has been created to formalize a co-funding initiative which coordinates water and sewer financing activities to improve service to communities seeking project financing. This interagency committee consists of the EFC, the New York State Housing Trust Fund's Office of Community Renewal, the New York State Departments of State, Health, and Environmental Conservation, and the U.S. Department of Agriculture Rural Development.

- **New York State Department of Agriculture and Markets (Ag&Mkts)**
Ag&Mkts provides funding and technical assistance to businesses through a variety of programs such as the Pride of New York, Farmers' Market Nutrition Program and Community Gardens Program.
- **New York State Department of State (DOS)**
DOS provides technical assistance in planning to communities statewide and administers the Coastal Zone Management Program, the Appalachian Regional Commission Program, and the Community Services Block Grant Program.
- **New York State Department of Transportation (NYSDOT)**
NYSDOT administers the Industrial Access Program (IAP) which provides funding for creating and/or improving transportation access to industrial facilities as part of local economic development efforts.
- **New York State Energy Research and Development Corporation (NYSERDA)**
NYSERDA is a public benefit corporation established as part of the State's effort to assist for-profit business viability through energy-efficient retrofits and the adoption of new technologies and to help not-for-profit entities and residential owners reduce costs while becoming more energy efficient. Grants are provided to commercial, industrial, academic, and residential sectors.
- **New York State Housing Trust Fund Corporation (HTFC)**
HTFC administers the New York Main Street Program (NYMS) which provides financial and technical resources to help communities with their efforts to preserve and revitalize mixed-use (commercial, civic and residential) main street/downtown business districts. The NYMS program helps revitalize communities by funding building renovations, downtown business or cultural anchors, and streetscape enhancements that are ancillary to other program activities.

In addition, local governments contribute real estate, in-kind services, general fund expenditures, and bond proceeds to projects. Other sources of project support are local housing preservation companies, local development corporations, chambers of commerce, industrial development agencies, private/public partnerships, business improvement districts, local public authorities, and local planning offices. New York State anticipates that other private funding and market-driven investments may be available to support the non-housing community development objectives outlined herein.

Finally, the Community Renewal Tax Relief Act of 2000 authorized up to \$15 billion in equity that is eligible for tax credits under the New Markets Tax Credit (NMTC) program. This program is expected to stimulate capital investment in low-income communities. The Community Development Financial Institutions (CDFI) Fund in the Department of Treasury allocates the available tax credit authority to Community Development Entities (CDE), which are entities that manage NMTC investments in low-income community development projects. In return for the tax credit, which may be claimed over

seven years, investors supply capital to the CDEs that are to invest the capital in low-income communities.

Objectives and Outcomes

In administering federal funding for CDBG, HOME, ESG, and HOPWA, New York State will continue its efforts to make decent housing, a suitable living environment, and economic opportunity available, affordable, and sustainable for all New Yorkers. In identifying the outcome/objective, HUD developed a numbering system:

Objective	Outcome	Availability/Accessibility 1	Affordability 2	Sustainability 3
Decent Housing	DH	DH-1	DH-2	DH-3
Suitable Living Environment	SL	SL-1	SL-2	SL-3
Economic Opportunity	EO	EO-1	EO-2	EO-3

- **DH-1 Increasing the availability/accessibility of decent housing**
To pursue this objective and outcome, New York State will, in 2012 rehabilitate about 1,180 units of affordable housing and provide approximately 15,005 persons with services to prevent homelessness.
- **DH-2 Increasing the sustainability of decent housing**
To pursue this objective and outcome, New York State will, in 2012, produce approximately 430 units of affordable rental or home-ownership housing, provide purchase assistance subsidies to about 165 households, and help approximately 480 households with tenant-based rental assistance (HOME and HOPWA).
- **SL-1 Increasing the availability/accessibility of suitable living environments**
To pursue this objective and outcome, New York State will, in 2012, assist about 13,292 persons by funding essential services, assist approximately 12,044 persons by funding maintenance and operations activities, and assist about 800 persons by funding supportive services.
- **SL-2 Increasing the affordability of suitable living environments**
To pursue this objective and outcome, New York State will, in 2012, fund infrastructure improvements which will serve about 50,000 persons.
- **SL-3 Increasing the sustainability of suitable living environments**
To pursue this objective and outcome, New York State will, in 2012, fund public facilities improvements which will serve approximately 10,000 persons.
- **EO-1 Increasing the availability/accessibility of economic opportunity**
To pursue this objective and outcome, New York State will, in 2012, fund economic development and small business assistance activities which will create or retain about 1,000 permanent, full-time equivalent jobs.
- **EO-2 Increasing the affordability of economic opportunity**
To pursue this objective and outcome, New York State will, in 2012, assist about 25 small businesses.

Program Specific Sections

HUD regulations at 24 CFR 91.320 require each state to provide a description of the resources, activities, distribution, monitoring, and program-specific requirements of the CDBG, HOME, ESG, and HOPWA programs. New York State's Annual Action Plan for 2012 has been organized to provide, in the following sections, a separate, full discussion of these requirements as they pertain to each of the four HUD-CPD formula grant programs, followed by a discussion of those other actions New York State intends to take which are not specific to one of the four programs.

Section 91.320(k)(1) Community Development Block Grant (CDBG)

- (i) *“The method of distribution shall contain a description of all criteria used to select applications from local governments for funding, including the relative importance of the criteria where applicable. The action plan must include a description of how all CDBG resources will be allocated among all funding categories and the threshold factors and grant size limits that are to be applied. The method of distribution must provide sufficient information so that units of general local government will be able to understand and comment on it, understand what criteria and information their application will be judged, and be able to prepare responsive applications. The method of distribution may provide a summary of the selection criteria, provided that all criteria are summarized and the details are set forth in application manuals or other official state publications that are widely distributed to eligible applicants. HUD may monitor the method of distribution as part of its audit and review responsibilities, as provided in 570.493(a)(1), in order to determine compliance with program requirements.*
- (ii) *If the State intends to aid nonentitlement units of general local government in applying for guaranteed loan funds under 24 CFR part 570, subpart M, it must describe available guarantee amounts and how applications will be selected for assistance. If a State elects to allow units of general local government to carry out community revitalization strategies, the method of distribution shall reflect the State's process and criteria for approving local governments' revitalization strategies.”*

Overview

The New York State Housing Trust Fund Corporation (HTFC) is designated to administer the New York State Community Development Block Grant (CDBG) Program. HTFC is a public benefit corporation, created by statute, which acts through a Board of Directors chaired by the Commissioner of New York State Homes and Community Renewal (HCR). New York State's CDBG Program will address the needs, achieve the objectives, and advance the priorities set forth in the Consolidated Plan for affordable housing and for non-housing community development needs.

To that end HTFC will provide loans or grants and technical assistance for the development of projects that provide decent and hazard-free affordable housing, access to safe drinking water, proper disposal of household wastewater, access to community-needed services in local facilities, and economic opportunities for persons from low- and moderate-income households by supporting development projects that are designed to create or retain employment opportunities, support small businesses or foster micro-enterprise activities.

In support of New York State's community development goals, the CDBG Program will:

- support a mix of rehabilitation and conversion activities to preserve and increase affordable housing, both for renters and owners;
- encourage investment in communities by assisting local governments in devising comprehensive development strategies to revitalize viable communities and provide economic opportunities that principally benefit low- and moderate-income persons;
- revitalize the vibrancy of our communities which will enhance the quality of life; and
- develop and implement strategies that facilitate the coordination of NYS CDBG funding with other federal, state, and local development resources.

NYS CDBG Program/Federal Resources

It is currently estimated that \$44 million will be available in 2012. The actual allocation available to New York State each year is decreased by an amount equal to the estimated annual debt service incurred by HUD, under the Section 108 Loan Guarantee Program, prior to New York State assuming authority for program administration in 2000

New York State may set aside up to three percent (3%) of the gross allocation plus \$100,000 for program administration and technical assistance activities with a maximum set aside of up to one percent (1%) for the technical assistance activities. Secondary funding may include up to one percent (1%) for community planning and up to three percent (3%) for Imminent Threat/Contingency funding.

Federal resources used to address the priority needs and specific objectives identified in the State's Consolidated Plan include: HOME Investment Partnership Program funds; NYS CDBG Program income retained by a non-entitlement community from prior CDBG projects; Low-Income Housing Credit Program assistance for developing rental housing for low- and moderate-income households; Federal Home Loan Bank assistance for affordable housing in projects sponsored by member lending institutions; Economic Development Administration and Small Business Administration funds; Clean Water Act and Safe Drinking Water Act allocations to New York State; USDA Rural Development and Appalachian Regional Commission funds; and funds provided through the Workforce Investment Act.

Availability of Funds

New York State may allocate available funds to eligible non-entitlement communities during the 2012 Program Year in the following manner:

Community Development Competitive Round	60%
Economic Development Open Round	33%
Imminent Threat	3%
Program Administration and Technical Assistance	3%
Community Planning	1%

Program Objectives

As outlined in Title I of the Housing and Community Development Act, the primary goal of the CDBG program is "the development of viable communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate-incomes."

Pursuant to the national objectives, New York State's CDBG Program aims to:

- provide flexibility to address community priorities;
- support housing rehabilitation and new construction that increases the supply of safe, decent, and affordable housing;
- expand homeownership opportunities for low- and moderate-income persons;
- assist communities in the preservation and development of public infrastructure;
- encourage the development of facilities in underserved areas needed to support job training, and childcare and eldercare for lower-income residents;
- promote economic development activities that principally benefit low- and moderate-income persons through job creation and retention or small business creation or expansion;
- help communities develop the capacity for strategic planning of short- and long-range community development goals, as well as the capacity to implement their goals efficiently and maintain improvements;

- improve deteriorating residential neighborhoods and commercial districts via comprehensive approaches that combine housing improvement, public facilities development, job creation, or other eligible activities;
- address imminent threats to health, safety, and welfare; and
- leverage other public and private resources.

Geographic Allocation/Eligible Applicants

There are approximately 1,300 units of general local government eligible for New York State's CDBG Program. Eligible communities do not include: metropolitan cities; urban counties; units of government that are participating in urban counties or metropolitan cities, even if only part of the participating unit of government is located within the urban county or metropolitan city; and Indian tribes eligible for assistance under Section 106 of the HUD Act. Distribution of funds is based on need, the manner in which the activities address the need, the overall impact to the community, and prior performance

Method of Distribution

As stated, approximately \$44 million is anticipated to be made available for the 2012 Program Year. The description that follows outlines the fundamental rating methodology, identifies the funding categories, and summarizes the criteria considered in making project selections. Applications under the technical assistance and planning categories are evaluated as based on criteria outlined in the application kit. Applications within the funding categories of Housing and Public Facilities are rated against other projects of the same category and scored on criteria such as municipal poverty, project assessment and New York State/HTFC initiatives and priorities such as those that support regional plans and strategies. For example, housing rehabilitation projects will only be rated against other housing rehabilitation projects, according to the applicable criteria.

1. Municipal Poverty Score

a. Absolute number of persons in poverty

New York State will use available data to determine the absolute number of persons in poverty residing within the applicant's unit of general local government. Detailed information on the calculation of the points will be outlined in the application kit.

b. Percent of persons in poverty

New York State will use available data to determine the percent of persons in poverty residing within the applicant's unit of general local government. Detailed information on the calculation of the points will be outlined in the application kit.

2. Assessment Points

Within each category, individual projects will be assessed based on the extent to which they meet the category-specific assessment criteria.

The application kit provides specific guidance for the submittal of applications, including detailed descriptions of the assessment criteria that must be addressed for each of the funding categories. In addition to reviewing an applicant's compliance with the assessment criteria, a review will be undertaken to determine if the applicant has the capacity to complete the project in a timely manner, completed and/or made appropriate progress with prior HTFC grants, as well as complied with all federal, State, and programmatic rules and regulations. Analysis of the application may include, but is not limited to, the following:

- Project/Program Need
- Feasibility
- Impact to the residents, specifically low- and moderate-income persons or households
- Appropriateness of the proposed activities as it relates to the need
- Extent to which the activity addresses the identified need
- Degree to which the project supports program and State initiatives
- Degree to which health, welfare, or safety issues are addressed
- Extent to which the activity has long-term affordability and viability
- Financial Impact in reducing the debt burden of the residents
- Reasonableness of project costs
- Administrative capacity
- Extent to which the project/activity supports regional plans and strategies

3. New York State/HTFC Initiatives and Priorities – NYS Initiative and Priority Points may be awarded to applicants who develop proposals that will effectively meet one of the areas identified as a New York State Community Development Initiative. Examples of such initiatives may include green building, broadband, smart growth, investment strategy, regional impact and strategies, main street, economic/commercial revitalization, or shared municipal services. Strict adherence to requirements outlined in the grant application is essential in order for an applicant to receive the points.

- **Primary Funding Categories**

Eligible activities are generally found in Section 105 of the HUD Act of 1974, as amended and 24 CFR Part 570.482, as amended. For the 2012 Program Year, HTFC will provide opportunities for the primary categories of funding: housing; public facilities (including infrastructure); and economic development. At least seventy percent (70%) of the funds will be used to benefit low- and moderate-income persons. All funded activities must fulfill one of the CDBG National Objectives: provide a public benefit to low- and moderate-income persons, aid in the prevention or elimination of slums and blight, or meet other urgent community development needs such as imminent threats to the health and safety of the community.

- **Funding Limits for Eligible Applicants**

Funding Limits may vary depending on local need or in cases where it is found that a project or projects may have a significant impact that may realize a potential for regional or statewide impact.

Community Development Assistance:

Towns, Cities or Villages:

Housing/Public Facilities	\$400,000
Public Infrastructure (water/sewer only)	\$600,000

Counties:

Housing/ /Public Infrastructure	\$750,000
Public Facilities	\$400,000

Joint Applicants:*

Public Infrastructure (water/sewer only)	\$900,000
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*Projects must meet specific requirements in order to qualify for funding under the Joint Applicants category.

Economic Development Assistance:

Strategic Economic Development program		\$750,000
	Minimum Request	\$100,000
Small Business Assistance program		\$100,000
	Minimum Request	\$25,000
Microenterprise program		\$200,000

- **Other Limitations**

- Applicants may submit more than one (1) application during the competitive round. However, the requested amount of funding for a town, village or city may not exceed a total of \$600,000, of which a maximum of \$400,000 may be requested for housing and public facilities activities. Counties may apply for a total of \$750,000 with a maximum of \$400,000 for public facilities.
- Joint Applicants may apply for more than one (1) application during the competitive round, but the total amount requested by each applicant jointly and individually cannot exceed \$900,000 and the maximum amount allowable for each funding category.
- An applicant may apply for and be awarded an open round economic development grant in the same program year as it applies for and is awarded an annual competitive round grant.
- Recipients of prior NYS CDBG funding must resolve all outstanding audit and monitoring findings and/or other program requirements which involve a violation of federal, State or local law or regulation or agency policy or program requirements prior to award or submission of any application to the Office of Community Renewal. Applications received from recipients with outstanding audit or monitoring findings may be at risk of receiving a low score and/or not being considered for funding.
- Unless a recipient proposes to use program income generated from CDBG activities to undertake activities of the same project type that generated the program income or the CDBG activities generating the program income are undertaken by an eligible entity under 105(a)(15) of the Housing and Community Development Act who will receive and administer the existing and earned, recipients may be required to return all program income to the New York State Housing Trust Fund Corporation.

- **Redistribution of Funds**

Reallocated funds are those which HUD has recaptured from grantees and reallocated to the State. Recaptured funds are those the State receives back from a NYS CDBG Program recipient as a result of an ineligible use of funds. Deobligated funds are those that the State reallocates from recipients as a result of termination, withdrawal or excess funds.

Any such funds received will be distributed by the State in the accordance with the primary or secondary funding categories and/or administration identified in New York State's Action Plan and the limitations set forth in Title I of the Housing and Community Development Act, as amended.

Successful applicants that fail to start their project within twelve months from the time of award are subject to having their grant award rescinded. Unexpended funds may be used to make additional awards to any open NYS CDBG contract, or to make new awards in any program category, or to increase available funds for the following program year.

- **Notification of Funding and Application Review Competitive Round Process**
 - Notification of Funding Availability is published in the State Register. (An application kit is available on HCR's website at www.nyshcr.org).
 - Applications are reviewed to determine completeness, eligibility of applicant and activity, as well as compliance with threshold criteria.
 - Applicants that submitted incomplete applications will be required to submit the required documentation within ten (10) working days from notification.
 - Applications are evaluated, scored, and ranked.
 - Applicants are notified of the results of their application.
 - Grant awards are announced.

- **Economic Development Application Process**

Applications will be reviewed as they are submitted and an analysis of the application will be performed, which may include underwriting to ensure compliance with federal requirements of 24 CFR 570.482(e) and to ensure successful and quality projects.

- **Economic Development Evaluation**

Specific guidance for the submittal of applications, including detailed descriptions of the evaluation criteria will be available in the application. In addition to reviewing an applicant's compliance with the criteria and the underwriting of the project, a review of an applicant's capacity and program history may be undertaken to determine if the applicant has the capacity to complete the project in a timely manner and has completed and/or made appropriate progress with prior HCR/HTFC grants, as well as complied with all federal, State, and programmatic rules and regulations. Analysis of the application may include, but is not limited to, the following:

 - demonstrated financial need for the project
 - impact on employment opportunities for low- and moderate-income persons and the amount of funds needed to create each full time equivalent (FTE) job for low- to moderate-income people
 - demonstrated financial and technical feasibility
 - current and future community impact of the project and public benefit
 - reasonableness of project costs
 - support of a New York State initiative, priority or regional plan or strategy

Community Development Assistance

Housing

There are two (2) types of housing projects eligible for CDBG funding: housing rehabilitation, including replacement or conversion from non-residential to residential and the replacement of deteriorated mobile and manufactured home units, and direct homeownership assistance. Each applicant determines the best approach to address the housing needs of low- and moderate-income persons based upon a needs analysis and detailed survey of housing conditions. Housing activities may include the acquisition or rehabilitation of property, replacement of severely substandard housing, and conversion of non-residential structures. At a minimum, all housing units assisted with CDBG funding must meet Section 8 Housing Quality Standards and all applicable federal, State, and local codes. Applicants often use CDBG funds to leverage additional resources such as owner contributions and grants from other public and private sources. Though such matches are not a requirement of the CDBG Program, applicants are encouraged to supplement CDBG funding with other available resources. Separate rating criteria apply to each type of housing project.

The application process for housing projects encourages proposals which further fair housing choice. Applicants are expected to conduct housing surveys, needs analyses, citizen participation processes,

and outreach to qualified households in ways that ensure program compliance and benefit to all low- and moderate-income households. Housing rehabilitation and replacement and homeownership are direct benefit activities which require one hundred percent (100%) benefit to low- and moderate-income persons. In general, projects which solve housing problems for those with the lowest income, the most disadvantaged, and the most poorly housed community residents would tend to score highly, assuming all other criteria are satisfied.

- **Housing Rehabilitation/Replacement:**
Anticipated Objective – Decent Housing
Anticipated Outcome – Improving the availability and accessibility of housing
Objective-Outcome Category = DH-1 (See HUD TABLE 3C for CDBG on page 14)

In general, the CDBG Program’s emphasis in this category is the provision of safe and habitable housing which will principally be occupied by low- and moderate-income households, at standards of quality meeting New York State’s building codes as well as federal regulations. Applications should address all necessary repairs, including exterior work, to present the beneficiaries with rehabilitation that not only mitigates hazards but improves energy efficiency. Home maintenance workshops that provide information and develop home maintenance skills of the owner-occupants are encouraged.

HTFC expects that approximately 650 units of housing will be improved through rehabilitation, replacement and/or conversion in Program Year 2012. (New York State does not anticipate these units meeting Section 215 goals. The actual number will depend on the quantity of applications proposing such projects and their competitiveness with other proposals in the housing category).

- **Homeownership Assistance:**
Anticipated Objective – Decent Housing
Anticipated Outcome – Improving affordability of housing
Objective-Outcome Category = DH-2

The CDBG Program’s emphasis in the homeownership category is to provide down payment and closing costs, counseling services, and minor rehabilitation to low- and moderate- income households. Counseling of prospective homeowners is encouraged to provide information on program obligations, the homebuyer process, and home maintenance. Mortgages may be arranged through private local banks (which may assist the banks in meeting the Community Reinvestment Act requirements), or at reduced lending rates through state and federal housing programs such as the State of New York Mortgage Agency, the Federal Home Loan Bank, Fannie Mae or the U.S. Department of Agriculture Rural Development program.

HTFC expects that 115 households will be assisted in purchasing their own homes in Program Year 2012. (The actual number will depend on the quantity of applications proposing such projects and their competitiveness with other proposals in the housing category.)

- **Public Infrastructure and Facilities**

Public Infrastructure
Anticipated Objective – Suitable Living Environment
Anticipated Outcome – Increasing the affordability of public facilities/infrastructure to low- and moderate-income persons
Objective-Outcome Category = SL-2

Public Facilities
Anticipated Objective – Suitable Living Environment

Anticipated Outcomes – Creating sustainability of communities through public facilities/infrastructure to low- and moderate-income persons
Objective-Outcome Category = SL-3

Public infrastructure and facility activities are those which will assist in the creation of a safe and sanitary living environment, benefit low- and moderate-income people, aid in the elimination of slums or blight, and provide public facilities that offer services to improve the public health, safety, and welfare of residents.

HTFC anticipates the completion of twenty (20) public infrastructure projects serving 50,000 people and five (5) public facilities projects serving 10,000 people in Program Year 2012. (The actual number will depend on the quantity of applications proposing such projects and their competitiveness with other proposals in the Public Infrastructure and Facilities category.)

HUD Table 3C (Optional)			
Annual Action Plan 2012			
CDBG Program			
Planned Project Results			
Objective-Outcome Category*	Performance Indicator	Expected Number	Activity Description
DH-1	Total Housing Units	650	Housing Rehabilitation
DH-2	Total Households Assisted	115	Homeownership Assistance
SL-2	Total Persons Served	50,000	Infrastructure Improvements
SL-3	Total Persons Served	10,000	Public Facility Improvements
EO-1	Total Permanent Full-Time Equivalent Jobs Created/Retained/Assisted	1,000	Economic Development Job Creation/Retention
EO-2	Total Businesses Assisted	30	Low- and Moderate-Income Business Assistance

Objective-Outcome Categories

Objective	Outcome	Availability/Accessibility 1	Affordability 2	Sustainability 3
Decent Housing	DH	DH-1	DH-2	DH-3
Suitable Living Environment	SL	SL-1	SL-2	SL-3
Economic Opportunity	EO	EO-1	EO-2	EO-3

Economic Development Assistance

Job Creation/Retention Assistance

Anticipated Objective – Creating Economic Opportunities

Anticipated Outcome – Increasing the availability/accessibility of economic opportunities

Anticipated objective-outcome category = EO-1

Low- and Moderate-Income Business Assistance

Anticipated Objective – Creating Economic Opportunities

Anticipated Outcome – Increasing the affordability of economic opportunities

Anticipated objective-outcome category = EO-2

Businesses that create or retain permanent job opportunities that principally benefit low- and moderate-income persons or which benefit low- and moderate-income business owners are eligible for funding under the Open Round Economic Development Program. There are three categories of funding under the Open Round Economic Development Program: Strategic Economic Development, Small Business Assistance, and Microenterprise Assistance.

Eligible applicants may submit applications for funding at any time throughout the year. Applicants applying for Open Round Economic Development may also submit an application for a project in the Annual CDBG Competitive Round.

HTFC expects to fund projects which create or retain 1,000 permanent full-time equivalent jobs in Program Year 2012 through the Economic Development Job Creation/Retention Assistance. (A job created is a new position that has been created and filled; a retained job is one that otherwise would have been eliminated without CDBG Program assistance.)

HTFC also estimates that a total of 30 low- and moderate-income businesses will be assisted through the Microenterprise Assistance Program.

Secondary Funding Categories

- **Imminent Threat**

The State intends to use set aside up to three percent (3%) of the annual allocation, unless the need for imminent threat funding exceeds the set aside, for imminent threat or contingency situations affecting the public health, welfare, and/or safety, which require immediate resolution. Typically, eligible projects are located in a federal- or state-declared disaster area.

- **Technical Assistance**

In accordance with Section 811 of the Housing and Community Development Act of 1992, up to one percent (1%) of the State's federal allocation may be utilized for technical assistance and capacity building for eligible local governments. The types of technical assistance provided will be based on the technical assistance and capacity needs identified and will be developed in consultation with eligible local governments.

- **Community Planning**

The State may use up to 1% of its allocation to undertake community planning initiatives in accordance with CDBG rules, regulations, and guidelines that will result in strategies to effectively meet the community and economic development challenges of eligible communities. In addition to traditional local government planning activities, the following types of community planning projects may be considered for funding including, but not limited to:

- Developing affordable and workforce housing; economic development, Main Street, downtown, or Neighborhood revitalization plans and strategies.
- Assessing infrastructure needs and developing plans for infrastructure development
- Preparing a proposal by two or more units of local government to develop shared municipal services and local government efficiency plans. Conducting needs assessments and developing a plan to expand access to broadband or affordable high-speed internet service
- Developing plans for sustainable neighborhoods, Smart Growth and other sustainable initiatives.

- Comprehensive Planning projects.

- **Section 108 Loans**

The State may elect to provide assistance to non-entitlement units of local government by providing opportunities for funding under Section 108 of the Housing and Community Development Act of 1974, as amended. The State may apply for funding on behalf of non-entitlement units of local government or they may apply directly for guaranteed loans under 24 CFR Part 570, Subpart M (Section 108 Loans).

Applications will be accepted on a year-round basis after consultation with the HTFC. Eligible communities will be asked to submit preliminary information establishing that the proposed project meets federal eligibility requirements. The total amount of loans available statewide to eligible communities is the maximum allowed under HUD regulation 24 CFR 570.705.

For communities having Section 108 Guaranteed Loans that closed on or after October 21, 1999, the following conditions apply:

- Any repayment of Section 108 Guaranteed Loan debt obligations made with CDBG grant funds by a community as a result of default may be applied to the community's annual funding limit.
- Repayment of a Section 108 Guaranteed Loan is the responsibility of the local government if the activity funded by the loan is determined to be ineligible or in violation of federal rules or regulations.
- HUD must approve all guaranteed loan applications.

Section 108 Loan Guarantee Application Process:

The Housing Trust Fund Corporation (HTFC) reviews loan applications and performs required associated underwriting for the Section 108 Loan Guarantee program as required by 24 CFR 570.482(e).

Section 108 Evaluation Criteria

Section 108 loans will be evaluated in accordance with 24 CFR Part 570, the Section 108 Final Rule, along with consideration being given to:

- Section 108 guaranteed loan funds used per permanent job created (cost-effectiveness)
- actual number of jobs created
- documentation/demonstration that the project will have a significant impact on defined community needs
- consistency with local planning and development strategies
- certifications provided by the local government

Section 108 Loan Management

Following HUD approval, HTFC will be responsible for approving/monitoring project aspects such as, but not limited to, release of funds, associated financial records and loan documents, compliance with federal requirements, and loan repayments.

CDBG Program Monitoring

To ensure that each recipient of NYS CDBG funds operates in compliance with all applicable federal statutes and regulations and according to all deadlines and requirements, a monitoring strategy is in place that closely reviews and monitors the project implementation of recipients and provides extensive technical assistance for the prevention of non-compliance issues.

Records are maintained for the oversight and monitoring of each recipient while also requiring each recipient to maintain its own records to facilitate the monitoring process and for public access.

Monitoring each recipient requires both on-site and off-site monitoring to track the progress of the project and compliance with all program requirements. Additionally, a technical assistance visit may be required as a result of a field visit or the identification of potential non-compliance issues.

Monitoring activities may also include the following:

- an initial assessment of the capacity and needs of each recipient or a pre-funding site visit for potential recipients to check that conditions are as described in the funding application
- yearly workshops to provide program and regulatory requirement information assistance
- meetings each year to review all contract conditions, requirements, and procedures for requesting payments
- detailed explanation of ways to improve grant administration procedures should a grantee be experiencing difficulty

HTFC must further be satisfied with compliance in the following areas:

- Program Administration
- Environmental Compliance
- Civil Rights Compliance
- Citizen Participation
- Conflict of Interest
- Financial Management
- Procurement
- Bonding Requirements and Contract Provisions
- Labor Standards Compliance
- Property Acquisition and Management
- Displacement, Relocation, and Replacement
- Policies and Procedures
- Benefit Standard

The identification of compliance problems will result in notification to the grant recipient and the setting of a deadline for response and compliance. Status shall be further monitored to insure resolution in a timely manner and continued compliance. Where warranted, suspension of grant funds may occur.

91.320(k)(2) HOME Investment Partnerships (HOME) Program

- “(i) The State shall describe other forms of investment that are not described in Sec.92.205(b) of this subtitle.*
- (ii) If the State intends to use HOME funds for homebuyers, it must state the guidelines for resale or recapture, as required in Sec. 92.254 of this subtitle.*
- (iii) If the State intends to use HOME funds to refinance existing debt secured by multifamily housing that is being rehabilitated with HOME funds, it must state its refinancing guidelines required under 24 CFR 92.206(b). The guidelines shall describe the conditions under which the State will refinance existing debt. At minimum, the guidelines must:*
 - (A) Demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing.*
 - (B) Require a review of management practices to demonstrate that disinvestment in the property has not occurred; that the long term needs of the project can be met; and that the feasibility of serving the targeted population over an extended affordability period can be demonstrated.*
 - (C) State whether the new investment is being made to maintain current affordable units, create additional affordable units or both.*
 - (D) Specify the required period of affordability, whether it is the minimum 15 years or longer.*
 - (E) Specify whether the investment of HOME funds may be jurisdiction-wide or limited to a specific geographic area, such as a neighborhood identified in a neighborhood revitalization strategy under 24 CFR Sec. 91.215(e)(2) or a Federally designated Empowerment Zone or Enterprise Community.*
 - (F) State HOME funds cannot be used to refinance multifamily loans made or insured by any Federal program, including CDBG.”*
- (iv) If the state will receive funding under the American Dream Downpayment Initiative (ADDI) (see 24 CFR part 92, subpart M), it must include:*
 - (A) A description of the planned use of the ADDI funds;*
 - (B) A plan for conducting targeted outreach to residents and tenants of public and manufactured housing and to other families assisted by public housing agencies, for the purposes of ensuring that the ADDI funds are used to provide downpayment assistance for such residents, tenants, and families; and,*
 - (C) A description of the actions to be taken to ensure the suitability of families receiving ADDI funds to undertake and maintain homeownership, such as provision of housing counseling to homebuyers.”*

Overview

Title II of the National Affordable Housing Act of 1990 (NAHA) created the HOME Investment Partnerships Program (HOME), with regulations published at 24 CFR Part 92. New York State was designated by the U.S. Department of Housing and Urban Development (HUD) as a participating jurisdiction in 1992. In 1995, the Housing Trust Fund Corporation (HTFC) was designated to administer the New York State HOME Program. HTFC is a public benefit corporation, created by statute, which acts through a Board of Directors chaired by the Commissioner/CEO of New York State Homes and Community Renewal (HCR). The HTFC has a memorandum of understanding with HCR for staff services to provide application reviews, technical services, professional services, and project monitoring to the Corporation on an as-needed basis.

Strategic Plan Objective, Outcomes and Indicators

New York State intends to use its HOME Program funds to support its Strategic Plan objective of decent housing as follows:

Objective: Decent Housing

In an effort to improve affordable housing throughout New York State's communities, New York intends to continue to provide funding for construction, rehabilitation, homeownership assistance, and tenant-based rental assistance, to preserve and increase the supply of affordable housing for low-income renters and owners. It is anticipated that the following outcomes will be achieved through the HOME Program in 2012:

Outcome: Availability/Accessibility

Increase availability/accessibility while eliminating health and safety hazards, by rehabilitating existing owner-occupied affordable housing.

Objective-outcome category = DH-1

Key Indicator: Total number of Section 215-compliant housing units completed

Outcome: Affordability

Increase affordability by providing the production of single and multi-family rental units, including workforce housing and senior housing, increasing homeownership opportunities by providing purchase assistance, and increasing rental opportunities by provide rental assistance to eligible households.

Objective-outcome category = DH-2

Key Indicator: Total number of Section 215-compliant housing units completed

HOME Program Resources, Other Project Resources and HOME Matching Funds

New York State anticipates an allocation of approximately \$34.1 million in new HOME funds for FFY 2012. It is assumed that, excluding administrative funds, approximately \$30.7 million in HOME funding will be available to address housing needs for Program Year 2012. In addition, New York State anticipates receiving approximately \$1 million in program income during Program Year 2012.

It is anticipated that approximately \$4 million in Low-Income Housing Trust Fund Program resources will be available as a match to the HOME funding, to meet the expected match liability that the State will incur during 2012.

The HOME Program generally attracts substantial private and other public dollars into its funded projects. It is anticipated that the \$38.1 million in HOME and Housing Trust Fund matching funds to be invested during the coming year will generate an additional investment of approximately \$153 million – more than four dollars for every HOME dollar invested. These funds will come from other State and federal programs, owner equity contributions, private financing, and other sources.

Activities to be undertaken with HOME Funds

The HOME Program provides funds: to acquire, construct, or rehabilitate affordable housing; to provide rental assistance; and, for administrative expenses of public entities and not-for-profit organizations that undertake program activities. New York State may also undertake additional activities, where permitted by federal regulations, including both rental and homeownership housing. Any activity that qualifies under the HOME Final Rule, sections 24 CFR 92.205-209, may be financed by the State HOME Program, provided it is consistent with the Consolidated Plan and this Action Plan.

New York State estimates that these resources will create 1,180 affordable housing opportunities during the program year beginning January 1, 2012. These opportunities will be supported by the expenditure of approximately \$36 million in HOME funds during Program Year 2012.

Approximately 780 units of existing owner-occupied housing will be rehabilitated, increasing availability of decent housing (DH-1). Approximately 315 units of housing will be assisted through the production of new rental units, increased rental assistance or through purchase assistance for eligible homebuyers thereby increasing affordability of decent housing (DH-2). This estimate of housing opportunities to be created is based upon past experience and current commitments made by the State's HOME Program. This takes into consideration existing commitments that are expected to be completed during Program Year 2012 and includes only those units to be completed and delivered for occupancy during the program year, but not units committed not yet completed.

The total amount of funding to be invested in assisted housing is based upon past experience. It is anticipated that the per-unit cost of housing rehabilitation and down payment assistance will increase in 2012 due to increases in acquisition and construction costs. The State reserves the right to revise these projections as additional cost information becomes available.

Methods of Distribution

New York State distributes HOME Program funds **in the following manner:**

- Fifteen percent (15%) of each federal allocation is reserved for community housing development organizations (CHDOs).
- Eighty percent (80%) of the remaining funds are reserved for projects located within non-participating jurisdictions.
- All remaining funds are distributed on a statewide basis.

Less than 80% of funds remaining after the CHDO set-aside is deducted may be awarded in non-participating jurisdictions, if, after a notice of funding availability and request for proposals, HTFC makes a written finding that (i) eligible, complete, and feasible applications received for projects in non-participating jurisdictions will not totally utilize the remaining available reserved funds; and (ii) such funds are subject to recapture by HUD pursuant to federal HOME regulations within 180 days.

Per the HOME regulations, participating jurisdictions, including states, may utilize up to 10% of each allocation of funds as reimbursement for administrative costs, and up to 5% of each allocation of funds for CHDO operating expenses. The State reserves the right to utilize these funds as it deems necessary. Funds used for administrative expenses and CHDO operating expenses are not subject to the distribution plan described above.

HTFC cannot predetermine the use of HOME funds by activity or tenure type. The amount of funds allocated for each activity or tenure type will be based on the applications submitted, the competitive criteria fully described in the application guidance and outlined in the following section, and the extent to which proposals are consistent with the priorities identified in this Action Plan and NYS initiatives and priorities such as those established by a regional council.

Applications that will produce the highest quality of housing units that are sustainable for the longest period of time for the lowest-income New Yorkers, and which respond to a strategy to address housing needs will have the greatest likelihood of being funded. Applications that address transitional and permanent housing for the homeless are eligible for HOME funds. HTFC will strive to fund projects in support of the objectives identified in the Strategic Plan of the 2011-2015 Consolidated Plan by providing scoring preference for those applications which demonstrate a feasible approach to meeting one or more objectives.

Depending on the identified needs, applicants may receive additional scoring consideration for applications that address specific state and regional priorities which may include the following:

- Programs that incorporate energy conservation measures or propose to coordinate with the federal Weatherization Assistance Program to encourage energy conservation in project design.
- Proposals that target persons with special needs, including those with physical or mental disabilities
- Programs that propose to improve rental housing in buildings with 1-4 units.
- Programs that target rehabilitation in homes that are considered “at risk” for lead hazards, or other health and safety hazards.
- Programs that incorporate green building standards as a requirement of the rehabilitation.

HTFC HOME Program applications may be classified as either: site-specific (capital) projects, to develop rental housing (usually a multifamily building or buildings); or local programs, which provide rehabilitation, homeownership, or rental assistance in an identified program service area.

Site-Specific Projects

HTFC provides HOME funds for acquisition, rehabilitation, and construction for site-specific multi-family rental projects. Projects which will: serve large families (households with five (5) or more persons) by including units with three (3) or more bedrooms; serve certain special populations; follow green building initiatives, visitability and energy efficiency practices; and projects that will support community revitalization efforts; preserve existing affordable housing resources; or collaborate with other governmental agencies may receive selection preference. Specific selection criteria are included in the Request for Proposals that is issued subsequent to the Notice of Funding Availability. Site-specific rental project awardees that qualify as CHDOs may receive additional funds for operating expenses. Also, HOME funds-awarded CHDOs which own, sponsor, or develop a project are counted toward the required fifteen percent (15%) of HOME awards to CHDO projects and programs. If HTFC determines that a proposal may be accomplished at a lower cost to the State than proposed, less will be awarded. HTFC does not provide HOME funds as construction financing.

Local Program Administrators (LPA)

HTFC provides funds for units of general local government (State recipients), and not-for-profit corporations and public housing authorities (sub-recipients) to administer single-family purchase assistance, rehabilitation assistance, and tenant-based rental assistance. Collectively, these are referred to as Local Program Administrators, or LPAs. HTFC also provides funding for community housing development organizations (CHDOs) to develop single-family (1-4 unit) homeownership housing.

Depending on the anticipated local need, HTFC may limit the amount of funds that will be awarded to LPAs. In general, applicants should have successfully administered similar programs in the past and should be able to demonstrate the capacity to utilize the amount of funding requested. HTFC reserves the right to reduce the awarded amount from what was requested in an application. Applicants may be awarded up to 8% of the award to offset their administrative costs.

Local Program Administrators may request HOME funds for the following activities:

Community Renewal Programs: Applicants may request funds for programs that provide moderate rehabilitation or acquisition and rehabilitation of single family (1-4 units) owner-occupied housing as part of a community revitalization strategy or a strategy to provide housing for areas undergoing economic transition. These proposals should demonstrate significant housing and community development needs in the revitalization area, linkages to a well-defined community revitalization

strategy, and clear impacts on housing affordability (including energy affordability), accessibility, preservation of historic properties, or traditional, pedestrian-oriented development to support mixed-income and mixed-use communities. Applicants should also demonstrate substantial experience and satisfactory prior performance with the HOME Program.

Applications proposing rental rehabilitation programs that provide assistance for moderate rehabilitation of small (10 units or fewer) investor-owned rental projects should demonstrate that the proposal will support a community revitalization strategy, and meet the criteria described in above. Local Program Applicants may not request funding for rental property that will be owned by the LPA upon completion of the project.

CHDO Home Ownership Projects: A minimum of 15% of available HOME Program funds will be reserved for community housing development organizations (CHDOs). CHDOs applying to develop single family (1-4 unit) home ownership projects to support a community renewal strategy are rated according to the criteria described above, and will receive selection preference. In particular, CHDO projects that will provide additional housing opportunities in community revitalization target areas are encouraged.

CHDO home ownership developers will be subject to additional underwriting requirements but will also be able to access funds for predevelopment expenses. CHDOs that successfully develop new home ownership housing, or acquire, rehabilitate, and sell vacant substandard existing housing to eligible households in a timely manner will be eligible to receive a developer fee based upon the development cost of the proposed project.

CHDO Home Ownership Project applications are subject to the following limitations:

- The proposal must be for new construction or rehabilitation of vacant, substandard, single family housing (1-4 unit buildings).
- The CHDO must obtain project financing, rehabilitate, or construct the dwelling units, and have title to the property during the rehabilitation/construction period. Upon project completion, the HOME loan obligation must be transferred to an eligible home buyer. If the CHDO will not hold title to the property, it must enter into a contractual obligation with another entity, such as a subsidiary organization, that will own the property until it is sold to the homebuyer.
- The proposal must identify a source of construction financing other than HOME Program funds. HOME Program funds may be used only as permanent financing. HTFC will work with CHDOs to identify construction financing opportunities.

All CHDO applications to develop rental housing must be submitted using the project application. Technical assistance and seed money are also available for CHDOs.

Homeownership Assistance Programs: Excluding CHDOs, applicants may also apply for HOME funds for the development of non-targeted single family (1-4 unit) housing or condominiums to be sold to first-time homebuyers or to provide purchase assistance to income-eligible, first time homebuyers. Homeownership programs must include an effective homeownership counseling component to enable assisted buyers to avoid subprime and predatory lending and become successful home owners.

Non-targeted single family rehabilitation and tenant-based rental assistance (TBRA): Applications will be accepted for non-targeted single family rehabilitation and tenant-based rental assistance (TBRA). Those applications targeting special needs populations, or meeting a specific identified need, such as lead hazard control, energy conservation, or increased accessibility for physically disabled households, may be considered priority projects. All rehabilitation and TBRA programs must also meet HTFC property standards.

Geographic Distribution

Distribution of funds is based on the need, the manner in which the activities address the need, the overall impact to the community and past performance of the applicant. The ultimate geographic distribution of assistance cannot be predicted as funds may be awarded in any part of the State, including participating jurisdictions and Native American reservations.

Competitive Application Process

All HOME funds will be distributed competitively, according to the distribution plan described above, with HTFC as the administering agency. Eligible applicants must submit applications that will be reviewed and competitively ranked according to the criteria set forth below.

The competitive application process is initiated by a Notice of Funding Availability. Included in the application is specific guidance for the submittal of applications. Applicants are required to provide documentation needed to determine project feasibility and marketability, which may include, but is not limited to the following:

- a feasibility study and market analysis of the proposal
- a proposed project development financing plan, project operating budget, and leveraging plan
- a schedule, with specific dates including the expected project commencement date, expected completion date, and the anticipated schedule for closing and occupancy of units as applicable
- a description of the applicant's and development team's qualifications and previous experience
- a statement by the applicant as to the status of all public approvals and clearances required to undertake the project
- a plan as to how applicants will ensure compliance with all federally mandated regulations throughout the regulatory term
- a statement describing the amount and source of any matching contributions required for the proposed project
- a statement of need and a description of how the project will further goals set forth within the State Consolidated Plan and any local consolidated plan or other development plan
- a plan describing how the applicant will comply with HTFC's initiatives which may include, but is not limited to requirements for visitability, Green Building, Energy Efficiency, and Health and Safety.

The application guidance provides specific guidance for the submittal of applications including detailed descriptions of the rating criteria that must be addressed for each of the funding categories. Analysis of the application may include, but is not limited to the following criteria:

- the extent to which the proposal will meet demonstrated community impact and revitalization objectives and is consistent with a part of an adopted strategy for meeting those objectives
- the extent to which the proposal is targeted to very-low income households or will serve a mix of incomes or special populations, and the affordability of the proposed rents
- the degree to which the proposal leverages private investment or other funding
- project readiness, status of financing and public approvals, applicant experience, and other factors that impact the likelihood of project completion
- the degree to which the project meets certain energy efficiency, healthy and safety, green building, and visitability criteria
- the extent to which units are set aside for persons with special needs and services are provided to those persons by the project or a separate service provider

Complete and eligible local program and CHDO homeownership applications will be rated using the criteria outlined in the application guidance. The criteria may include, but is not limited to the following:

- the extent to which the proposal will meet demonstrated community needs and is consistent with an adopted strategy for meeting those needs
- the extent to which the proposal is targeted to very-low income households and special needs populations
- the extent to which the project incorporates practices intended to increase energy efficiency, provide accessibility to persons with disabilities, improve occupant health and safety, or promote community revitalization
- the applicant's capacity and prior experience

Eligible applicants selected to receive HOME funds for tenant-based rental assistance, rehabilitation of owner-occupied properties, homebuyer assistance projects, and rehabilitation of investor-owned rental properties that generally have 4 or fewer units, will be designated as State recipients or sub-recipients.

Funding of Projects Located in Participating Jurisdictions

HTFC anticipates that some HOME funds may be used for eligible activities that are located in participating jurisdictions. In that event, HTFC will work with the participating jurisdiction to ensure coordination of effort and will require project sponsors to coordinate efforts with participating jurisdictions where applicable.

In accordance with State policy, the State of New York will not transfer any HOME funds to any other jurisdiction in order for that jurisdiction to meet the threshold for designation as a participating jurisdiction. Also, it is against State policy to directly fund participating jurisdictions that apply for State HOME funds, although projects located in participating jurisdictions that are sponsored by other entities may be funded, according to the guidelines described above.

Community Housing Development Organizations (CHDOs)

In accordance with provisions of the National Affordable Housing Act of 1990, the State will reserve a minimum of 15% of the total amount of HOME funds received for CHDOs. CHDOs must apply to the State to develop, sponsor, or own projects, and will be eligible to undertake any eligible activity in accordance with 24 CFR Part 92 Subpart G (Community Housing Development Organizations).

HTFC will, as part of the competitive application process, issue a NOFA that will encourage participation by CHDOs.

For an organization to be considered a CHDO, it must be certified by the State of New York after review of submittal information as prescribed by the HOME regulations, including organizational documents, financial documents, etc. Once a CHDO is found to meet qualifying criteria, the State will notify the CHDO of its approval. New York State does not accept certifications of other participating jurisdictions.

New York State conducts an extensive program of outreach and technical assistance to CHDOs and other partners. HCR staff, consultants made available by means of technical assistance funds available to the State, and not-for-profit intermediaries designated by HUD are all involved in the provision of technical assistance to CHDOs and potential CHDOs. Each year, prior to the application deadline for the HOME program, outreach is provided through various means to provide assistance to eligible applicants. During the year, seminars and clinics are held that focus on particular topics related to the HOME program. HCR Regional Office staff maintains frequent contact with CHDOs, and when it is determined that a group may benefit from individual technical assistance (from HCR staff, a consultant, or a not-for-profit intermediary), appropriate referrals are made. The State intends to continue these efforts in the future, to the extent that available resources permit.

Additional project-specific assistance may be made available to CHDOs in the form of technical

assistance, site control loans, and seed money loans, in accordance with 24 CFR Part 92 Subpart G (Community Housing Development Organizations). The State will also work with the HUD-designated not-for-profit intermediary organizations to promote CHDO participation.

Homebuyer Resale/Recapture Provisions

When HOME funds are used to assist a household in the purchase of a unit, restrictions will be placed on the unit to ensure compliance with the HOME resale and recapture requirements described in 24CFR 92.254(a)(5). Under most circumstances, the recapture method as described below will be used, although in certain limited circumstances, the resale method may be required or selected by the local program administrator with HTFC approval.

Recapture

Under most circumstances (except as noted below under Resale), homeownership projects undertaken by a State recipient or sub-recipient will be subject to recapture.

Legal Documents – The homebuyer assistance will be secured by means of a note and mortgage given to HTFC or its State Recipient or sub-recipient (hereafter, the “Local Program Administrator”) by the low-income household being assisted. A standard form of the note and mortgage is provided to State Recipients and sub-recipients by HTFC.

Homebuyer Assistance – The amount of the note and mortgage is the “homebuyer assistance”. It includes:

- Any HOME funds provided to the buyer at time of purchase (downpayment, closing cost or purchase assistance) to assist with the purchase, whether provided directly by the local program administrator or by the developer using funds provided by the program; and
- Any rehabilitation assistance provided to improve the unit upon purchase, and
- Any reduction in the purchase price from fair market value to an affordable purchase price or amount required to be contributed by the buyer through buyer funds or other mortgages.

If there is no homebuyer assistance, then the resale method outlined below must be used.

Affordability Period – The period of affordability specified in the mortgage will be the minimum period for the project as specified in 24 CFR 92.254(a), sections (4) and (5), unless a longer period is imposed.

The affordability period will be determined by the amount of homebuyer assistance. The following table outlines the required minimum affordability periods:

If the homebuyer assistance in the unit is:	The period of affordability is:
Under \$15,000	5 years
\$15,000 to \$40,000	10 years
Over \$40,000	15 years

Local Program Administrators will be permitted to propose a local use restriction period beyond these

minimum periods, or continue the note and mortgage due on sale provisions beyond these minimum periods, subject to HCR approval and designation of this additional period as an extended local use period that does not increase the “affordability period” as defined by HUD regulations. Any payments during such extended periods shall be treated as program income, subject to HOME requirements.

Amount Subject to Recapture -- If the housing does not continue to be the principal residence of the assisted household, due to sale, foreclosure, or any other event, the note and mortgage will require repayment of the amount of HOME funds subject to recapture at the time the event occurred. The amount of recapture permitted in the event of a voluntary or involuntary sale is based on a combination of Owner Investment Returned First (as described in 92.254(a)(5)(ii)(A)(4)) and Pro rata reduction (as described in 92.254(a)(5)(ii)(A)(2)).

Recapture is limited to the net proceeds of the sale, which is defined as the sales price minus superior debt and seller paid closing costs, include only the following items to the extent actually incurred: broker's commission, reasonable attorney's fees, and any transfer tax or recording fee payable by the seller pursuant to state statute or local ordinance in connection with the conveyance.

Upon transfer, whether voluntary or involuntary, the net proceeds of the sale will be determined and distributed as follows, to the extent proceeds are available:

1. Owner shall first be reimbursed from the net proceeds of the sale, if any, for the following:
 - o The down payment made from owner funds at the time of the initial purchase of the Property, if any;
 - o The principal amortized on superior debt during the affordability period, if any; and
 - o The verified cost of capital improvements to the Property, if any.
2. The Local Program Administrator shall then be repaid the Recapture Obligation to the extent there are sufficient sale proceeds remaining. The Recapture Obligation is the amount of homebuyer assistance, as defined above. It will be reduced on a pro rata basis (by 1/ [number of years of affordability period]) during the affordability period at the end of each complete year of the affordability period. For example, if a 10 year affordability period applies, and the homebuyer sells at the end of Year 4, then the amount of the note is reduced by 40%. If Local Program Administrator incurs any costs in collecting the Recapture Obligation secured by this Note and Mortgage, including but not limited to reasonable attorney's fees, such costs will be added to the Recapture Obligation and will also be secured by this Note and Mortgage. If remaining net proceeds are insufficient to repay these amounts, the remaining net proceeds will be considered as full satisfaction of the recapture obligation.
3. The remainder of the net proceeds, if any, shall be retained by Owner.

HOME funds that are used as a development subsidy, and are not part of the homebuyer assistance, will not be subject to recapture from the homebuyer.

Recapture will only be made from net proceeds of sale. If there are no net proceeds of sale, then no recapture shall be made.

HTFC will permit recaptured funds and program income earned by a Local Program Administrator to be used to assist additional units, upon prior notification and approval by HTFC. If the Local Program Administrator no longer has an open contract with HTFC, or is unable to utilize the repayment or program income to assist additional projects, the funding will be returned to HTFC for reallocation in accordance with the method of distribution of funds described elsewhere in this Plan.

Resale

Under most circumstances, the recapture provisions outlined above will be used in HOME homebuyer activities. However, resale restrictions may or must be used under the following circumstances:

- When HOME Program funds are used only as a development subsidy for the construction or renovation of homeownership housing, and no homebuyer assistance is provided, resale restrictions must be used instead of recapture restrictions as described above.
- Resale restrictions may also be used at the request of the Local Program Administrator when HOME funds are invested in: a larger homeownership development, a condominium or cooperative project; projects where a substantial per-unit investment of subsidy is provided; local markets with predominantly high home sales prices, rapidly appreciating housing costs, or where affordability will not be preserved by unrestricted sales of assisted units. HTFC approval of the conditions warranting use of resale restrictions is required.
- Resale restrictions are also used when land trusts own the property. HOME resale restrictions will be enforced through the land trust ground lease mechanism.

Resale restrictions will ensure that housing assisted with HOME funds is made available for resale only to low-income households that will use the property as their principal residence.

Legal Documents -- Resale covenants will be enforced by means of a deed restriction that runs with the title to the land, unless the project is located in an area of “presumed affordability” that meets the conditions described in 92.254(a)(5)(i)(B). Such areas of presumed affordability will be subject to approval of HTFC.

HTFC will permit the use of notes and mortgages in addition to, but not in lieu of, deed restrictions to secure the rights of HTFC and Local Program Administrators to recover HOME funds in the event of non-compliance or adverse transfers.

The statute and rule (92.254(a)(5)(i)(A)) provides that the restriction may be extinguished by a third-party lender in the event of foreclosure, deed in lieu of foreclosure or assignment. HTFC will permit Local Program Administrators to use rights of first refusal or other means to intervene and preserve the affordability of the unit.

Affordability Period -- The following table outlines the required minimum affordability periods for homebuyer projects that are subject to resale restrictions:

If the total HOME investment in the unit is:	The period of affordability is:
Under \$15,000	5 years
\$15,000 to \$40,000	10 years
Over \$40,000	15 years

The period of affordability is determined by the total investment of HOME funds in the unit, regardless of whether or not the funds are reflected in buyer financing.

Low-income households eligible to purchase properties restricted by resale provisions must be households whose annual income at the time assistance is provided does not exceed 80 % of the median income for the area as determined by HUD with adjustments for family size.

The home must be occupied by the low-income household as its principal residence for the affordability period.

Resale During the Affordability Period – If the assisted property is sold while under the resale restrictions, the home must be sold to an eligible low-income buyer approved by HTFC or its Local Program Administrator.

Resale Price -- The price at resale must provide the original HOME-assisted homebuyer a fair return on the investment and be affordable to a reasonable range of low-income buyers. Therefore, sales price during the affordability period can occur at market value, up to the following two limitations:

- Fair return to seller – The price shall not be a price that results in net proceeds (after senior debt and sales costs) to the seller that exceeds: (1) the reimbursement of the original owner's down payment made at the time of initial purchase, if any; (2) the verified costs of capital improvements to the property if any; and (3) principal amortized on the senior debt during the period of ownership. These net proceeds may be adjusted for increases in home prices in the local market during the period of affordability.
- Affordable to a range of low-income buyers – The sales price also cannot exceed a price that is affordable to households at or below 80% of area median income (AMI). The HTFC defines "affordable price" as a price at or below the amount that a low income family at or below 80 % AMI is paying no more than 35 percent of their income for the payment of mortgage principal and interest, property taxes and insurance on the property.

The seller must have the sales price approved by HTFC or its Local Program Administrator, in addition to approval of the eligible low-income buyer. If the fair market value of a HOME assisted property subject to resale provisions is more than what is affordable to the subsequent low-income purchaser, then additional HOME assistance may be given by HTFC or its Local Program Administrators.

Term of Rental Assistance Contracts

Project sponsors will be required to make rental assistance available for a term that shall not exceed 24 months.

Rental Assistance Certification

In accordance with the requirements of 24 CFR 92.209(b) regarding tenant-based rental assistance, the State certifies that the use of HOME funds for tenant-based rental assistance is an essential element of its Consolidated Plan, which includes, as one of its strategic objectives, "increase the ability of New Yorkers to access rental housing."

The State will require any applicant who intends to use HOME funds for tenant-based rental assistance to document the local market conditions that will lead to the choice of this option prior to allocating the HOME funds for rental assistance.

Other Forms of Investment

The State will permit HOME funds to be invested as loans, grants, deferred payment loans, and other types of investment permitted by the regulations in housing rented or owned (held in fee-simple title) by eligible households, or multi-family rental, condominium or cooperative projects developed for occupancy by eligible households. Replacement of existing manufactured housing units with manufactured housing shall be considered Rehabilitation for the purposes of the State HOME Program. Replacement of existing manufactured housing units with any other newly constructed housing shall be considered Homeownership Assistance for the purposes of the State HOME Program.

Any applicant who proposes to use any other form of investment not described in 24 CFR 205(b) (Forms of Assistance) must include a description of the form of investment, justification for the need for the form of investment, and a description of the proposed means of securing the investment, if any, in the application that is submitted to HTFC. HTFC will not permit other forms of investment without the prior approval of HUD.

Refinancing Existing Debt

The use of HOME funds to refinance existing debt secured by multifamily housing is eligible only when HOME funds are loaned to rehabilitate a project, and refinancing is necessary to permit or continue affordability. When HOME funds are utilized for this purpose, a minimum of \$6,000 per unit must be invested. The project sponsor must clearly demonstrate that disinvestment in the property has not occurred; the long term needs of the project can be met; and that the targeted population can be served over the extended affordability period. HOME funds will be available to maintain current units and/or create additional units. All units assisted with HOME funds will have an affordability period of no less than 15 years or no more than the maximum term of the original contract. Investment of HOME funds will be jurisdiction-wide, and under no circumstances will they be used to refinance multifamily loans made or insured by any federal program, including CDBG.

Monitoring

The State of New York has implemented two different monitoring procedures for HOME projects and programs, based upon whether the recipient of funding is applying to the State as a project sponsor or as a local administrator. HTFC is responsible for monitoring awards made with federal HOME funds allocated to New York State.

- **Monitoring Multifamily Rental Projects**

The following briefly describes the procedures employed by DHCR/HTFC to monitor sponsors who are awarded HOME funds to develop multifamily rental projects.

- **Selection** – DHCR/HTFC reviews funding applications to ensure compliance with the statutory provisions regarding: project eligibility; fiscal and development/management capability; proposed tenancy of assisted projects; undertaking of affirmative fair housing, equal opportunity, and other requirements applicable under the National Affordable Housing Act (NAHA); housing quality, lead-based paint standards, and the New York State Building Code compliance and federal and State environmental review.
- **Construction Monitoring** – DHCR/HTFC monitoring includes the review of: disbursement requests for payment of construction draws; change orders; retainage amounts for unfinished work (if construction financing is provided); and periodic inspection of the construction activity and appropriate follow-up. Upon completion, documentation of compliance with new construction and rehabilitation standards described in the DHCR/HTFC Design Handbook, and with applicable building codes, is assembled for each project.
- **Post-construction Monitoring** – Includes the annual review of affirmative marketing guidelines under 24 CFR 92.351(a). Implementation of affirmative marketing plans is reviewed through a series of interview or survey questions regarding tenant selection procedures, the waiting list, advertising, and the composition of the project. If the review occurs as part of a site visit, files are also reviewed.
- **Pre-occupancy Meeting** – The State monitors HOME multifamily rental projects through DHCR's Office of Housing Management (OHM), beginning with a pre-occupancy meeting approximately 90 days before rent-up. All HOME requirements are covered, and the developer/manager is provided with the DHCR Capital Programs Manual and HUD Fair

Housing Booklet. The approved project affirmative marketing plan is discussed, focusing on tenant selection procedures and the waiting list to ensure compliance with 24 CFR 92.351(a).

- **Post-construction Monitoring** – HOME rental projects are subject to periodic on-site visits and desk audits to ensure ongoing compliance with HOME regulations involving tenant selection and income eligibility, rents charged, housing quality, file maintenance and financial reporting. These monitoring activities are performed by State agency employees who periodically visit the project management offices, review tenant files and application logs, sample financial records, and inspect units to verify compliance with housing quality standards as a minimum level of habitability.

A regulatory instrument is recorded against the title to the real property for each project. It is enforceable in the event of default by recourse to the project for noncompliance with statutory or regulatory requirements, including any unapproved proposed resale or refinancing of the project.

DHCR/HTFC's audit policy is substantially equivalent to the 24 CFR Part 84 requirements identified for HOME funded not-for-profits. Public entities are subject to federal single-audit requirements and the related cost policies and compliance supplements and are expected to submit a copy of that audit to DHCR/HTFC. In addition, there may be certain items that pertain to non-federal funds granted by DHCR, as required.

Monitoring Local Program Administrators

HCR/HTFC has implemented monitoring standards and procedures required for monitoring local program administrators, including both local governments (State recipients) and not-for-profit organizations (Sub-recipients) selected to administer HOME local programs. Each local program administrator with an active program is monitored annually for compliance with federal program requirements and with the terms of the contract with HTFC. This annual monitoring may take the form of either a desk audit or an on-site review. However, each program awarded funds will be monitored on-site at least once during the contract term. State recipient and Sub-recipient administrative plans are also reviewed closely during the project selection phase to ensure capacity to comply with program requirements.

- **Selection**
HCR/HTFC reviews funding applications to ensure compliance with the statutory provisions regarding: project eligibility; fiscal and development/management capability; proposed tenancy of assisted projects; undertaking of affirmative fair housing, equal opportunity, drug-free environment, and other requirements applicable under NAHA; housing quality, lead-based paint standards, and the New York State Building Code compliance; federal and State environmental review; and prior audit history.
- **Project Desk Audits**
These serve to verify the accuracy of HUD's Integrated Disbursement and Information System (IDIS). In-house monitoring regularly involves the use of IDIS and the Statewide Housing Activity Reporting System (SHARS) reports and telephone communication with project recipient staff. The IDIS and SHARS reports are used to track performance in the following areas: production (commitment to specific projects and funds expended for completed units); regulatory compliance (income group targeting, tenant assistance, unit affordability, matching requirements); performance in meeting federal- and State-identified goals and targets; trends in committing and completing projects; tenant characteristics; project selection characteristics; and leveraging of public and private funds. Generally, program administrator performance is reviewed on a monthly basis.

- **Program Implementation Monitoring**

HTFC's "Monitoring Guide for State Recipients and Sub-recipients" is provided to all recipients to explain program monitoring requirements. The guide covers all relevant regulatory requirements, includes site inspection forms and checklists for staff, and includes guidance for recipients to understand how staff implements monitoring procedures and how they can set up files and establish program operating procedures to ensure full compliance.

- **Post-completion Monitoring**

Post-completion monitoring of local programs is limited in scope. For home buyer and owner rehabilitation programs, there is no scheduled ongoing monitoring because the resale requirements are self-enforcing through the recorded note and mortgage documents. For tenant-based rental assistance, the programs are only active for two (2) years (during which the recipients are monitored using the guides as indicated above), and then are closed out. Only a locally-administered rental rehabilitation program would have ongoing occupancy compliance issues that would require more extensive ongoing monitoring.

In such cases, HCR/HTFC will review selected tenant and project files to ensure that tenant selection, tenant certification, and unit inspection activities have been undertaken consistent with the sub-recipient's administrative plan and HOME regulations. HCR also surveys recipients who have undertaken rental rehabilitation programs to collect information on recipients' monitoring activities.

- **On-site Monitoring**

HCR staff monitors locally-administered programs for both fiscal and programmatic compliance through periodic site visits conducted by regional office staff. In addition to examinations of program and project records for statutory and regulatory compliance, staff visits several project sites to ensure that work is being completed as reported, and in compliance with HTFC standards and applicable codes. Staff also provide technical assistance on the day-to-day operation of the program, and examine the integration of the program with overall State goals, (including how the program addresses community needs), any barriers to operation, and ways the program could become more effective.

- **Other Monitoring of Local Administrators**

Routine processing of setup reports, disbursement requests, and other paperwork submitted to HTFC provides additional opportunities to monitor program activities. Requests for reimbursement are examined to ensure that only reimbursement for approved program expenditures is being sought. If a program report does not accompany the voucher or if information submitted is problematic, the voucher is returned to the local administrator. Finally, local program administrators are required to report to HTFC annually. These reports capture information relating to program start-up and implementation, funds expended, minority participation, and certain other matters.

Section 91.320(k)(3) Emergency Solutions Grants (ESG) Program

“The State shall identify the process for awarding grants to State recipients and a description of how the State intends to make its allocation available to units of local government and nonprofit organizations (including community and faith-based organizations).”

Overview

The New York State Office of Temporary and Disability Assistance (OTDA) administers the Emergency Solutions Grants (ESG) Program for New York State through which it coordinates activities to enhance the quality and quantity of homeless facilities and services for homeless persons or those at risk of homelessness. In anticipation of all regulatory changes resulting from the HEARTH Act, New York State OTDA has combined ESG funds with New York State funds dedicated in the State budget for similar activities, to form one cohesive program entitled Solutions to End Homelessness Program (STEHP). By forming this new program, OTDA will facilitate the State’s transition to requirements as established by the Homeless Emergency and Rapid Transition to Housing (HEARTH) Act, which amends and reauthorizes the McKinney-Vento Homeless Assistance Act. In addition, the new program has streamlined the application process for its community partners and will ultimately increase the effectiveness and coordination of services to homeless or near homeless individuals and families in New York State.

Strategic Plan Objectives, Outcomes and Indicators

In its 2011 Request for Proposals (RFP), the New York State Office of Temporary and Disability Assistance (OTDA) awarded funds under the STEHP Program to address the suitable living environment and the provision of decent housing objectives of the State’s Strategic Plan. Approximately 35% of the funding is allocated to drop-in center and shelter activities, 55% of the funds to prevention activities, and 10% of the funds to rapid re-housing activities. The 2012 Program Year projects a total of approximately 40,341 individuals to be served as follows:

Objective: Decent Housing

To provide decent housing for individuals and families at-risk of homelessness, and to those that were formerly homeless, the Program will fund and administer homelessness prevention activities, as well as rapid rehousing activities in order to alleviate potential homelessness and provide low-income households with the services necessary to build housing stability. The following outcomes will be achieved in 2012:

Outcome: Increase Availability/Accessibility

Increase availability/accessibility by developing and implementing homelessness prevention activities and rapid re-housing activities including, but not limited to, legal services, mediation programs, and short-term subsidies, for individuals and families at-risk of homelessness or to re-house those that have become homeless in permanent housing.

Objective-outcome category = DH-1 (see HUD Table 3C for ESG on page 31)

Key Indicator: Number of individuals or families at risk of homelessness receiving homelessness prevention services. It is estimated that 15,005 individuals will be served.

Objective: Suitable Living Environment

To provide a suitable living environment for homeless individuals and families, New York State will continue to fund and administer a wide range of emergency and transitional shelter programs for homeless persons, as well as related services to alleviate homelessness and provide low-income households with the support services necessary to build self-sufficiency. The following outcomes will be achieved in 2012:

Outcome: Increase Availability/Accessibility

Increase availability/accessibility by providing essential services to homeless persons including, but not limited to, employment, physical health, mental health, substance abuse, and educational services.

Objective-outcome category = SL-1

Key Indicator: Number of individuals or families receiving essential services. It is estimated that approximately 13,292 individuals will be served.

Outcome: Increase Availability/Accessibility

Increase availability/accessibility by funding shelter maintenance and operating costs (rent, repairs, security, fuel, equipment, insurance, utilities, food, and furnishings, etc).

Objective-outcome category = SL-1

Key Indicator: Number of individuals or families receiving shelter services from a program provided with maintenance and operation funding. It is estimated that 12,044 individuals will be served.

HUD Table 3C (Optional)			
Annual Action Plan 2012			
ESG Program			
Planned Project Results			
Objective-Outcome Category*	Performance Indicator	Expected Number of Individuals	Activity Description
DH-1	Total Individuals Served	15,005	Homelessness Prevention and Rapid Re-housing
SL-1	Total Individuals Served	13,292	Essential Services
SL-1	Total Individuals Served	12,044	Maintenance and Operations

Objective-Outcome Categories

Objective ↓ \ Outcome →	Outcome	Availability/Accessibility 1	Affordability 2	Sustainability 3
Decent Housing	DH	DH-1	DH-2	DH-3
Suitable Living Environment	SL	SL-1	SL-2	SL-3
Economic Opportunity	EO	EO-1	EO-2	EO-3

Resources

During calendar year 2012, the period covered by this Action Plan, approximately \$3,292,159 from HUD will be used to support ESG activities. After deducting the State’s 5% ESG administrative share (\$164,608), a total of \$3,127,551 ESG funds will be allocated to contracts, along with \$4,049,242 of New York State funds. OTDA recognizes that 2012 ESG funds are expected to be allocated in two phases, bringing the total approximate amount allocated to \$4,574,136. New York State will deduct its 5% administrative share of the additional \$1,281,977 allocated. In all, New York State expects to distribute \$4,345,430 in ESG funds to contractors across the State.

ESG Program Matching Funds

New York State will combine State funds with matching funds from grantees to satisfy the ESG match requirement. Grantees provide matching funds from other sources in the amount of 25% of their

grants. These other sources may include in-kind contributions, local share funding, or a combination of both. Funds used to match a previous ESG grant may not be used to match a subsequent grant award. In addition, funds awarded must not supplant existing funds used for ongoing activities. Grantees must demonstrate clearly that funds will be used to develop new programs or enhance/continue those in existence. In total, New York State will have a 100% match to all of the HUD allocated funds.

In addition, OTDA administers several programs designed to alleviate homelessness and provide low-income households support services necessary to build self-sufficiency. These programs include:

- Homeless Housing and Assistance Program (HHAP)
- New York State Supportive Housing Program (NYSSHP)
- Housing Opportunities for Persons With AIDS Program (HOPWA)
- Operational Support for AIDS Housing Program (OSAH)
- Family Shelter Program
- Emergency Assistance Re-housing/Rent Supplement Program
- Preventive Housing Subsidy Program
- Negotiated Rates Program
- Emergency Shelter Allowance for Persons with AIDS
- Homelessness Prevention and Rapid Re-housing Program (HPRP)

Activities – Priority Needs

OTDA has taken full advantage of the flexibility of the ESG Program to fund a wide range of services which address critical gaps in the housing continuum of care across New York State. In 2012, as in past years, the State will fund an array of projects designed to strengthen this continuum.

Funded projects will support the continuum of care, as follows:

- **Outreach and Assessment** – street outreach programs, mobile outreach vans, food pantries and soup kitchens (with outreach components), storefront operations, etc.
- **Emergency Services** - food pantries, soup kitchens, day drop-in centers, emergency shelters, overnight accommodations, drop-in medical care, short-term cash assistance for utilities, rent, etc.
- **Transitional Housing** – transitional housing programs, post relocation services, support services, etc.
- **Permanent Housing** – legal interventions to prevent evictions, homeless re-housing assistance, advocacy for entitlement benefits, cash assistance for security deposits and rental assistance, and support services in permanent housing etc.

For Program Year 2012, program funds will be distributed among eligible activities to community partners as follows:

- Drop-in Center, Shelter and Transitional Housing 35%
- Homelessness Prevention 55%
- Rapid Re-housing 10%

As discussed in the Needs Assessment section of the Consolidated Plan, when selecting proposals for funding, OTDA gives special priority to projects that fill identified gaps in the continuum of care in various regions of the State. Furthermore, special priority is given to applications that provide supports and services to projects funded under the Homeless Housing and Assistance Program (HHAP), New York State's capital development program for homeless housing.

Methods of Distribution

A competitive Request for Proposals (RFP) under the STEHP Program made \$8,394,672 in ESG and New York State funds (\$3,127,551 phase I ESG; \$1,217,879 phase II ESG; \$4,049,242 NYS) available to not-for-profit organizations in 2011. A three-year contract term began September 1, 2011. During 2012, New York State anticipates that approximately 40,341 individuals statewide will benefit from activities funded by this program.

The following are the criteria used to evaluate and select proposals for funding under New York State's STEHP Program:

- applicant agency must meet all State and federal requirements as a threshold criteria for an award
- demonstration of need within the proposed project area for the type of housing and/or services proposed
- the appropriateness and quality of the site, the design and support services proposed for the population to be served
- evidence of the applicant's ability to develop the proposed project, expend all funds within the required time-frames, and to operate the project over the required contract period
- evidence of the applicant's ability to provide, either directly or through referral, the appropriate support services
- the appropriateness of plans for participant selection and the consistency of these plans within the intent of the Program
- the reasonableness of the total project cost and the Program amount requested, and the eligibility of proposed expenditures
- evidence that matching funds are firmly committed and available for obligation and expenditure
- evidence that the program functions as a part of a local Continuum of Care, or similar body
- evidence that the applicant has approval for its proposed program from the local Department of Social Services
- evidence that the focus of the project is on enabling participants to achieve the highest level of self-sufficiency possible
- evidence that the project will report client level data in the local Continuum of Care Homeless Management Information System Database, or comparable database
- evidence of the financial feasibility of the project over the required operating period
- the appropriateness of the qualifications and backgrounds of the personnel and staff to be assigned to the project

Priority will be awarded to:

- projects that demonstrate accessibility for persons with disabilities and conform with the ADA Title III requirements
- projects that demonstrate the provision of materials in alternative formats for persons with disabilities as required by the ADA (i.e. Braille, audio recording)
- projects that have been developed with New York State capital funds and are deemed competitive and meet all eligibility criteria
- projects outside of directly entitled ESG areas
- projects that demonstrate at least an 85% positive housing outcome rate

OTDA has consistently sought to allocate its ESG funds equitably to all parts of the State that have identified gaps in the emergency housing continuum for homeless individuals and their families. New York State's ability to fill these gaps is, however, limited by the availability of funds and by the number and type of proposals received in response to the RFP. During 2012, approximately 40% of the funds will be committed to New York City and 60% to counties elsewhere in the State.

Program Monitoring and Report Requirements

Periodically, recipients of these funds are invited to attend a one-day meeting to discuss the program and contract requirements, including reporting and vouchering. Copies of all applicable federal rules and regulations are distributed along with material developed by OTDA to assist groups with the vouchering and reporting process. These sessions, conducted regionally by the program coordinator, have been well received in the past. Major improvements in the contractor's adherence to the program requirements have been observed since this activity was initiated.

Contracts entered into by OTDA are subject to on-going monitoring throughout the term of the contract. The primary methods of monitoring include:

- review of quarterly reports (due two weeks after the end of each quarter)
- review of final reports (due thirty days after the expiration of the contract)
- periodic site visits, including review of randomly-selected case files
- on-going telephone contact with program staff

Grantees must ensure that books, records, documents, and other evidence pertaining to costs and expenses under the grant are maintained to reflect all costs of materials, equipment, supplies, services, building costs, and all other costs and expenses for which reimbursement is claimed or payment is made. All expenditures are reported on an accrual basis.

OTDA has direct access to any records relevant to the project, including books, documents, Homeless Management and Information System (HMIS) data, photographs, correspondence and records to make an audit, examinations, transcripts, and excerpts. All records pertaining to the grant including financial audits, budget, plans/drafts, supporting documents, statistical records, etc., are retained for a period of at least four years following submission of the final expenditure report. In the event that any claim, audit, litigation, or state/federal investigation is started before the expiration of the record retention period, the records are retained by the grantee until all claims or findings are resolved.

The contractual agreement requires grantees to submit quarterly and final reports based on data entered into HMIS. Quarterly reports describe a project's progress during the quarter through a detailed narrative describing contract activities and the results achieved. Guidelines or criteria, which new grantees developed for eligibility and participation selection, are also appended to the first quarterly report. Significant obstacles or problems in carrying out the contractual obligations are identified, along with plans to overcome these obstacles. Changes in contract staffing are addressed and resumes provided for new staff. To meet HUD reporting requirements, statistical data is also reported to track the type of activity carried out, and the number of individuals and families assisted, including data on the racial/ethnic characteristics of the participants. Other related data that are required by the Integrated Disbursement and Information System (IDIS) are also collected.

Final reports verify fulfillment of all contractual requirements and tabulate final demographic data on the program participants. They also trigger final reimbursement for contractual activities. The narrative follows the basic format established for quarterly reports, but emphasizes final outcomes. As outlined in the contract, a percentage of the grant award is withheld until the final report is received and approved. Grantees are advised that unless all reporting requirements are satisfactorily met, vouchers are not processed for payment.

Site visits by OTDA staff are a critical component of project monitoring activities. The program manager attempts to visit all projects within a contract cycle. The duration of each site-visit is usually a couple of hours, and consists of an overview of the agency and the program, a tour of the site, observation of direct service provision, and meetings with accounting staff. Extensive questions are asked pertaining to the information contained in quarterly reports and based upon the coordinator's knowledge of the program.

Another aspect of monitoring is frequent telephone conversations between program staff and the program coordinator. Contractors call with questions about changes in their program, contract requirements, vouchering, and other issues concerning their program. The program coordinator also initiates telephone calls to question information contained in reports. In unusual circumstances, programs may be requested to submit special reports or any media coverage the program has received.

Finally, prior to annual renewal of contracts, in addition to providing a self evaluation of the benefits realized by homeless or near homeless household, all grantees' spending habits and positive housing outcome rates are examined by OTDA staff. Should a contractor not expend at least 75% of the annual award amount by the end of an annual funding cycle, or should a contractor not attain a 75% positive housing outcome rate by the end of an annual funding cycle, OTDA reserves the right to adjust the award amount for future years.

Section 91.320(k)(4) Housing Opportunities for Persons with AIDS (HOPWA) Program

For HOPWA funds, the state must specify one-year goals for the number of households to be provided housing through the use of HOPWA activities for short-term rent; mortgage and utility assistance payments to prevent homelessness of the individual or family; tenant-based rental assistance; and units provided in housing facilities that are being developed, leased or operated with HOPWA funds, and shall identify the method of selecting project sponsors (including providing full access to grassroots faith-based and other community-based organizations).

Overview

The New York State Office of Temporary and Disability Assistance (OTDA) administers the HOPWA program for New York State.

Strategic Plan Objectives, Outcomes and Indicators

In its June 2009 Request for Proposals (RFP), the New York State Office of Temporary and Disability Assistance (OTDA) determined that funds awarded under HOPWA could be used to address the suitable living environment and the provision of decent housing objectives of the State's Strategic Plan and assist 800 individuals and approximately 440 households as follows:

Objective: Suitable Living Environment

To provide a suitable living environment for low-income persons and their families living with HIV/AIDS, the New York State Housing Opportunities for Persons with AIDS Program will distribute its annual allocation to underserved areas of the State to strengthen the continuum of care and serve special needs.

Outcome: Availability/Accessibility

Increase availability/accessibility by funding HOPWA projects that enable participants to achieve the highest level of independent living, and provide health and supportive services to individuals with HIV/AIDS and their families.

Objective-outcome category = SL-1 (see HUD Table 3C for HOPWA on page 37)

Key Indicator: Number of individuals with HIV/AIDS and their families who have received assistance from programs with HOPWA funding. It is estimated that 800 individuals will be assisted.

Objective: Decent Housing

To provide decent housing for low-income persons and their families living with HIV/AIDS, the New York State Housing Opportunities for Persons with AIDS Program will distribute its annual allocation to underserved areas of the State to strengthen the continuum of care and enhance the provision of both short-term and long-term rental assistance.

Outcome: Affordability

Increase affordability by providing tenant-based rental assistance and/or support to congregate housing units to expand the supply of housing units appropriate for persons with HIV/AIDS and their families.

Objective-outcome = DH-2

Key Indicator: Number of tenant-based, project-based housing, or congregate housing units funded for persons with HIV/AIDS and their families. It is estimated that 300 households will be assisted.

Outcome: affordability

Increase affordability by providing short-term rental assistance to bridge financial gaps in housing thereby allowing individuals with HIV/AIDS and their families to sustain housing stability.

Objective-outcome category = DH-2

Key Indicator: Number of units of short-term assistance provided to individuals with HIV/AIDS-related diseases and their families. It is estimated that 140 households will be assisted.

HUD Table 3C (Optional)			
Annual Action Plan 2012 HOPWA Program Planned Project Results			
Objective-Outcome Category*	Performance Indicator	Expected Number	Activity Description
SL-1	Total Individuals Served	800	Supportive Service
DH-2	Total Households Assisted	300	Tenant-Based Rental Assistance Congregate Housing
DH-2	Total Households Assisted	140	Short-Term Rental Assistance

Objective-Outcome Categories

Outcome Objective →		Availability/Accessibility 1	Affordability 2	Sustainability 3
Decent Housing	DH	DH-1	DH-2	DH-3
Suitable Living Environment	SL	SL-1	SL-2	SL-3
Economic Opportunity	EO	EO-1	EO-2	EO-3

Resources

During the period covered by the 2012 Action Plan, funds totaling \$2,154,810 will be used to support activities under Round Twenty of this program. After deducting the State’s 3% administrative share, a total of \$2,090,166 will be allocated to contracts. Unexpended funds from previous rounds may also be allocated.

OTDA seeks to distribute its annual HOPWA allocation to underserved areas of the State, thus strengthening the continuum of care serving the special needs of low-income persons living with HIV/AIDS-related illness and their families.

There are no matching funding requirements under the HOPWA Program. Therefore, there is no minimum percentage of non-federal and/or private financing to be leveraged. There are, however, a variety of funding sources at the State and local level that may be used in combination with HOPWA funding. Examples of such programs include:

- Operational Support for AIDS Housing (OSAH)
- Homeless Housing Assistance Program (HHAP, including AIDS set-aside allocation)
- Solutions to End Homelessness Program (STEHP)
- New York State Supportive Housing Program (NYSSHP)
- Shelter Plus Care Program
- Emergency Shelter Allowance for Persons with AIDS
- Family Shelter Program

- Negotiated Rates Program

Two of New York State's programs deserve special mention here because they are an important resource in responding to the housing needs of New Yorkers with HIV/AIDS. These are the Homeless Housing Assistance Program (HHAP) and the Operational Support for AIDS Housing (OSAH) program.

HHAP is a State-funded program providing capital grants and loans to not-for-profit corporations, charitable and religious organizations, municipalities, and public corporations to acquire, construct, or rehabilitate housing for homeless individuals and families. The program provides capital funding for the development of a broad range of housing options for the very diverse homeless population in the State. Since 1990, HHAP appropriation language has set aside \$5 million for the development of housing for people living with HIV/AIDS. In total, HHAP has awarded over \$100 million for the development of 1,167 units of housing for families and individuals living with HIV-related illness and/or AIDS.

The second State-funded AIDS housing program is OSAH. Beginning in 1994, the State budget has appropriated \$1 million annually to provide operational support to projects that have received capital financing through the Homeless Housing and Assistance Program (HHAP) to house homeless persons with HIV/AIDS and their families. This State funding can be used to supplement building operations costs as well as support services costs.

Both HHAP and OSAH exemplify New York State's commitment to strengthen the continuum of care for persons living with HIV/AIDS and their families. OTDA takes into account the location and types of HHAP and OSAH projects in making decisions regarding the distribution of the State's HOPWA funds.

Activities - Priority Needs

To assure that its HOPWA Program is adequately addressing the housing needs of persons with HIV/AIDS and their families, OTDA has sought input and guidance from the NYS National Affordable Housing Act (NAHA) Task Force as well as AIDS advocacy organizations. The NAHA Task Force consists of housing providers, advocates, and representatives from other State agencies, including the New York State Department of Health AIDS Institute.

In accordance with the final HOPWA regulations promulgated by the U.S. Department of Housing and Urban Development (HUD), a broad range of housing-related activities may be funded. In the 2012 round (Round Twenty) of HOPWA, New York State will continue with priorities and fund applications proposing a number of different activities.

In the 2009 RFP, the State focused on seven eligible activities grouped into two clusters. The first group was considered to be a higher priority because it actually expands the housing and services available to persons with HIV/AIDS. The second group was considered a lesser priority because it does not directly expand the housing supply and/or because funding could be more readily available from other sources.

- **Group I Program Activities:**
 - Project or tenant-based rental assistance
 - Supportive services
 - Short-term rent, utilities, or mortgage payments to prevent homelessness
- **Group II Program Activities:**
 - Technical assistance
 - Operating costs for housing

- Housing information services (including counseling, referrals, etc.)
- Lease or repair of facilities to provide housing and services

The above priorities were used in selecting Round Eighteen contracts for 2010, and remained in effect in 2011 (Round Nineteen). Most of the contracts focus on the provision of long-term rental assistance, short-term rental assistance, and support services.

Methods of Distribution

Since the start of its HOPWA Program in 1993, New York State has distributed its HOPWA funds through a periodic competitive bid process. Every three years, OTDA issues a Request for Proposals (RFP) under the HOPWA Program soliciting proposals from not-for-profit organizations. In the early years of the HOPWA Program, an RFP was released every two years. Now that the provider pool has attained some level of stability, an RFP is released every three years. Contracts funded under an RFP can be renewed without further competition in each of the subsequent two years.

An RFP to make available FY 2009 HOPWA (Round Eighteen) funds was released by OTDA in June 2009. Thirteen proposals were received in July 2009 and reviewed. Awards were made to each of these thirteen contractors, and contracts were executed and began in January 2010.

With the exception of the contractors who will receive funding directly from their new Eligible Metropolitan Services Area (EMSA), contracts awarded under the 2009 RFP are eligible for continued funding without competition for a three year period from January 1, 2010 through December 31, 2012. Contracts are continued only if, in the course of the ongoing contract, they have been able to demonstrate success in carrying out activities during the contract year.

OTDA subjects all proposals received in response to an RFP to a rigorous review and selection process. The following is a listing of the criteria established for proposal evaluation and selection established under New York State's HOPWA Program:

- demonstration of need within the proposed project area for the type of housing and/or services proposed
- the appropriateness and quality of the site, the design and/or support services proposed for the population to be served
- evidence of the applicant's ability to develop the proposed project and to operate it over the required contract period
- the appropriateness of plans for participant selection to serve the target population and the consistency of these plans with the intent of HOPWA
- the reasonableness of the total project cost and the HOPWA amount requested
- evidence of the applicant's ability to provide, either directly or through referral, the appropriate support services
- evidence that the applicant has approval for its proposed program from the local Department of Social Services
- evidence of strong linkages with community-based service providers and health care providers (including home health care, primary care, and emergency medical care)
- evidence that the focus of the project is on enabling participants to achieve the highest level of self-sufficiency possible
- evidence of the financial feasibility of the project over the required operating period
- the appropriateness of the qualifications and backgrounds of the personnel and staff to be assigned to the project

OTDA estimates that a total of 440 households will be assisted across 41 counties with HOPWA funds during 2012 as follows:

Tenant-based Rental Assistance/Congregate Housing	300
Short-term Rental Assistance	140
<hr/>	
TOTAL:	440

Geographic Distribution

OTDA consistently seeks to allocate its HOPWA funds equitably to all parts of the State that have identified gaps in the continuum of care for housing persons with HIV/AIDS and their families. HIV/AIDS is found in all 62 counties of New York and includes cases in urban, suburban, and even the most rural areas of the State. In recent years, AIDS cases in upstate rural counties have increased at a higher rate than cases in New York City and the rest of the State, with concomitant increases in the number of homeless persons with HIV/AIDS.

In recent years, the Rochester, Buffalo, and Albany Eligible Metropolitan Services Areas (EMSA) have come online as HOPWA direct entitlement areas. When these cities came online, the grant to New York State was reduced commensurately. Because of the extensive need in upstate areas and the limited availability of HOPWA funds, an executive policy decision was made by OTDA to limit the distribution of the State's HOPWA allocation to those areas that do not have direct access to HOPWA funds from HUD. In 2004, Poughkeepsie, which includes Orange and Dutchess counties, came online as a HOPWA direct entitlement area. Therefore, in the current program year, funding was not made available in support of any projects serving persons in any of the following HUD EMSAs: New York City, including Westchester and Rockland Counties; City of Islip, including Nassau and Suffolk Counties; the City of Rochester, including Monroe, Genesee, Livingston, Orleans and Ontario Counties, the City of Buffalo, including Erie and Niagara Counties; the City of Poughkeepsie, including Orange and Dutchess Counties; and the City of Albany, including Albany, Rensselaer, Schenectady, Montgomery, Schoharie and Saratoga Counties, unless it could be shown that a conflict of interest prevented an organization from applying for direct entitlement funds.

Program Monitoring and Reporting Requirements

All HOPWA contracts entered into by OTDA are subject to on-going monitoring throughout the term of the contract. The primary methods of monitoring include:

- review of narrative and tabular quarterly reports (due two calendar weeks after the end of each quarter)
- review of final reports (due thirty days after the expiration of the contract)
- periodic site visits, including review of randomly-selected case files
- on-going telephone contact with program staff

Grantees must ensure that books, records, documents, and other evidence pertaining to costs and expenses under the grant are maintained to reflect all costs of materials, equipment, supplies, services, building costs, and all other costs and expenses for which reimbursement is claimed or payment is made. All expenditures are reported on an accrual basis.

OTDA has direct access to any records relevant to the project, including books, documents, photographs, correspondence and records to make audits, examinations, transcripts, and excerpts. All records pertaining to the grant including financial audits, budget, plans/drafts, supporting documents, statistical records, etc. are retained for a period of at least four years following submission of the final expenditure report. In the event that any claim, audit, litigation, or State/federal investigation is started before the expiration of the record retention period, the records are retained by the grantee until all claims or findings are resolved.

The contractual agreement requires grantees to submit quarterly and final reports. Quarterly reports describe a project's progress during the quarter through a detailed narrative describing contract activities and the results achieved. Guidelines or criteria, which new grantees developed for eligibility and participant selection, are also appended to the first quarterly report. Significant obstacles or

problems in carrying out the contractual obligations are identified along with plans to overcome these obstacles. Changes in contract staffing are addressed and resumes provided by new staff. To meet HUD reporting requirements, statistical data is also reported to track the type of activity carried out and the number of individuals and families assisted, including data on the racial/ethnic characteristics of the participants.

Final reports verify fulfillment of all contractual requirements and tabulate final demographic data on the program participants. They also trigger final reimbursement for contractual activities. The narrative follows the basic format established for quarterly reports, but emphasizes final outcomes. As outlined in the contract, a percentage of the grant award is withheld until the final report is received and approved. Grantees are advised that unless all reporting requirements are met satisfactorily, vouchers are not processed for payment.

Site visits by OTDA staff are a critical component of project monitoring activities. Subsequent to a monitoring visit to OTDA by HUD in 1999, a new monitoring system for the ESG and HOPWA Programs (as well as other OTDA housing services programs) was fully implemented. In keeping with this system, monitoring visits for all housing services programs (including both HOPWA and ESG) administered by the Bureau of Housing and Support Service (BHSS) take place regularly using the pooled staff resources of the BHSS Services Unit. At a minimum, each multi-year contract is monitored at least once during the life of the contract.

The site-visits usually consist of an overview of the agency and the program, a tour of the site, observation of direct service provision, review of files and records, and meetings with accounting staff. Extensive questions are asked based on the information contained in quarterly reports and on the HOPWA program coordinator's knowledge of the program. Following each monitoring site visit, a formal letter is sent to the grantee relating findings and requesting a formal response when corrective action is needed.

Another aspect of monitoring is frequent telephone conversations between program staff and the program coordinator. Contractors call with questions about changes in their program, contract requirements, vouchering, and other issues concerning their program. The program coordinator also initiates telephone calls to question information contained in reports. In unusual circumstances, programs may be requested to submit special reports or any media coverage the program has received.

HOPWA Contracts				
Contractor Title, Address	Contractor Contact	Contract Amount	Contract Description	Contract Service Area
AIDS Community Services of Western New York, Inc. 206 South Elmwood Avenue Buffalo, NY 14201	Ron Silverio	\$109,999	Long term rental assistance; Short term rent / utilities / mortgage assistance	Cattaraugus, Chautauqua, Genesee, Orleans, Wyoming and Allegany Counties
AIDS Community Resources 627 West Genesee Street Syracuse, NY 13204	Michael Crinnin	\$328,503	Long term rental assistance; Short term rent / utilities / mortgage assistance	Cayuga, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego and St. Lawrence Counties
AIDS Council of Northeastern New York 88 Fourth Avenue Albany, NY 12202	Michelle McClave	\$145,764	Long term rental assistance; Short term rent / utilities / mortgage assistance	Clinton, Columbia, Essex, Fulton, Franklin, Greene, Hamilton, Warren and Washington Counties.
AC Center (formerly AIDS Rochester) 259 Monroe Ave Rochester, NY 14607	Michael Beatty	\$95,930	Long term rental assistance	Schuyler, Seneca, Steuben, and Yates Counties
Central New York Health Systems Agency, Inc 701 Erie Boulevard West Syracuse, NY 13204	Timothy Bobo	\$323,730	Long term rental assistance; Short term rent / utilities / mortgage assistance	Onondaga, Jefferson, St. Lawrence, Cayuga, Oneida, and Otsego Counties
Chautauqua Opportunities, Inc. 17 West Courtney Street Dunkirk, NY 14048	Roberta Keller	\$66,568	Long term rental assistance; Short term rent / utilities / mortgage assistance	Chautauqua County
Corporation for AIDS Research, Education and Services (CARES) 85 Watervliet Avenue Albany, NY 12203	Nancy Chiarella	\$83,728	Long term rental assistance; Short term rent/ utilities Resource identification to help establish housing for persons with AIDS	Statewide
Liberty Resources, Inc 1065 James Street, Suite 200 Syracuse, NY 13203	Marta Durkin	\$178,265	Support services for individuals in DePalmer House, transitional housing in Syracuse	Onondaga County
Multi-County Community Development Corp. Twin Maple Plaza, Suite 5 Saugerties, NY 12477	Aldea Carey	\$142,225	Long term: rental assistance	Ulster County

HOPWA Contracts

Contractor Title, Address	Contractor Contact	Contract Amount	Contract Description	Contract Service Area
PathStone Corp (Formerly ROI) 400 East Avenue - Suite 401 Rochester, NY 14607	Velma Smith	\$186,318	Long term rental assistance; Short term rent / utilities / mortgage assistance	Sullivan County
Rural Ulster Preservation Company 289 Fair Street Kingston, NY 12401	Kathy Leahy	\$160,345	Long term rental assistance; Short term rent / utilities / mortgage assistance	Ulster County
Southern Tier AIDS Program, Inc. 122 Baldwin Street Johnson City, NY 13790	Edward Bergman	\$169,089	Long term rental assistance; Short term rent / utilities / mortgage assistance	Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Tioga and Tompkins Counties
Sullivan County Federation for the Homeless PO Box 336PO Monticello, NY 12701	Steve White	\$85,116	Short term rent / utilities / mortgage assistance	Sullivan County

Section 91.320(h) Homeless and Other Special Needs Activities

Activities it plans to undertake during the next year to address emergency shelter and transitional housing needs of homeless individuals and families (including subpopulations), to prevent low-income individuals and families with children (especially those with incomes below 30 percent of median) from becoming homeless, to help homeless persons make the transition to permanent housing and independent living, specific action steps to end chronic homelessness, and to address the special needs of persons who are not homeless identified in accordance with §91.315(d), including the elderly and frail elderly, persons with disabilities, and persons with alcohol or other drug addiction.

Overview

New York State has a broad array of programs and initiatives to serve individuals with special needs, including the elderly and frail elderly, persons with disabilities, those who are chronically homeless, in danger of becoming homeless, or are making the transition to permanent housing and independent living.

New York / New York III

In November of 2005 several New York State agencies, including the Division of Housing and Community Renewal (DHCR), Office of Temporary and Disability Assistance (OTDA), Office of Mental Health (OMH), and the Office of Alcohol and Substance Abuse Services (OASAS), joined with New York City to implement the New York/New York III Supportive Housing Agreement projected to create 9,000 new housing opportunities for the homeless and those at risk of homelessness.

- This Agreement provides housing and related services to those New York City individuals and families most in need. The primary goals of the NY/NY III initiative are to prevent homelessness, reduce the period of homelessness, and increase independence.
- NY/NY III incorporates a greater understanding of the supportive housing needs of our chronic homeless population, in an effort to move toward the eradication of chronic homelessness in NYS. In addition to applying the lessons learned from earlier initiatives through proven, cost-effective solutions like prevention and supportive housing, the current proposal includes an expansion of the target population as well as the service model. NY/NY III will service homeless single adults with serious mental illness, as well as persons with disabling substance abuse disorders, families with heads of households who have a mental illness or substance use disorder, medically frail and elderly persons, people with HIV/AIDS, and young adults who have left the foster care system without the necessary independent living skills.
- When fully implemented by 2016, the NY/NY III Agreement is expected to represent a capital investment of \$953 million to create 9,000 supportive housing beds for the chronically homeless at a full annual operating cost of approximately \$160 million. During the 2012 Action Plan Program Year, supportive housing beds will continue to be funded as part of this ten-year agreement.

Developmental Disabilities Planning Council

The New York State Developmental Disabilities Planning Council (DDPC) is a federally-funded State agency responsible for developing new ways to improve the delivery of services and supports to New Yorkers with developmental disabilities and their families. The Council focuses on community involvement, employment, recreation, and housing issues faced by New Yorkers with developmental disabilities and their families. To a large extent, DDPC programs are developed in direct response to the concerns and ideas voiced by consumers, families, service providers, policy-makers, and other professionals.

New York State Homes and Community Renewal (HCR) is one of ten State agency members of the DDPC, which also includes persons with developmental disabilities or their parents/guardians and non-governmental organizations. Council members meet quarterly to discuss issues such as policy and funding decisions that affect the lives of individuals with developmental disabilities. Council Members determine which demonstration programs will be funded and participate in the Committees that develop requests for proposals for new projects. HCR participates on the Adult Issues Committee, which includes issues related to housing for adults with disabilities.

NYHousingSearch.gov

NYHousingSearch.gov is a public service provided by New York State Homes and Community Renewal (HCR) and the Office for Persons with Developmental Disabilities (OPWDD).

NYHousingSearch.gov allows people to locate available housing that meets their individual and family needs at a rent they can afford. It can be accessed online 24-hours a day and is supported by a toll-free, bilingual call center M-F, 9-8 Eastern Time.

The fast, easy-to-use search lets people look for rental housing using a wide variety of criteria and special mapping features. Housing listings display detailed information about each unit. The service also provides links to housing resources and helpful tools for renters such as an affordability calculator, rental checklist, and information about renter rights and responsibilities.

Property owners and managers, including housing authorities and private landlords, can use this service to manage their property listings free of charge. Listings can include pictures, maps, and information about nearby amenities. Property owners and housing authorities can register and manage their listings online or via phone and fax.

Access to Home Program

The Access to Home program was created in January of 2004 and has committed more than \$35 million dollars in funding to not-for-profit organizations to administer local programs to make the homes and apartments of low- and moderate-income New Yorkers with disabilities accessible. Under the program, home improvements and alterations are made to permit persons with physical disabilities to remain in their own homes, rather than enter a more costly and intrusive nursing home setting.

Chapter 159 of the Laws of 2006 made the Access to Home Program permanent and enacted measures that allowed disabled veterans earning up to 120% of the area median income to qualify for individual assistance under the Program.

Applications to become Local Program Administrators (LPAs) under the Access to Home Program are considered on a competitive basis. Eligible entities include municipalities, community based not-for-profit corporations, Neighborhood and Rural Preservation Companies, and not-for-profit charitable organizations in existence for at least one year and with substantial experience in adapting and/or retrofitting homes for persons with disabilities. The applicant and members of their team are evaluated based on experience and ability to administer the Program in a timely manner within the confines of a proposed budget up to \$500,000. Individual homeowners and tenants then apply through these local entities for assistance of up to \$25,000.

Access to Home addresses an important housing need by allowing persons with physical disabilities to be diverted from entering a nursing home, or given an opportunity to transition back home once appropriate adaptations are made. The Program provides housing alternatives for persons with disabilities by funding basic adaptations that are relatively low in cost and high in benefit and satisfaction. Through a partnership with a variety of not-for-profit organizations, Access to Home is

part of the continuum to reverse the institutionalization trend and create a pathway for people with physical disabilities to live independently within the community of their choice.

A Notice of Funding Availability (NOFA) was issued in March of 2011 announcing \$4 million in funding under the Access to Home Program. Applications have been received and are under review.

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

Residential Emergency Services to Offer (Home) Repairs to the Elderly (RESTORE) Program funds may be used to pay for the cost of emergency repairs to eliminate hazardous conditions in homes owned by the elderly when the homeowners cannot afford to make the repairs in a timely fashion. Project selection shall take into consideration the recommendation of the relevant regional economic development council or the Commissioner's determination that the proposed project aligns with the regional strategic priorities of the respective region.

In response to a publicly-issued Notice of Funding Availability, not-for-profit corporations and municipalities submit program designs detailing how they would administer local RESTORE programs. The program designs provide detail on selection of eligible recipients, construction monitoring, and ensuring compliance with program requirements. Eligible applicants are permitted to design programs as grants, loans, or both. Eligible program administrator applicants are not-for-profit corporations and municipalities. All areas of the State are eligible. To be eligible for assistance, 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.

Most Integrated Setting Coordinating Council (MISCC)

Chapter 551 of the Laws of 2002 created the Most Integrated Setting Coordinating Council (MISCC). The MISCC statute calls for the "development and implementation of a plan to reasonably accommodate the desire of people of all ages with disabilities to avoid institutionalization and be appropriately placed in the most integrated setting possible." In 2010 MISCC submitted the MISCC Plan covering the two-year period of 2010-2012 (in some instances the plan extends to a slightly longer period). The MISCC Plan identifies baseline data and creates measurable agency specific housing, employment, transportation and long-term care goals that will assist New Yorkers with disabilities to live in the most integrated settings. This plan may be modified based upon the enacted budgets.

Currently chaired by the Commissioner of the Office for Persons with Developmental Disabilities (OPWDD), the Council consists of representatives from ten State agencies and nine appointed public representatives.

State agency council members include: [Office of Mental Health](#), [Department of Health](#), [State Office for the Aging](#), [Office for Persons With Developmental Disabilities](#), [Education Department](#), [Office of Alcoholism and Substance Abuse Services](#), [Homes and Community Renewal](#), [Department of Transportation](#), [Office of Children and Family Services](#), and the [Commission on Quality of Care and Advocacy for Persons with Disabilities](#).

The nine appointed members include: three consumers of services for individuals with disabilities, three individuals with expertise in the field of community services for people of all ages with disabilities, and three individuals with expertise in or recipients of services available to senior citizens with disabilities.

Most Integrated Setting Coordinating Council (MISCC) Housing Committee

The MISCC Housing Committee is comprised of consumers and leaders in not-for-profit organizations, local governments, and State agencies whose work impacts the lives of people with physical or psychiatric disabilities. The Task Force was organized in 2007 to support the MISCC's goal of ensuring that people with disabilities, of all ages, can live in the most integrated setting of their choice that meets their needs. The Task Force has three primary areas of focus:

- Increase opportunities for people with disabilities to live independently in the setting of their choice and where appropriate, with supportive services that are designed around the needs and desires of the individual.
- Collect and analyze existing data to define the need for affordable/accessible housing in New York State and a continuum of supportive services that ensures choice and empowerment to live in the most integrated setting that meets individual needs and preferences.
- Combat Not-in-my-Backyard (NIMBY) prejudices and increase awareness through a public communication and marketing campaign that includes promoting NYHousingSearch.gov.

The Housing Committee contributed to the MISCC 2010 Housing Plan and during 2012 will help to continue to coordinate the process through the MISCC.

Nursing Home Transition and Diversion (NHTD) Waiver Housing Subsidy

The NHTD waiver is administered by the New York State Department of Health (DOH) and uses Medicaid funding to provide supports and services to assist individuals with disabilities and seniors toward successful inclusion in the community. Waiver participants may transition from a nursing facility or other institution, or choose to participate in the waiver to prevent institutionalization.

Realizing that the key to living independently is finding safe, decent and affordable housing, DOH and HCR partnered to create the Nursing Home Transition and Diversion (NHTD) Waiver Housing Subsidy Program. This State-funded initiative provides rental assistance to NHTD Medicaid waiver participants in New York State. The Program offers an alternative to nursing home placement for people with disabilities ages eighteen or over, and seniors by assisting them with securing housing and at home services appropriate to their needs.

To apply, individuals begin the eligibility process with a Regional Resource Development Center (RRDC) and Service Coordinator under contract with DOH. Together a service plan is developed and approval granted for participation in the NHTD Waiver.

An appropriate unit is then selected by the household and a Section 8 Housing Choice Voucher (HCV) Program Local Administrator (LA) under contract with HCR performs a Housing Quality Standards (HQS) inspection and determines the amount of rent subsidy. The dollar amount of subsidy assistance varies depending on the income of the family or individual and the approved rent for the unit. Subsidy payments are sent directly to owners or authorized managing agents via direct deposit.

A household may remain with the program as long as they are waiver eligible, even if they change residence. However, the goal is to transition the household to Section 8 and use the NHTD Housing Subsidy to transition or divert other individuals from institutional settings. By engaging Section 8 LAs early in the NHTD Waiver Housing Subsidy process and requiring HQS standards, ensures that the unit will meet Section 8 program requirements and facilitate a smooth transition onto the Section 8

program. The NHTD Housing Subsidy has received State appropriations totaling more than \$7 million to date.

Other Important State Initiatives

New York State agencies are also taking additional actions to address the problems of chronic homelessness. For example, the Office of Temporary and Disability Assistance (OTDA) is currently in the process of taking the following specific actions to end chronic homelessness in New York State. To better serve those in need of affordable housing and related services, OTDA administers programs to assist the homeless and those at-risk of homelessness. Below is a listing of current housing and supportive service programs provided by OTDA, in addition to ESGP and HOPWA:

- **Homeless Housing and Assistance Program (HHAP)**
HHAP provides capital grants and loans to not-for-profit corporations, charitable and religious organizations, municipalities, and public corporations to acquire, construct, or rehabilitate housing for persons who are un-domiciled and are unable to secure adequate housing without special assistance.
- **New York State Supportive Housing Program (NYSSHP)**
The New York State Supportive Housing Program provides grants for the provision of direct services to permanent or transitional housing projects managed by eligible applicants. These funds support activities designed to promote greater independence and housing stability including, academic attainment, employability and/or mental/physical health stability. Eligible populations include single adults, young adults (18-25) and families that are in need of supportive services. The service provision for all populations are designed to assist residents in remaining stably housed so that they do not enter or re-enter the homeless services system.
- **Operational Support for AIDS Housing (OSAH)**
The OSAH program provides operational support to projects that have received capital funding through HHAP to house homeless persons with AIDS/HIV and their families.
- **Homelessness Prevention and Rapid Re-Housing Program (HPRP)**
The HPRP program provides assistance to households that have been identified as at-risk and who otherwise without such assistance would experience homelessness. HPRP is also intended to rapidly re-house individuals and families who are homeless as defined by Section 103 of the McKinney Vento Homeless Assistance Act (42 U.S.C 11302).

In addition, the New York State Office of Alcoholism and Substance Abuse Services (OASAS) administers the following initiatives to address homelessness:

- **Shelter Plus Care Permanent Supported Housing Program**
OASAS manages this HUD-funded Homeless assistance Program that provides permanent supported housing for approximately 500 persons in New York City and another 500 persons in the Balance of the State. At least one-third of the apartments are for homeless families.
- **Case Management Initiative for Shelter Plus Care Participants**
OASAS provides State monies to support Case Managers for each of the Shelter Plus Care programs operated by their voluntary agencies.

91.320(i) Barriers to Affordable Housing

(i) Barriers to Affordable Housing. Actions it plans to take during the next year to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing. Such policies, procedures, and processes include but are not limited to: land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Overview

Affordable housing as defined by the U.S. Department of Housing and Urban Development (HUD) is “housing available for rental or purchase to low-or moderate-income households in which the occupants pay no more than 30% of their income for total housing costs, including utilities.” Barriers that affect affordable housing include but are not limited to public statutes, building codes, growth limitations, fees and charges, regulations, ordinances, processes, policies and procedures that affect the return on residential investment. These limitations significantly restrict the development of affordable housing. HCR’s mission is to make New York State a better place to live by supporting community efforts to preserve and expand affordable housing, home ownership and economic opportunities, and by providing equal access to safe, decent and affordable housing.

New York State will act in the following ways to remove barriers to affordable housing:

- HCR seeks to promote fair housing and equal housing opportunity by requiring awardees of capital program funding and tax credits to comply with State and federal civil rights laws in the marketing of the low-income housing they develop. The Fair Housing Act and its amendments, Section 504 of the Rehabilitation Act and the New York State Human Rights Law, primarily guide these efforts. These statutes prohibit discrimination in the sale or rental of housing based on race, religion, color, national origin, sex, familial status, age, disability, sexual orientation, military status and marital status. HCR affirmatively furthers fair housing statewide by ensuring that developers submit a marketing plan for approval prior to the marketing and rental of units. HCR also provides technical assistance and training on civil rights issues to developers and HCR employees involved at the regional level.
- Local zoning ordinances and land use regulations impact on the number of available and affordable housing units throughout the country. HCR will work with developers of affordable housing who are abreast of the general city, village and county laws that may have an influence on their developments.
- HCR will continue to provide incentives and fund projects that are affordable, safe and diverse in their marketing plans to ensure the inclusion of individuals least likely to apply for such housing opportunities.
- HCR will continue to encourage the development of Special Needs housing in its programs by awarding extra points to applicants who seek funding for these types of units. Moreover, HCR will continue to assist with financing project reserves for making physical modification where necessary to accommodate tenants with special needs. The Office of Fair Housing and Equal Opportunity (OFHEO) will continue to require outreach to special needs organizations as part of the marketing effort for all projects.
- HCR’s Housing Architecture and Engineering Unit will continue to review each project for compliance with all accessibility design requirements under the Fair Housing Act and New York State Building Codes as well as for environmental impact.
- HCR will work with organizations that promote economic growth in New York State to assure sufficient and affordable housing for its citizens. This includes strategizing to increase development of affordable housing in central neighborhoods with accessibility to employment, schools, recreation, shopping, and modes of transportation and energy conservation.

- OFHEO will continue to review compliance with Section 3 and the Minority and Women-Owned Business Enterprise (M/WBE) program requirements to ensure equitable economic opportunities.
- HCR will continue to work closely with HUD to enforce all state Human Rights statutes and federal fair housing laws and to conciliate in matters alleging housing discrimination.
- HCR will continue to offer foreclosure prevention services which are available free of charge. We want all consumers to be aware that HCR has funded reputable housing counselors in every part of the State who offer their services at no cost.
- New York State leaders passed the expansion for rent regulations. These regulations will ensure that rental units will stay in the rent regulation system and remain available for hard working citizens of New York. The new regulations will remain in effect until 2015 and HCR will continue to ensure that such rent regulations are complied with by monitoring rental activities.
- The passage of New York State's Property Tax Cap further aids citizens of New York by limiting the annual property tax increases for municipalities and school districts to just 2% or the rate of inflation. HCR will continue to empower residents by disseminating information about this type of legislation, which will assist in broadening residents' affordable housing options.

Section 91.330(j) Other Actions

(j) Other actions. Actions it plans to take during the next year to implement its strategic plan and address obstacles to meeting underserved needs, foster and maintain affordable housing (including the coordination of Low-Income Housing Tax Credits with the development of affordable housing), evaluate and reduce lead-based paint hazards, reduce the number of poverty level families, develop institutional structure, enhance coordination between public and private housing and social service agencies, address the needs of public housing (including providing financial or other assistance to troubled public housing agencies), and encourage public housing residents to become more involved in management and participate in homeownership.

Overview

In addition to the program specific CDBG, HOME, ESG, and HOPWA activities described in the previous sections, New York State will also take a variety of other actions during 2012. The following is a brief description of some of the many other actions New York State will take to address eight (8) specific issues identified in Section 91.320(f) of HUD's regulation for Consolidated Planning.

Other Actions

- **Address obstacles to meeting underserved needs:**
New York State will continue to develop new programs and initiatives, improve existing programs and identify additional sources of funding to better serve those in need of affordable housing and related services.
- NYS has long recognized the need to assist agricultural producers and farmworkers in financing the construction, replacement or rehabilitation of farmworker housing which meets applicable building and health codes. In fact, HCR has administered the Farmworker Housing Program which provides low cost loans to agricultural producers to construct or improve housing for both seasonal and year-round farm employees. Since the Program's inception in 1997, HCR has provided 225 loans statewide to agricultural producers totaling \$13 million without a single default. The Program's success has been driven by the ongoing collaborative partnership between HCR, the NYS Health Department and the Farm Credit East lending institution, which originates and services these streamlined loans.
- **Foster and maintain affordable housing (including the coordination of Low-Income Housing Tax Credits with the development of affordable housing):**
 - New York State's strategy will focus on combining the LIHC with available public subsidies on the federal, State, and local level. It is through this combination that most of the low-income rental housing developed by New York will likely attain financial feasibility and viability necessary to assure completion and operation in the current economic climate.
 - Predictable flow of LIHC accruing to New York will allow the State to continue to accurately forecast the amounts and types of government subsidies that can be leveraged through use of the LIHC.
 - This predictability will also allow the State to forecast, by way of its goals and priorities, the types of subsidies that will be most effective in meeting the housing needs of the State over the next five years.
 - Virtually all of the projects receiving an allocation of LIHC from HCR will continue to have at least one other public subsidy as part of the project financing package.
 - HCR will continue to use the LIHC to leverage private investment in projects using HOME and/or Housing Trust Fund monies.
- **Evaluate and reduce lead-based paint hazards:**
 - Lead is a leading recognized environmental poison for children in New York State. Early identification of children with lead exposure is key to reducing the likelihood of chronic health

- problems. The biggest source of lead for the children of New York State is the older housing stock containing lead-based paint. A “primary prevention” approach is used to reduce or eliminate lead exposures or risk factors before the onset of detectable diseases. Primary prevention includes measures to: a) prevent the dispersal of lead in the environment through regulations or other measures that prevent harmful uses of lead and b) remove the health hazards posed by lead-based paint and keep homes “lead safe” before children are exposed.
- New York State Department of Health (NYSDOH), in collaboration with NYS HCR and other members of the Governor’s Lead Poisoning Advisory Council, continue to pursue the goal of eliminating childhood lead poisoning. The NYS HCR/Lead Advisory Council presented at the annual Lead Poisoning Primary Prevention Technical Assistance and Networking Gathering in April 2011. The presentation focused on the range of applicable NYS HCR lead-based paint related policies and provided valuable information to Primary Prevention Grantees on available funding for lead remediation work and how to connect to the resources in their local communities.
 - HCR included lead abatement as one of seven priority activities in the 2011 competitive funding process. Applications proposing the rehabilitation and lead abatement of existing rental housing must be in zip codes identified by the NYSDOH as having significant concentrations of children with elevated blood levels.
 - Free training, such as *Lead Safe Work Practices* and *Lead Renovation, Repair and Painting* will continue to be required for contractors working on HCR-funded projects to meet U.S. EPA compliance.
 - Lead-based paint mitigation will be required for all of HCR’s oldest housing stock of public housing authorities through the use of NYS Public Housing Modernization funds
 - Adequately performed lead-safe interim controls and lead abatement during rehabilitation work will continue to be ensured.
 - Well-constructed and managed affordable housing developments that reduce health problems associated with poor quality housing by limiting exposure to allergens, neurotoxins, and other dangers will continue to be promoted.
 - HCR has created a Lead Information Page on its Internet website at <http://nysdhcr.gov/general/Lead/> which will be updated as needed.
 - The Lead Poisoning Primary Prevention Program continues to exceed the goal of establishing lead safe housing in target communities across the state. The total investment for this lead poisoning prevention initiative is up to \$10.17 million in State funds. Fifteen targeted counties with housing at high risk of containing lead based paint are now funded through these dollars. Collectively, these counties accounted for more than 80% of all known cases of children age six and under with newly identified elevated blood lead levels. These selected counties develop and implement a housing inspection plan that supports our existing primary prevention activities. In the last three years, the program has been successful in completing inspections for lead hazards in more than 15,000 units; with 11,341 found to have potential/confirmed lead hazards. The total number of units cleared of all hazards throughout the three years of the program is 2,852. A total of more than 7,000 dwellings have been identified or made lead-safe since 2007. Combined efforts from the past three years and efforts in year three of the program are further detailed in the National Center for Healthy Housing (NCHH) report titled New York State’s Primary Prevention of Childhood Lead Poisoning Initiative: Implementation report for Year Three October 1, 2009 – September 30, 2010.
 - The Governor’s Task Force on the Prevention of Childhood Lead Poisoning (2009-2010) issued its final report on childhood lead poisoning prevention in November 2010. The report laid out key recommendations for inter-agency collaboration to integrate lead poisoning prevention into policy and regulation in all levels of government. Although the Task Force has now sunset, some of the interagency commitments to foster collaborations to reduce the incidence and/or severity of lead poisoning in NYS continue to be implemented.

- Federal American Recovery and Reinvestment Act (ARRA) Weatherization Assistance has been provided to HCR to expand its Weatherization Assistance Program. Weatherization provides energy conservation measures and addresses energy-related health and safety problems that exist in assisted units. This includes performing Weatherization work in a “lead-safe” manner, and removing some lead hazard, such as those present in old windows. When shown to be cost-effective, Weatherization funds will be used to replace inefficient windows and other energy-related building components that contain lead hazards.
 - NYSDOH continues to provide code enforcement officers a lead-paint training course that includes 3 hours of continuing education credits. There were 225 code enforcement officers trained on lead, the hazards of lead and the methods to control or eliminate these hazards. Requests for the training continue with very positive reviews on the training.
 - Four offerings of the two day training entitled “Essentials for Healthy Homes Practitioners” were held throughout 2011. The trainings were held statewide to begin to build on the federal model of integrating healthy homes in more home visiting programs. This training provided the 110 attendees with the knowledge and skills to begin assessing housing for multiple hazards that may negatively impact the health of the occupants.
 - DOH's active assistance to NYS recipients of federal HUD funding targeted lead hazard control activities is also continuing. Periodic phone conferences with Grantees were held. Grantees report on progress implementing their work plan deliverables for HUD, discuss barriers to implementation, and exchange information on how other grantees may have overcome similar obstacles. Their County Health Department partners are encouraged to participate to connect properties in need of lead hazard remediation to a HUD grant source. This interaction also gives the HUD grantees an update from NYS regarding activities to eliminate childhood lead poisoning. Broome County is a new grantee as a Lead Hazard Control and Healthy Homes Grant recipient in the most recent HUD NOFA round.
- **Reduce the number of poverty level families:**
New York State will continue to pursue a broad array of initiatives to reduce the number of poverty level families:

The Office of Temporary and Disability Assistance will continue to help low-income New Yorkers achieve a greater degree of self-sufficiency and economic security by:

- working to increase the economic security of working families, by expanding access to work supports for those who are struggling to survive in low-wage jobs
- intensifying focus on work engagement for those who remain on public assistance and can work, providing them with the right combination of work experience, skills development, training, and educational opportunities
- helping persons with special needs to obtain the benefits and services they require, whether to overcome temporary obstacles to work, to pursue disability benefits, or to achieve stability through specialized assistance like housing or case management
- further reducing child poverty and improving child well-being, through these and other mechanisms
- working in collaboration with the Department of Labor and the Office of Children and Family Services, to assist families in achieving economic self-sufficiency through work, job training, and child support enforcement.

The Department of Labor will continue to promote job creation and economic growth by striving to create and maintain a strong workforce system, as well as:

- helping people find jobs, providing both employers and workers with tools for success by administering a variety of workforce development services and providing unemployment insurance benefits when employment is interrupted
- facilitating compliance with State labor laws, to ensure citizens fair treatment and compensation, as well as a safe, healthy, and productive employment environment

The Empire State Development Corporation will continue to aggressively pursue its efforts to create and retain quality jobs throughout New York by:

- providing assistance and services to businesses in order to encourage economic investment in New York State
- working closely with businesses to identify creative solutions to challenging problems, generating enhanced opportunities for growth, and helping them achieve their uniquely important, short- and long-term goals

Many New York State agencies, including the Department of Health, the Office of Mental Health, the Office for Persons With Developmental Disabilities, the Office for the Aging, the Office of Alcoholism and Substance Abuse Services, and the Division of Veterans Affairs, will continue to actively address a wide variety of issues that will enable New Yorkers to live as actively, productively, and independently as possible.

- **Develop institutional structure:**

- New York State will continue to analyze the delivery system of affordable housing to identify areas of problems and issues.
- Recommendations will be made on how to improve the administration of programs by State agencies.
- Closer communication ties among agencies with housing programs will be pursued to improve program coordination.

- **Enhance coordination between public and private housing and social service agencies:**

- New York State emphasizes coordination with public and assisted housing providers and private and governmental health, mental health, and service agencies.
- New York State will continue to employ a number of vehicles for communication and coordination which include: the National Affordable Housing Act Task Force and Consolidated Plan Partnership Advisory Committee; the Most Integrated Setting Coordinating Council; the Developmental Disabilities Planning Council; and, the Money Follows the Person Housing Workgroup.
- New York State will continue to participate in conferences and training for housing and service providers and local governments and will continue to provide assistance to ensure coordination among private and governmental health, mental health, and service agencies for State-financed projects housing special needs populations.
- New York State will also continue to actively coordinate and cooperate with units of general local government in the preparation and implementation of its Consolidated Plan and Annual Action Plans.

- **Assist “troubled” public housing authorities**

- New York State emphasizes coordination with public housing providers. Among the more than 200 public housing authorities in New York State, only one located in a “non-entitlement” area of the State is categorized by HUD as “troubled.” New York State will consult with this authority to provide any requested technical assistance which is available from the State and appropriate to assist this authority in correcting any deficiency which has led HUD to designate the authority as “troubled.”

- **Foster public housing resident initiatives:**

- New York State has a public housing program in which tenant participation in the management of housing authorities is not only encouraged but mandated by the State’s Public Housing Law, which provides that authorities in cities having a population under one million be composed of up to seven members, including two tenants elected by public housing residents.
- New York State will continue to vigorously enforce this law.

- In addition, the State will continue to explore, where appropriate, the potential for restructuring public housing projects to preserve existing public housing units.
 - HCR has participated in a number of restructurings and these efforts will continue. Generally, resources committed include tax credit proceeds and State Public Housing Modernization funds where the housing remains affordable but is privately owned. The plans typically include substantial rehabilitation and a reconfiguration of units to accommodate larger families; restructurings of public housing projects in North Hempstead and Rockville Centre have recently been completed; construction is nearing completion at Hamilton Homes in Oswego. Work at Liberty Gardens in Rome has recently begun.
 - In addition, New York State officials will continue to meet with representatives of Public Housing Authorities, owners and agents of Mitchell-Lama Housing projects, and tenant groups such as the New York State Tenant and Neighborhood Coalition and the Mitchell-Lama Residents Coalition.
- **Minority- and Women-Owned Business Program**

The Office of Fair Housing and Equal Opportunity (OFHEO) is responsible for carrying out the mandates of Article 15-A of the Executive Law. This statute governs the award of contracts by State agencies and authorities to Minority and Women Owned Businesses. The New York State Empire State Development Corporation's (ESDC) Division of Minority and Women Owned Business Development has overall statewide responsibility for overseeing State agencies and authorities in the administration of programs to assist Minority and Women Owned Business Enterprises (M/WBE) in obtaining State awarded contracts. ESDC has promulgated rules and regulations for carrying out the program which governs the agency's M/WBE program.

An on-line directory of State-certified M/WBE firms is maintained by ESDC. The OFHEO staff assists developers/awardees in contracting with State-certified M/WBE to meet specific project goals designed to include minority and women owned businesses in the construction and procurement process. The use of certified M/WBE is encouraged on all projects and in the purchase of goods and services.

Awardees for State funding are required to submit contract compliance reports to document their intent to subcontract with and/or procure goods and services from M/WBE. All awardees are required to meet project-specific goals established by OFHEO for contracting with State-certified M/WBE. Contract compliance records consistent with Article 15-A requirements are maintained by the OFHEO. This office is also required to report data quarterly to ESDC concerning the goal achievement on its projects.

The OFHEO conducts workshops for awardees and attends pre-construction meetings to provide training and offer technical assistance to program participants.

Ongoing efforts of the M/WBE compliance program will include:

- work with all project representatives, awardees and in-house staff involved in the contract process to discover innovative ways to increase M/WBE participation
- maintain current databases and spreadsheets to expedite reporting requirements and generate appropriate results
- continue to establish appropriate goals for M/WBE participation
- provide training to regional staff, awardees, contractors and project sponsors at regular intervals or as needed to communicate changes and/or updates
- increase M/WBE goals and become more proactive in the M/WBE community
- increase OFHEO presence with other State agencies and organizations involved in the contract process

Section 91.330 Monitoring

“The Consolidated Plan must describe the standards and procedures that the State will use to monitor activities carried out in furtherance of the plan and will use to ensure long term compliance with requirements of the programs involved, including the comprehensive planning requirements.”

Overview

New York State’s policies and procedures for compliance monitoring of Consolidated Plan programs are described in the program-specific portions of the Action Plan section of this document.

Special Actions

Housing and Economic Recovery Act of 2008 (HERA), the American Recovery and Reinvestment Act of 2009 (ARRA) and the Dodd-Frank Wall Street Protection Act of 2010

The **Housing and Economic Recovery Act of 2008 (HERA)** was signed into law on July 30, 2008. Provisions of Division B, Title III of the legislation, entitled *Emergency Assistance for the Redevelopment of Abandoned and Foreclosed Homes*:

- created the **Neighborhood Stabilization Program Round 1 (NSP1)**;
- provided the Program with \$3.92 billion in supplemental CDBG funding;
- required that these funds be allocated to States and units of general local government with the greatest need.

The **American Recovery and Reinvestment Act of 2009 (ARRA)** was signed into law on February 17th, 2009. ARRA included \$13.61 billion for projects and programs administered by the U.S. Department of Housing and Urban Development (HUD), including resources to be used to stabilize and revive local neighborhoods and housing markets with heavy concentrations of foreclosed properties. Funds will also assist the vulnerable families and individuals who are on the brink of homelessness or have recently become homeless. The following two programs were created by ARRA:

- **Homelessness Prevention and Rapid Re-Housing Program (HPRP)**: \$1.5 billion invested in preventing homelessness and enabling the rapid re-housing of homeless families and individuals. The HPRP funds will provide much-needed services to New York families at-risk of homelessness while helping those already homeless to find stable housing. Services to be provided include short- and medium-term rental assistance, legal services, case management, locating available housing and financial counseling.
- **Community Development Block Grant Recovery Program (CDBG-R)**: \$1 billion in supplemental Community Development Block Grant (CDBG) Program funds to be used to stimulate the economy through measures that modernize the Nation's infrastructure, improve energy efficiency, and expand educational opportunities and access to health care through the creation of suitable living environments; provision of decent affordable housing; and creation of economic opportunities primarily benefiting persons of low- and moderate-income.

Several substantial amendments to the New York State Consolidated Plan 2008 Action Plan were required by grantees eligible to receive funds through NSP, HPRP, and CDBG-R. The following substantial amendments were filed with HUD:

- The Neighborhood Stabilization Program (NSP1) was filed in November 2008 and approved in January 2009.
- The Homelessness Prevention and Rapid Re-Housing Program (HPRP), filed in May, 2009 and approved in June, 2009; a revision to the substantial amendment was filed in November, 2009.
- The Community Block Grant Recovery Program (CDBG-R), filed in June, 2009 and approved in July, 2009; a revision to the substantial amendment was filed and approved in June, 2010.

The Dodd-Frank Wall Street Protection Act of 2010 authorized new allocations for the third installment of the Neighborhood Stabilization Program (NSP3). New York State received \$19,834,940 of which \$5,000,000 was allocated directly to the State. Intended to mitigate the

negative impact of the nation's economic decline and housing market collapse and to stabilize and revitalize communities and areas hit the hardest. A substantial amendment to the 2010 Annual Action Plan was filed with HUD on March 1, 2011. An additional substantial amendment to the 2010 Annual Action Plan was filed with HUD on June 30, 2011.

These programs do not require grantees to report on uses of funds in their Consolidated Annual Performance and Evaluation Report (CAPER). Alternate reporting requirements have been stipulated in each program's notice of funding allocations and requirements.

Appendix I
Citizen Participation Plan
and
Public Hearing and Public Comment Period Notices

New York State

**CITIZEN
PARTICIPATION
PLAN**

For the development of the

Consolidated Plan

and the

Annual Action Plan

Andrew M. Cuomo, Governor

*Darryl C. Towns, Commissioner/CEO
New York State Homes and Community Renewal*

*To comment or request additional
information, contact:*

**Office of Policy and Research
Division of Housing and Community Renewal
New York State Homes and Community Renewal
38-40 State Street
Albany, NY 12207**

1-866-275-3427
HCRCOnPln@nyshcr.org

NEW YORK STATE CITIZEN PARTICIPATION PLAN

In the development of its Consolidated Plan (ConPlan) and amendment(s) thereto, New York State follows its approved Citizen Participation Plan (CPP). New York State's CPP fulfills the general and specific requirements described in Section 91.115 of 24 CFR 91 of the federal rules and regulations for the Consolidated Submissions for Community Planning and Development Programs (the Rules), including citizen participation requirements for units of local government receiving Community Development Block Grants (CDBG), as described at 24 CFR 570.486.

New York's adopted CPP uses existing, on-going citizen participation organizations, and pursues new relationships and organizational structures among various agencies and interested citizens and groups, to implement a participation process that meets and exceeds the requirements of the federal regulations. The CPP has been and will continue to be amended as the State continues to gain access to technology that improves the avenues of participation.

This CPP reflects extensive public outreach opportunities, including those afforded by the Housing Trust Fund Corporation (HTFC) and numerous state, county, municipal, and private sector entities that are active or involved in the broad spectrum of housing and non-housing community revitalization activities in the State.

New York State receives advice and comments from its New York State Task Force on the National Affordable Housing Act (NAHA), Partnership Advisory Committee (PAC), regional planning associations, local governments, citizens, non-profit organizations, and other interested parties with insights into the housing and community development needs of New York State to maximize the benefits of collective problem-solving, to coordinate activities, and to increase commitment. Over time, the CPP has expanded NAHA Task Force and PAC membership to further encourage State agency participation and increase input from statewide/regional not-for-profits, local governments, regional planning associations and a variety of economic development and private business associations. Membership in the Task Force or the PAC may change without public notice or comment. Entities seeking membership should contact the Office of Intergovernmental Affairs, New York Homes and Community Renewal (HCR).

Applicability of the Citizen Participation Plan

New York's CPP provides citizens and units of general local government with the opportunity to comment on the Consolidated Plan and on substantial amendments. In compliance with Section 91.115 of the Rules, the CPP encourages the participation of low- and moderate-income persons, particularly those living in slum and blighted areas and in areas where CDBG funds are proposed to be used and by residents of predominantly low- and moderate-income neighborhoods, as defined by the State, as well as minority citizens, non-English speaking persons, and persons with disabilities. The State has made the CPP part of the Consolidated Plan with wide distribution in draft and final form.

Citizen Participation Outreach

In the development of its 2011- 2015 Consolidated Plan, New York State implemented an intense outreach program to encourage the participation of citizens, statewide and regional community revitalization organizations and State agencies. Implementation of this program ensures that New York State citizens have ample opportunity to participate in the consolidated planning process. New York State's comprehensive outreach process is a multifaceted program that encourages participation by low- and moderate-income persons, minorities, non-English speaking residents, and persons with disabilities.

The CPP process consists of several steps. To achieve broad participation focused on New York State's housing and rural and small cities' non-housing needs as they relate to people of low- and moderate-income, New York State receives guidance and input on the Consolidated Plan from the NAHA Task Force and the PAC, representing State agencies and statewide/regional organizations, respectively. In addition, New York State Homes and Community Renewal (HCR) and the Office of Temporary and Disability Assistance (OTDA)

interact with local governments, community development interests, housing and service providers, and economic development interests in many arenas beyond the development and implementation of the consolidated planning process. To the extent possible, these interests are included in the development and implementation process by being kept informed, invited to participate at public hearings, and asked to review the Consolidated Plan.

To further meet the local consultation requirements and receive important input on the State's non-housing needs, HCR schedules meetings with local government representatives of the State's non-entitlement communities and a broad range of economic development organizations, not-for-profits, industrial development agencies, local development corporations, and chambers of commerce. In addition, New York State community revitalization officials participate in appropriate conferences and meetings to encourage participation from low- and moderate-income persons from non-entitlement areas.

The Internet is used to disseminate information, making the consolidated planning process easily accessible to local governments, organizations, and residents. In addition, public notices are printed in newspapers with readership across the State (especially in rural areas and non-entitlement cities) including minority newspapers announcing the dates, times, and locations of public hearings. Notices are published in Spanish, as necessary and appropriate.

Finally, as required by 24 CFR 570.486, the CPP includes citizen participation requirements for local governments receiving CDBG funding that will ensure that citizens are provided with reasonable advance notice of, and opportunity to comment on, proposed CDBG applications to the State.

Consultation Process

The New York State Task Force on the National Affordable Housing Act is a committee of Commissioners and staff liaisons of various State agencies. Member agencies are listed in Addendum I.

The senior officials of these agencies provide crucial information concerning their agencies' responsibilities and activities in helping to develop all portions of the Consolidated Plan documents and Amendments, including the State's housing and non-housing community development needs. These State agencies are asked to encourage all of their clients, providers, and non-profit organizations to participate in the consolidated planning process. These agencies, through their extensive network of clients, are urged to seek direct input into the Consolidated Plan. Furthermore, the agencies are asked to disseminate the schedule of Consolidated Plan meetings and public hearing dates. Many of the populations served by these agencies are low- and moderate- income persons.

Input from the NAHA Task Force is provided through a series of meetings and written correspondence. Task Force members submit information to be included in the Consolidated Plan. Members' input is based on their vast amount of work with such groups as low- and moderate-income persons, persons with disabilities, persons with HIV/AIDS, and minority groups as well as industrial development, small business, and economic development interests that are essential to the economic vitality of the State.

The Task Force reviews the draft Consolidated Plan document for appropriate revisions. Once the draft is released for the thirty-day public comment period, the Task Force members are again asked to encourage persons and organizations they serve to comment on the Plan.

The PAC provides additional important input to the Consolidated Plan. The PAC consists primarily of representatives of statewide and regional organizations including not-for-profit, local government, and private business associations. The PAC also includes additional community revitalization representatives such as the New York State Economic Development Council and the New York State Urban Council, Inc., which together provide a comprehensive view of the State's community revitalization needs. The broad-based membership of each organization in the PAC represents a wide range of communities, including the homeless, minorities, low- and moderate-income persons, and persons with disabilities as well as those who provide employment, housing, and revitalization services to these communities. Member organizations are listed in Addendum II.

As in the case of the Task Force, the Partnership Advisory Committee is asked to review the draft Consolidated Plan document prior to the draft's thirty-day comment period. The committee members are asked to make the draft Plan available to their members and encourage participation by their members during the thirty-day public comment period.

Outreach Process

An important outreach tool that New York State officials use is the various conferences and meetings held by statewide housing and community revitalization groups. To the extent feasible, HCR and OTDA representatives attend available conferences and meetings and distribute information with regard to the Consolidated Plan's development. In addition, HCR holds informational meetings with local government representatives and a broad spectrum of economic development organizations at the local and regional level to obtain input on New York State's rural areas and non-entitlement cities' non-housing needs. The schedule of public hearings is distributed at these meetings (in addition to publishing such schedule as described). Conference and meeting attendees are encouraged to participate in the public hearings.

Accessibility to information is an important component when encouraging citizen input into the consolidated planning process. Consequently, the State distributes information to an appropriately dispersed and readily accessible number of repositories, and makes the information available via the Internet at www.nyshcr.org. Types of information that are made available are: a) explanation of what a consolidated plan is and ways to provide input into the Consolidated Plan's development; b) copies of the Consolidated Plan draft; and, c) copies of the final Consolidated Plan.

In addition, HCR maintains an electronic mailing list designed to provide regularly updated agency information such as event notifications, press releases, and progress and accomplishments of agency programs and initiatives. Interested parties who wish to be on the mailing list can access HCR's web site at www.nyshcr.org, go to DHCR, and select "Join Our E-Mail List."

Notices are published announcing that New York State is holding public hearings soliciting residents' input on the housing and non-housing community development needs of the State. The notices are printed in newspapers with state-wide access including minority newspapers and also published in Spanish, where necessary and appropriate. The notice provides a toll-free telephone number as well as postal and e-mail addresses to which citizens can direct their comments.

To provide residents the opportunity to comment on community development and non-housing needs, and to encourage participation from low- and moderate-income persons living in the State's non-entitlement communities, and in fulfillment of the requirements of Rules Section 91.115 (b)(3) regarding public hearings, a minimum of three public hearings are held to solicit public input prior to the development of the Consolidated Plan and Annual Action Plans. These public hearings are held at different times of day to enhance opportunities for testimony. In addition, the published notices will also include an invitation to comment in writing directly to the Office of Intergovernmental Affairs.

A 30-day public comment period is also held to provide an opportunity for the public to submit comments on the draft plan either electronically or in writing.

CDBG Consultations

As required by 24 CFR 570.486, the CPP also requires units of local governments receiving CDBG funding to provide for and encourage citizen participation. This requirement is intended to ensure that all citizens will be given reasonable and timely access to local meetings, information, and records relating to local governments' proposed and actual use of CDBG funds including: the amount of expected available CDBG funding for the current fiscal year (including grant and anticipated program income); listings of eligible activities and estimated funding to be used to meet the national objective of benefiting low- and moderate-income persons; and, descriptions of any activities likely to result in displacement, as well as proposed anti-displacement and relocation plans.

Units of local governments receiving CDBG funding must provide for a minimum of two public hearings per program year, each at a different stage of the program, for the purpose of obtaining citizens' views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities, and a review of program performance.

The public hearings to cover community development and housing needs must be held before submission of an application to the State. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for people with disabilities. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English residents can reasonably be expected to participate.

Availability of the Consolidated Plan

New York State prepares a draft Consolidated Plan including information regarding the amount of assistance the State expects to receive and the range of activities that may be undertaken including: the estimated amount that will benefit persons of low- and moderate-income, plans to minimize displacement of persons and to assist any persons displaced, a description of economic development assistance available, and the amount of targeted job creation and economic benefit for persons of low- and moderate-income.

To announce the availability of the draft Consolidated Plan, New York State uses a combination of newspaper notices, mass mailings to local governments, dissemination of information through the NAHA and PAC membership network and clients, and the Internet. At every opportunity possible, New York State officials attend various community development organization conferences and information workshops to help publicize the proposed Consolidated Plan. This helps ensure that citizens, public agencies, and other interested parties will have sufficient opportunity to review the draft Consolidated Plan.

The entire draft plan is available online www.nyshcr.org. In addition, copies of the draft plan can be requested by e-mail or by calling HCR's toll-free number (1-866-275-3427).

Availability of the Final Consolidated Plan

The final Consolidated Plan and Consolidated Plan documents are available online at www.nyshcr.org under "Publications" and "What's New." Copies of the final Consolidated Plan are available from HCR in electronic format, upon toll-free telephone or written request. The Plan will also, upon request, be available in a form accessible to persons with disabilities. Any substantial amendments will also be made available.

Public Hearings

Rules Section 91.115 (b)(3) requires that the CPP must provide for at least one public hearing before the proposed Consolidated Plan is published for comment.

To provide residents the opportunity to comment on housing and non-housing community development needs, to encourage participation from low- and moderate-income persons living in the state's non-entitlement communities, and in fulfillment of the requirements of Rules Section 91.115 (b)(3) regarding public hearings, a minimum of three public hearings is held to solicit public input prior to the development of the Consolidated Plan and Annual Action Plans. The notice for public hearings is placed in newspapers with statewide circulation and on DHCR's web site. The notice appears at least 14 days before the hearings begin. In addition, the notice of the public hearings is distributed to the NAHA Task Force and the PAC. Members are asked to distribute the notice to their members and clients to encourage participation by low- and moderate-income people.

The Consolidated Plan is published during the required 30-day public comment period. Copies of the public comment period notice are sent to many organizations and local governments in the State. The toll-free number (1-866-275-3427) and e-mail address HCRConPln@nyshcr.org are used to facilitate the general public's access to information about the public comment period.

As required by 24 CFR 570.486, the CPP includes citizen participation requirements for local governments receiving CDBG funding. Local governments shall hold a minimum of two public hearings, including one hearing prior to submission of CDBG applications to the State, which must cover community development and housing needs and proposed community development and/or housing activities. A second hearing is required to review program performance. Public hearings must have reasonable notice, held at times and locations convenient to actual and potential beneficiary populations, and accommodate handicapped and non-English speaking populations. In addition to public hearings, local governments must provide citizens with an opportunity to submit written comments, including the address, phone number, and times for submitting comments, and provide timely written responses, within 15 working days where practicable.

Comment Period

New York State meets the requirements of a public comment period, Section 91.115 (b)(4), by making the draft Consolidated Plan available for review and subject to a 30-day public comment period. Individuals or units of general local government can call 1-866-275-3427 to request more information or a copy of the Plan. In addition, the draft Consolidated Plan is available via the Internet at www.nyshcr.org.

The State seeks to expand opportunities for interested parties to comment on the document by posting it on HCR's web site. The document will contain internal links in specific parts of the document to enable persons to send e-mail comments. In addition, written comments can be submitted during the 30-day comment period to the Office of Intergovernmental Affairs, New York Homes and Community Renewal, 38-40 State Street, Albany, New York 12207, or HCRConPln@nyshcr.org.

In preparing the final Consolidated Plan, New York State fulfills the requirements of Section 91.115(b)(5) by creating a section of the Consolidated Plan which summarizes the comments of citizens and other interested parties. Also included in this section of the Plan is a summary of any comments not accepted and the reasons for not accepting them.

Amendments

New York State has established primary criteria for determining what changes in the State's planned or actual activities constitute a substantial amendment to the Consolidated Plan. The criteria are:

- a substantial change in the State's allocation priorities or a change in the method of distribution of funds;
- an activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Action Plan; or
- a substantial change in the purpose, scope, location, or beneficiaries of an activity.

New York State will provide reasonable notice of a proposed amendment to the Consolidated Plan. The opportunity to comment on proposed amendments will be provided prior to submission of any such amendment. A period of not less than 30 days will be provided to citizens and other interested parties to comment on the proposed substantial amendment before it is implemented. A toll-free number will be available to request copies of the amendment and, during the 30-day public comment period, interested parties can mail their written comments to the Office of Intergovernmental Affairs, New York Homes and Community Renewal, 38-40 State Street, Albany, New York 12207, or send them to HCRConPln@nyshcr.org.

The requirements of Section 91.115 (c)(3) will be fulfilled by creating a section of the final amendment to the Consolidated Plan which summarizes the comments on the substantial amendment and also includes a summary of any comments not accepted and the reason therefore.

Performance Reports

To meet the requirements of Section 91-115 (d)(1), New York State provides reasonable notice of and an opportunity to comment on Performance Reports. A period of not less than 15 days is provided to citizens and other interested parties to comment on the Performance Report before it is submitted to HUD. Notices are published in newspapers with statewide circulation informing the public of the report's availability. A toll-free number (1-866-275-3427) is available for citizens to request copies of the reports and interested parties can

mail their comments to New York State Homes and Community Renewal, 38-40 State Street, Albany, New York 12207, or send them to HCRConPln@nyshcr.org.

The requirements of Section 91.115 (d)(2) are fulfilled by creating a section in the final Consolidated Plan which summarizes the comments on the Performance Report and also includes a summary of any comments not accepted and the reason therefore.

Citizen Complaints

All citizen complaints must be made in writing to New York State Homes and Community Renewal, 38-40 State Street, Albany, New York, 12207. When a citizen complaint is received with regard to the Consolidated Plan, amendments, or Performance Reports, the complaint will be dated and recorded. An acknowledgment of receipt of the complaint will be mailed to the complainant within 15 days. Subsequently, the complaint will then be referred to the most appropriate official for a written response within 45 days of receipt of the complaint.

Access to Records

The State's repository of annual Performance Reports is the most comprehensive collection of information and records relating to the New York State's Consolidated Plan and the State's use of assistance under the programs covered by the Plan during the preceding five years. A citizen may, upon request, receive a copy of this report. All records and reports will be maintained at the offices of the New York State Homes and Community Renewal, 38-40 State Street, Albany, New York 12207 and are available upon written or telephone request. If a report is requested, the report will be provided within a reasonable time period. Upon request, the reports will be made available in a format accessible to persons with disabilities.

Citizen Participation Enhancement

The State of New York has made its CPP more expansive and more inclusive, making the Consolidated Planning Process and related materials more accessible to the general public. Those steps include increasing Partnership Advisory Committee (PAC) membership, describing the process by which organizations can apply for membership, and providing additional electronic avenues by which the public can comment on Consolidated Plan documents and the Consolidated Planning process. Further, HCR will create a link in its web site to enable direct access to the CPP.

Addendum I

Member Agencies of the New York State Task Force on the National Affordable Housing Act*

1. Office for the Aging
2. Office of Alcoholism and Substance Abuse Services
3. Division of the Budget
4. Division of Criminal Justice Services
5. Developmental Disabilities Planning Council
6. Empire State Development Corporation
7. Department of Health
8. Housing Finance Agency
9. Housing Trust Fund Corporation
10. Homes and Community Renewal
11. Division of Human Rights
12. AIDS Institute
13. Department of Labor
14. Office of Mental Health
15. Office for People With Developmental Disabilities
16. Division of Parole
17. Office of Community Renewal
18. Department of State
19. State of New York Mortgage Agency
20. Office of Temporary and Disability Assistance
21. Department of Transportation
22. Division of Veterans' Affairs
23. Washington Office of the Governor

*As of September, 2011

Member Organizations of the Partnership Advisory Committee*

1. Accord Corporation
2. Appalachian Regional Commission
3. Arch Diocese of New York
4. ARISE, Center for Independent Living
5. Association for Community Living
6. Association of Towns of the State of New York
7. CARES, Inc.
8. Center for Disability Rights
9. Coalition for the Homeless
10. Community Preservation Corporation
11. Community Service Society
12. Development Authority of the North Country
13. Empire State Housing Alliance
14. Empire Justice Center
15. Enterprise Community Partners
16. Erase Racism
17. Fair Housing Justice Center
18. Federation of Protestant Welfare Agencies
19. Greater Rochester Housing Partnership
20. Healthcare Association of New York State
21. Housing First!
22. Housing Partnership Development Corporation
23. Hudson Valley Pattern for Progress
24. Interfaith Assembly on Homelessness and Housing
25. Legal Services New York City
26. Local Initiatives Support Corporation
27. Long Island Housing Partnership
28. Mental Health Association in New York State
29. National Alliance on Mental Illness
30. Neighborhood Housing Services of New York City
31. Neighborhood Preservation Coalition of New York State
32. NeighborWorks Alliance of New York State
33. New York Association of Homes and Services for the Aging
34. New York Association of Psychiatric Rehabilitation Services
35. New York Bankers Association
36. New York Housing Association
37. NYS Association of Area Agencies on Aging
38. NYS Association of Counties
39. NYS Association of Realtors
40. NYS Association of Regional Planning & Development Organizations
41. NYS Association of Renewal and Housing Officials
42. NYS Builders Association
43. NYS Conference of Mayors and Municipal Officials
44. NYS Economic Development Council
45. NYS Independent Living Council
46. NYS Rural Advocates
47. NYS Rural Housing Coalition
48. NYS Tenants and Neighbors
49. NYS Urban Council, Inc.
50. PathStone
51. Plattsburgh Housing Authority
52. Self-Advocacy Association of NY

53. Southern Tier East Regional Planning Board
54. Southern Tier Independence Center
55. Supportive Housing Network of New York
56. UJA Federation of New York
57. Western New York Independent Living, Inc.

*as of September, 2011

NOTICE OF PUBLIC HEARING NEW YORK STATE ANNUAL ACTION PLAN

To administer federal funds for the Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) programs, New York State must prepare an Annual Action Plan (AAP). New York State's next AAP will describe the State's anticipated use of federal CDBG, HOME, ESG, and HOPWA funds in 2012 to address affordable housing and community development needs identified in its Consolidated Plan for 2011-2015. This AAP will also describe the State's methods for distributing these funds to local grantees.

Interested individuals and organizations are encouraged to participate in the development of New York State's 2012 AAP by submitting written comments to: NYS HCR, Attention: Nancy Moreland, 38-40 State Street, Albany, NY 12207, or HCRConPln@nyshcr.org. All written comments must be received by June 10, 2011.

The Public is encouraged to offer oral comments at public hearings on June 2, 2011 and June 3, 2011. On June 2, the first public hearing will be held from 9:00 am until 10:00 am and the second from 2:30 pm until 3:30 pm. On June 3, the first public hearing will be held from 10:00 am until 11:00 am and the second from 2:00 pm until 3:00 pm. At these dates and times, hearings will be held concurrently at the following four New York State Homes and Community Renewal offices: **25 Beaver Street in New York City; 38-40 State Street in Albany; 620 Erie Boulevard West in Syracuse; and 535 Washington Street in Buffalo.** Each site is accessible to individuals with mobility impairments. Individuals requiring other accommodations should call 1-866-ASK-DHCR (275-3427) by May 25, 2011. Attendees must present a driver's license or other government-issued photo ID upon entry. For additional information call 1-866-ASK-DHCR (275-3427); or e-mail HCRConPln@nyshcr.org.

2012 ANNUAL ACTION PLAN PUBLIC COMMENT PERIOD NOTICE

In order to maintain its eligibility to administer certain federal funds for affordable housing and community development, New York State (NYS) must prepare an Annual Action Plan (AAP) and submit it to the U.S. Department of Housing and Urban Development. For one specific program year, the AAP describes the State's proposed use of available federal and other resources to address the priority needs and specific objectives in the Consolidated Plan; the State's method for distributing funds to local governments and not-for-profit organizations; and the geographic areas of the State to which it will direct assistance.

The AAP also describes NYS's planned use of approximately \$84 million in federal fiscal year 2012 funds for the: NYS Community Development Block Grant Program (\$44 million); HOME Investment Partnerships Program (\$34 million); Housing Opportunities for Persons with AIDS Program (\$2.2 million); and Emergency Solutions Grants Program (\$3.3 million).

NYS encourages public participation in the development of its AAP and invites interested persons to review and comment on the draft AAP for 2012 during an upcoming public comment period.

This 30-day public comment period will begin on Thursday, September 8, 2011 and extend through close of business on Friday, October 7, 2011. Beginning on September 8, 2011, NYS's draft AAP for 2012 may be viewed on and downloaded from the NYS Homes and Community Renewal (HCR) website at www.nyshcr.org. In addition, copies can be requested by e-mail (HCRConPln@nyshcr.org) or by calling (518) 473-3031.

Comments should be mailed to: NYS HCR, Attention: Nancy Moreland, 38-40 State Street, Albany, NY 12207 or e-mailed to (HCRConPln@nyshcr.org). Comments must be received or postmarked by close of business Friday, October 7, 2011.

**EMERGENCY SHELTER/SOLUTIONS GRANTS PROGRAM
SUBSTANTIAL AMENDMENT TO NEW YORK STATE 2012 ACTION PLAN
PUBLIC COMMENT PERIOD NOTICE**

On November 15, 2011 HUD announced the amounts of the second allocation of Fiscal Year (FY) 2011 Emergency Shelter Grants Program/Emergency Solutions Grants Program (ESGP) funds. To receive funds from the second allocation, each eligible recipient must prepare, and obtain HUD approval of, a substantial amendment to its FY 2011 Consolidated Plan Annual Action Plan. The substantial amendment must provide details for each activity to be funded using the second allocation of funds and any reprogrammed funds from the first allocation. Possible activities include Rapid Re-housing rental assistance and housing relocation and stabilization services; Homelessness Prevention rental assistance and housing and stabilization services; Emergency Shelter operations, essential services, renovation and assistance; and Street Outreach essential services. New York State expects to receive \$1,851,839 in the second allocation.

In accordance with HUD guidelines, the ESGP substantial amendment to the 2012 Action Plan for the New York State Program must be published for no less than 30 calendar days for public comment. **This 30-day public comment period will begin on Wednesday, March 28, 2012 and extend through close of business on Thursday, April 26, 2012. Beginning on March 28, 2012, the ESGP substantial amendment to the 2012 Action Plan may be viewed on and downloaded from the New York State Homes and Community Renewal (HCR) website at www.nyshcr.org. In addition, electronic copies can be requested by email at HCRConPln@nyshcr.org or by calling (518) 473-3031.**

Comments should be mailed to: NYS HCR, Attention: Nancy Moreland, 38-40 State Street, Albany, New York 12207 or e-mailed to HCRConPln@nyshcr.org. Comments must be received by close of business Thursday, April 26, 2012.

Appendix II
Summary of Public Comments
and Responses

COMMENTS REGARDING NEW YORK STATE'S ANNUAL ACTION PLAN FOR PROGRAM YEAR 2012

In accordance with the Citizen Participation Plan, the following comments on New York State's Annual Action Plan for Program Year 2012 were received following a series of public hearings and during the State's Public Comment period. The comments have been grouped based on content. The summaries of the comments are in bold text, followed by the State's response. Summaries of comments not directly related to the formula grant programs covered by the Consolidated Plan, are included below and will be taken under advisement in the appropriate context.

Access to Home

Comment:

HCR is commended for its commitment to the Access to Home program and is urged to increase funding in its program budget. One issue, however, is that the program's regulatory period of five years is a deterrent for many renters. HCR requires landlords to commit to this regulatory period regardless of who occupies the unit. HCR is urged to explore whether an exception to the regulatory period could apply in certain situations, such as where a renter requires the environmental modification to avoid imminent institutionalization and the landlord refuses to commit to the five year period. The State can also educate landlords to use Independent Living Centers (ILCs) as a resource to identify residents to occupy the modified units.

Response:

HCR is strongly committed to the Access to Home program and to the population it serves. However, the legislation, Article XXV of the New York State Private Housing Law of 2004 mandates the five year regulatory period. It should be noted that the renter is not required to comply with this five year requirement, but rather the landlord must comply. If environmental modifications are required, and the tenant cannot live in the unit for the entire five year regulatory period, the subsequent tenant is not to be disabled but will be required to meet the specific income requirements. Recipients of Access to Home funds are encouraged to work with the Independent Living Centers (ILCs) to help residents who may need to occupy a modified unit. Because of

the demand on current agency resources, an increase in agency funding for the Access to Home program is unlikely. However, it should be noted that these types of modifications can also be covered by other agency resources such as HOME and CDBG funds.

Since the Access to Home program was created in 2005, nearly \$40 million dollars in funding has been committed to administer local programs to make the homes and apartments of low- and moderate-income New Yorkers with disabilities accessible. Additional funding would be a function of the Executive Budget process.

Comment:

Access to Home funds are not always available in more rural counties, resulting in people ending up institutionalized in nursing homes, at a much greater cost than the cost of home modifications. Making additional funds available for those in rural counties would help significantly.

Response:

Access to Home funds are awarded to applicants who score competitively against other applicants under the competitive funding round. HCR carefully considers all factors prior to making any funding commitments, but can only consider funding applicants who submitted requests under a specific funding round. Unfortunately, with the limited resources HCR cannot address all of the needs identified by the applicants under each funding round.

Accessibility

Comment:

Disability rights advocates have urged the State to establish a policy for local housing authorities to contract with ILCs to follow up and provide oversight on construction that is subject to accessibility standards. The State should work with IRCs to develop a system to identify and rectify violations of Section 504 and fair housing accessibility requirements across the State. The State should ensure that private builders make reasonable accommodations and publicize the rights of consumers to have reasonable modifications. A modification fund should be created by fining violators of federal and State mandates.

Response:

HCR projects developed with HUD funds meet the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, as well as the New York State and New York City Building Code (where applicable) and the Federal Fair Housing Act. In a new construction of multi-family housing with four or more units and an elevator, all units are accessible and visitable. In new construction of multi-family townhouses, HCR encourages the developers to make projects visitable, where technically feasible. All HCR funded projects are required to follow the applicable codes, regulations and laws for accessibility which essentially provide that persons with physical disabilities must be provided safe access through a building and its spaces.

Comment:

Home modifications are an acceptable use of CDBG funds. Using CDBG funds, the State should provide grants to local housing authorities for environmental modifications and urge localities to set aside CDBG funds for modifications.

Response:

The CDBG program provides eligible municipalities with the flexibility to identify the greatest level of need within their community and to apply for funding for those needs. While OCR cannot directly fund housing authorities, OCR encourages municipalities to identify the greatest needs which should include an analysis of the needs of housing authorities. In instances where this is identified as a need, applicants can compete for CDBG funding to make improvements to housing authority structures. It should be noted that many of New York State's housing authorities are located in entitlement jurisdictions that receive a direct allocation of CDBG funding from HUD and therefore do not qualify for CDBG funding from New York State.

Comment:

Universal design and visitability standards must continue to be a cornerstone of new construction plans to ensure that housing is safe and accessible for residents and visitors of all ages, with and without disabilities. The State is urged to make 100% of HOME-funded units comply with universal design standards. The Designs Standards Committee, referenced in the 2011-2015 Consolidated Plan, should have ample representation from the disability rights community to ensure concepts like universal design and visitability are properly promoted and executed.

Response:

HCR's definition of a universal design standard, regarding visitability, is: a residential unit which has a ground floor as part of the unit's design. HCR already supports visitability in new construction in that our current design requirements (included for HOME capital projects) for single family, duplex, and triplex units must meet low-income tax credit and HCR visitability standards. HCR's Architecture & Engineering unit continues to explore new universal design standards, although some of the new standards may not be appropriate for HOME capital projects. HCR is anticipating the announcement of a new national standard of visitability, and will examine it upon its availability.

Comment:

The State should make discrimination by landlords based on a tenant's source of income illegal under the New York State Human Rights Law, as is done in New York City.

Response:

HCR and its Local Administrators provide written and verbal information on participants and may recognize and respond to any observed forms of discrimination they may encounter. In the City of New York, HCR closely monitors Human Rights Law provisions which prohibit a landlord from discriminating on the basis of income source. In other areas of the State where there are not similar specific Human Rights Law protections, HCR nonetheless encourages people to submit discrimination complaints if they feel they are being unfairly or arbitrarily treated during their housing search.

Comment:

HCR should commit to conducting an assessment of set-aside requirements under Section 504 to determine how many units are currently occupied by individuals not in need of the accessibility features. The State should partner with ILCs to ensure these units are marketed to and occupied by people with disabilities.

Response:

HCR promotes fair housing and equal housing opportunity by requiring awardees of capital program funding and tax credits to comply with State and federal civil rights laws in the marketing of the low income housing they develop. These efforts are primarily guided by the Fair Housing Act and its amendments, Section 504 of the Rehabilitation Act and the NYS Human Rights Law. HCR also affirmatively furthers fair housing statewide by ensuring that developers submit a marketing plan for approval prior to marketing and

the rental of units, provides technical assistance and training on civil rights issues to developers and HCR employees involved at the regional level.

HCR's Office of Fair Housing and Equal Opportunity is charged with ensuring that developers/project owners conform to the (ADA) Americans with Disabilities Act and Section 504 of the Rehabilitation Act. As such, developers are required to submit an Affirmative Marketing Plan (AMP) which adheres to these Acts. HCR, in conjunction with its legal staff, has developed Marketing Guidelines to assist developers in making appropriate outreach and that accessible units are properly marketed and reserved for persons with disabilities. In addition, developers are required to ensure that before accessible units are temporarily rented to persons who do not need the special design features, there have been diligent marketing efforts to market the units to persons with special needs. The Plan requires that information is provided on how the efforts will be documented and must also state whether marketing efforts will continue after the rental of a unit to someone who does not need the special design feature.

HCR projects developed with HUD funds meet the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, as well as the New York State and New York City Building Code (where applicable) and the Federal Fair Housing Act. In a new construction of multi-family housing with four or more units and an elevator, all units are accessible and visitable. In new construction of multi-family townhouses, HCR encourages the developers to make projects visitable, where technically feasible.

Comment:

HCR must enforce the requirement for minimal accessible units by holding back a percentage of funding from builders until the minimal accessible units have been verified by an independent reviewer, such as an ILC.

Response:

HCR projects developed with HUD funds meet the accessibility requirements of Section 504 of the Rehabilitation Act of 1973, as well as the New York State and New York City Building Code (where applicable) and the Federal Fair Housing Act. In a new construction of multi-family housing with four or more units and an elevator, all units are accessible and visitable. In new construction of multi-family townhouses, HCR encourages the developers to make projects visitable, where technically feasible. All HCR funded projects are required to follow the applicable codes, regulations and laws for accessibility which

essentially provide that persons with physical disabilities must be provided safe access through a building and its spaces.

Fair Housing

Comment:

In the CDBG section that talks about criteria for selection, it appears to suggest that one does not need to comply with fair housing statutes. It refers to “extra” points under outstanding performance. If you meet the fair housing requirements you can get up to 20 points. This suggests that one could still apply and be qualified without meeting the fair housing requirements. I am also interested in knowing what the fair housing requirements are exactly.

Response:

Compliance with the Fair Housing Laws is mandated by the CDBG program and municipalities applying for funding under the CDBG program are required to provide certifications attesting to their compliance with the Federal Fair Housing laws, among other requirements. In previous years, OCR has provided bonus points to applicants who have exceeded the basic fair housing requirements. Additional guidance regarding the awarding of Fair Housing bonus points will be available in future application kits.

Comment:

Under housing in the CDBG section it refers to “...encouraging proposals which further fair housing choice.” All grantees should affirmatively further fair housing.

Response:

Compliance with the Fair Housing Laws is mandated by the CDBG program and municipalities applying for funding under the CDBG program are required to provide certifications attesting to their compliance with the Federal Fair Housing laws, among other requirements.

Comment:

In the CDBG section program monitoring is referred to and the Housing Trust Fund Corporation-funded programs must have civil rights compliance, but is not explained adequately

Response:

All applicants under the CDBG program must provide a signed certification that attests to the fact that they will comply with Civil Rights requirements. The Federal regulations regarding Civil Rights compliance re extensive and all details are outlined in the OCR CDBG Grant Administration Manual. This manual provides all required guidance for Recipients of the CDBG program including compliance with Civil Rights.

Farmworker Housing

Comment:

Comments were received requesting that farm workers be considered as a special needs population in the 2012 Annual Action Plan in order to allow non-entitlement towns and counties to access HOME and CDBG funding. Funding is needed to help farm owners provide quality farmworker housing to maintain agriculture's large positive influence on economic development in many upstate New York communities. The lack of public funding available in New York State for farmworker housing forces farmworkers to live in overcrowded, often structurally unsound housing. Quality farmworker housing supports economic development and attracts and supports a vital labor force. The draft of the 2012 Action Plan mentions that New York State recognizes the needs of agricultural producers and farmworkers by providing low-interest loans through the farmworker housing program, but this program is not enough. Non-profits and towns throughout the State should receive bonus points when applying for CDBG and HOME funds to rehabilitate or build new farmworker housing. A need is seen for improved or new on-farm farmworker housing that cannot be satisfied through loans. Two counties in New York State offer successful farmworker housing programs by obtaining non-entitlement CDBG funding or setting aside a portion of their entitled CDBG and HOME funds for farmworker housing. It is believed that the success of farmworker housing programs in Ulster and Orange Counties show there is a need for towns and non-profits to receive bonus points when applying for farmworker housing rehabilitation or to build new farmworker housing.

Response:

There is undisputedly a need for affordable housing for persons who work on NYS farms. It has not been a priority of HCR to use HOME capital funding for farmworker housing projects. NYS HOME allows for permanent housing requiring real leases, not temporary housing - which may be more common

regarding farmworker housing. However, an application for HOME capital funding to HCR which includes housing for farmworkers would be acceptable if the housing was ‘permanent’ in nature - requiring a lease of at least one year.

Under the CDBG program, rehabilitation or replacement of farmworker housing has always been an eligible activity. However, because of the flexibility of the program, eligible municipalities are able to identify their specific needs and apply for assistance for those needs. Not all areas of the state have a need for farmworker housing. As such, OCR receives relatively few applications for farmworker housing under the CDBG program. However, OCR has funded several projects requesting assistance to address these needs.

Homelessness

Comment:

It is recommended that New York State include in its Annual Action Plan the establishment of a New York State Interagency Council on Homelessness. The Council should include government partners, advocates, and providers to coordinate the activities and resources of all State agencies that serve homeless individuals and families, modeled after the U.S. Interagency Council on Homelessness. The Council should develop a New York Statewide Plan to End Homelessness to be integrated with the Consolidated Plan and target an increased amount of its federal resources toward ending homelessness including specific supportive housing production goals for the State.

Response:

New York State recognizes the value of an Interagency Council and supports all of the locally developed Plans to End Homelessness. New York State, specifically the Office of Temporary and Disability Assistance (OTDA), requires Continuum of Care information as part of the application process for funds covered in this Action Plan and administered by OTDA. OTDA will take under advisement the establishment of a New York State Interagency Council on Homelessness and all relevant activities.

Comment:

Improve and standardize local homeless data collection efforts to better inform statewide policy efforts. This would allow OTDA to submit a “Balance of State” application for approximately \$6 million of HUD Continuum of Care funding currently left uncollected each year by

localities that do not have the resource to apply for federal funding on their own behalf.

Response:

New York State recognizes the value of capturing standardized data to help inform policy and funding decisions. As such, the Office of Temporary and Disability Assistance (OTDA) has initiated the development of a Homeless Management Information System (HMIS) data warehouse. The HMIS data warehouse will import data from various existing systems throughout New York. The ability to import existing data will eliminate duplicative effort of reporting by stakeholders funded by OTDA programs.

Comment:

Utilize CDBG funds for integrated supportive-affordable housing. The State should encourage that CDBG funds used in affordable or mixed-use development dedicate a percentage of the housing units to special needs populations defined by HCR's Qualified Allocation Plan to help fill the existing housing gap in permanent supportive housing units in New York State. In addition, all CDBG funding should be used in conjunction with local Continuum of Care plans to end homelessness, thereby providing additional coordination and resources to meet those goals.

Response:

The CDBG program provides eligible municipalities with the flexibility to identify the greatest level of need within their community and to apply for funding for those needs. However, CDBG funds can only be used under specific circumstances in the development and construction of new housing. OCR encourages applicants to identify specific populations, such as homeless persons, in their communities who would benefit from assistance and to prioritize assistance to those persons.

Comment:

Target Emergency Solutions Grant funding to proven programs. The State should target 100% of the new resources to prevention activities that have demonstrated success in lowering shelter census, and commit to redirecting an increasing percentage of the base ESG funds to prevention annually.

Response:

New York State, through the Office of Temporary and Disability Assistance (OTDA), continues to be committed to investing resources in proven successful, cost effective programs, while at the same time addressing identified local need. OTDA will draw on its experience with the Homelessness Prevention and Rapid Re-housing Program (HPRP) when administering the additional resources anticipated to be made available under the Emergency Solutions Grant (ESG) program. New ESG regulations will govern the uses for the increased ESG funds. OTDA will administer the additional funds in full accord with these regulations.

Miscellaneous

Comment:

HCR should encourage new housing developments to be built on public transportation routes, and developers should collaborate with transit authorities on this issue before the plans for construction are finalized. HCR should provide extra points under its application guidelines for building on public transportation routes. This will ensure that low-income people with disabilities who rely on public transit have an equal access to these new units.

Response:

The Requests for Proposals for the 2011 New York State Consolidated Funding Application – Multi-Family Rental Program includes rating and ranking criteria for green buildings which encourages locating a development on a site location in close proximity to public transit as well as community services and retail facilities.

Comment:

HCR is encouraged to adopt a policy that newly-developed multi-family properties with four or more attached units, sponsored by HCR, will be non-smoking properties. Existing four or more attached multi-family units should gradually converted to non-smoking at the expiration of leases for each unit. HCR should require that housing developers and management companies who own and operate the HCR-sponsored units will implement the non-smoking policies to protect the health of non-smoking residents.

Response:

Consistent with a September, 2010 HUD-issued bulletin encouraging smoke-free housing, HCR is exploring the issuance of a similar bulletin toward its publicly assisted housing portfolio.

HCR recognizes the increasing issue of people with environmental sensitivities and their need for mold-free and fragrance-free housing.

Comment:

The commenter is interested in learning what was done with the CDBG money under Special Actions, especially in the section that refers to “...expand educational opportunities and access to health care through the creation of suitable living environments; provision of decent affordable housing; and creation of economic opportunities primarily benefiting persons of low- and moderate- income.”

Response:

The Office of Community Renewal (OCR) received supplemental funding for the CDBG program under the American Recovery and Reinvestment Act. All funds were awarded to eligible municipalities for a variety of activities including public water and sewer improvements, including lateral connections, and construction or rehabilitation of public facilities including health care centers and senior centers.

Senior Housing

Comment:

The Section 202 Supportive Act of 2010 proposed to Congress by HUD on September 20, 2010 would reform the HUD Section 202 Supportive Housing for the Elderly Program to move from a capital financing program for affordable senior housing to a gap financing program. The Section 202 program would retain the long-term operating subsidies (Section 8) for residents through a project-based rental assistance program. This change in placing the primary financing within the HOME, CDBG and LIHC programs necessitates a greater emphasis on the need for a dedicated funding stream in State resources and interagency cooperation for senior housing development.

Response:

Currently, the federal HOME allocation that comes to NYS Homes and Community Renewal (HCR) is divided into local program and multi-family rental (capital) financing categories, under which housing for senior citizens is

included. HCR is dependent upon the federal allocation for its HOME funding levels. Typically, the HOME funds made available by HCR for the capital projects is around one-third of our allocation.

HCR is following changes to the Section 202 Supportive Housing for the Elderly Program to identify how New York State can best utilize these federal resources and the roles of State agencies in that process.

Comment:

Funding formulas for HUD, HCR and LIHC new construction for seniors currently does not always allow funding for providing the infrastructure needed to offer supportive services' features into the building. Services such as office space for supportive health services, additional parking, community access, equipment, and Internet access are not factored into the construction of these projects. HOME and CDBG programs can assist in developing these needed building features to incorporate supportive services for seniors.

Response:

HCR looks for partnerships with supportive service entities and supports the financing of affordable housing investments from these entities in developing housing in conjunction with HCR.

Applicants considering such activities should refer to the program regulations to determine if the activities being considered are eligible for funding and the Annual Funding Application to determine the competitiveness of the activities being proposed.

Comment:

New York State must plan for and support efforts by housing developers and operators to maintain seniors in the least restrictive and least costly setting. Allocating additional resources for senior housing through the HOME and CDBG programs will assist seniors maintain their independence and assist in a main objective of the CDBG program to “develop and implement strategies that facilitate the coordination of NYS CDBG funding with other federal, State, and local development resources.

Response:

HCR continues to support housing for persons who are elderly through a number of programs, including HOME and CDBG

HCR HOME capital resources are scarce. It is the intention of HCR to spread these limited funds among as many competitive HOME applications as possible, across the state. That is best accomplished by strongly recommending leveraging as much ‘other’ State, federal, and local financing in our HOME capital applications as practicable. HCR acknowledges that increased partnering with other State, federal and local resources will be one way in which to help use our HOME funds in as many projects as the funding levels allow. We have already encouraged this via our application workshops and in our website (www.nyshcr.org) materials.

The CDBG program provides eligible municipalities with the flexibility to identify the greatest level of need within their community and to apply for funding for those needs. However, CDBG funds can only be used under specific circumstances in the development and construction of new housing. OCR encourages applicants in the housing rehabilitation and homeownership categories to identify specific populations, such as seniors or disabled persons, who would benefit from assistance and to prioritize assistance those persons.

Comment:

New York State and HCR need to assist developers, providers and seniors with the funding, coordination, and technical assistance in developing additional senior housing where needed. Section 91.305(c) of the Consolidated Plan addresses the supportive housing needs of the homeless population with 16 pages of information and recommendations. Contrarily, the section on the Elderly and Frail Elderly covers 3 paragraphs and offers no recommendations.

Response:

HCR provides technical assistance and written guidance through the Design Handbook, Capital Programs Manual and annual Requests for Funding documents about developing senior housing.

Comment:

HCR needs to create an Office of Senior Housing that focuses on the development, preservation, and incorporation of supportive services into senior housing. This office should work closely with other State agencies, associations, providers and seniors to address regional barriers to construction to ensure there will be affordable and quality senior housing in the future. Senior housing needs to be addressed as a separate category with the Annual Action Plan.

Response:

The development and preservation of senior housing is integrated into a number of processes and programs at HCR. Agency staff are well versed in the similarities and dissimilarities in housing for persons of all ages, as well as provide technical support to developers and senior housing providers. HCR supports a holistic approach to senior housing preservation and development which is sited appropriately, near to public transportation and supportive services, as evidenced by the set-aside of Low Income Housing Credit for supportive housing projects in the annual Request for Proposals, and in the rating of applications for funding, which provides additional rating points for special needs populations, including the frail elderly.

Comment:

It is recommended that technologies such as broadband, telemedicine, monitoring and health medical records be incorporated into senior housing to assist seniors to remain independent in their homes and prevent or delay institutional placements.

Response:

HCR's rating and ranking includes scoring criteria for applications that include discounted broadband service for proposed housing developments.

Comment:

Funding for multi-family projects should be provided and prioritized. Increased funding for multi-family buildings will enable apartments and common space to accommodate seniors as long as the building is operating.

Response:

Multi-family rental projects are the priority for HOME capital funding used by HCR. HCR agrees that increased federal allocations of HOME dollars would be very beneficial to low-income housing opportunities in NYS.

HCR released a Request for Proposals – New York State Consolidated Funding Application – Multi-Family Rental Program in September 2011. Responses to this RFP are under review.

Comment:

Funding for HOME, CDBG and LHTC new construction should be based on the need for affordable senior housing in specific regions in

New York State. The waiting list for affordable senior housing in NYC can be 5-10 years but in upstate and western New York, there are vacancies in existing senior housing. HCR should continue to ensure a detailed and unbiased market study before awarding new construction funding.

Response:

Applicants are advised that a pre-qualified market study firm must be used to prepare the market study required for all LIHC applications. Both the HCR Qualified Allocation Plan (QAP) and a Pre-Qualified Market Analysts list are available at: <http://nysdhcr.gov/Funding/ConsolidatedFunding/>. New York City projects may include a market analysis utilizing data from the most recent addition of the New York City Rent Guidelines Board report.

HRC continues to require market studies and/or market analyses for any HOME capital application that is submitted to HCR for review. Our Capital Programs Manual (found on our website) describes the requirements necessary for a market study and/or analysis to be considered valid by HCR. HCR also provides a list of acceptable market study companies at the Forms and Applications tab of our website.

The CDBG program provides eligible municipalities with the flexibility to identify the greatest level of need within their community and to apply for funding for those needs. However, CDBG funds can only be used under specific circumstances in the development and construction of new housing.

Comment:

Detailed data collection and interpretation are needed by HCR to determine the need for senior housing in specific regions of the State and how to facilitate applications to develop affordable senior housing in those regions.

Response:

Applicants are advised that a pre-qualified market study firm must be used to prepare the market study required for all LIHC applications. Both the HCR QAP and a Pre-Qualified Market Analysts list are available at: <http://nysdhcr.gov/Funding/ConsolidatedFunding/>. New York City Projects may include a market analysis utilizing data from the most recent addition of the New York City Rent Guidelines Board report.

Comment:

Senior housing needs a funding stream target of affordable housing to meet the needs of the elderly and frail elderly similar to that provided for the NY/NY III program which is creating supportive housing units for the chronically homeless.

Response:

HCR recognizes the need for a continuum of housing opportunities for elderly persons. Examples of responding to this need include HCR programs such as Access to Home, which assists with environmental modifications to allow individuals to return to or remain in their own homes. Others include a NY/NY III project which targets elderly persons who are also eligible for NY/NY III housing.

In addition, HCR partnered with the NYS Department of Health (DOH) to create the Nursing Home Transition and Diversion (NHTD) Waiver Housing Subsidy Program. This State-funded initiative provides rental assistance to NHTD Medicaid waiver participants in New York State. The program offers an alternative to nursing home placement for people with disabilities ages eighteen (18) or over and seniors by assisting them with securing housing and at home services appropriate to their needs.

Comment:

Seniors need to be supported in their desires for self-sufficiency and be offered stabilized supportive housing. A greater emphasis on making case management and supportive services in senior housing should be addressed in the Consolidated Plan. HCR should join and advocate for senior housing associations and providers to be involved in the Department of Health's Medicaid Redesign team's Supportive Housing Workgroup.

Response:

As HCR does not provide or develop any direct housing supports for persons who are elderly or have disabilities, this comment will be shared with State agencies that do provide these supports. In addition, HCR is and will continue to be active in the Department of Health's Medicaid Redesign team's Affordable Housing Workgroup.

Comment:

Provide continued funding to the NYHousingSearch.gov website which provides a searchable resource for rental housing in New York State using a wide variety of criteria, including senior housing.

Response:

HCR is committed to the continued success of NYHousingSearch.gov and as such will work to identify additional support and partners to ensure its viability.

Comment:

Encourage mixed-financing of deals of new construction and recapitalization by combining HUD Section 202 and LHTC funding by analyzing the projects completed in New York State and nationwide and implementing needed changes to complete these projects. It is recommended that a working group from HCR, HUD, housing providers, developers, and senior housing associations be developed to analyze mixed-financing projects to maximize federal and State affordable senior housing resources.

Response:

HCR supports “mixed financed” transactions involving new construction and preservation (“recapitalization”) of HUD Section 202 projects, and will continue to make investments of tax credits and soft financing in these transactions.

HCR encourages the formation of working groups of this nature whose purpose is to locate avenues wherein State and federal resources may be maximized.

Comment:

Continue to track the application of a newly revised HCR provision of the Real Property Tax Law §581(a) to local property tax assessments for affordable senior housing. The change provides that the income capitalization approach, based on actual net operating income after deducting any required reserves, will be used to assess residential rental properties. Such restricted housing would include properties developed with LHTC, State LHTC, tax-exempt bond financing, HOME or the Homeless Assistance programs.

Response:

HCR employs the 581(a) income capitalization approach and PILOT agreements, as provided, as tools in analyzing the operating economics of any HOME capital application reviewed. The outcome of the review of the economics is that HCR must concur that the projections of a project’s

operating budget are arrived at in an appropriate manner using valid information sources, which includes the use of 581(a).

Supportive Housing

Comment:

Continue prioritizing HOME funds for supportive housing. HCR's use of federal HOME funds in its Unified Funding Round process is exemplary and should continue. The Corporation for Supportive Housing estimates that HOME funds play a role in approximately 80% of supportive housing projects nationally.

Response:

HOME capital funds are limited. HCR did not include HOME capital funding in its latest application round due to the uncertainty of continued levels of federal HOME allocations. We anticipate that with any real federal HOME allocation, year 2012 would include a funding round in which HOME capital project applications would be accepted. Also, HCR must continue to use its HOME capital dollars on the projects which have been reviewed and are determined to be the most competitive. HCR hopes supportive housing projects remain highly competitive.

Tenant-based Rental Assistance

Comment:

HCR needs to create more housing opportunities for people who are below 30% of the Area Median Income by requiring a portion of HOME funds to be used for Tenant-based Rental Assistance (TBRA). TBRA funds provide a means for affordable housing and help keep people out of institutions. TBRA can be used for rental assistance, security deposits and utility deposits. Even though TBRA is used by people with very low incomes, they can be used in mixed-income developments because they are vouchers. HCR must actively promote and advance TBRA, specifically targeting people with disabilities who want to transition out of nursing facilities and other institutions.

Response:

HCR has historically promoted the use of HOME funds for Tenant-based Rental Assistance (TBRA). However, LPAs have not taken significant advantage of this particular use of HOME funds. Since TBRA funds can be

used for a maximum of two years and the LPA must provide a transition plan for the tenant after the TBRA contract ends, many LPAs have not accessed these funds. HCR encourages TBRA applications and will fund applications if they score competitively against other applications.

Appendix III

State Certification Forms

STATE CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the State certifies that:

Affirmatively Further Fair Housing -- The State will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the state, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant

officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the State's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraphs 1 and 2 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of State -- The submission of the consolidated plan is authorized under State law and the State possesses the legal authority to carry out the programs under the consolidated plan for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.


Signature/Authorized Official

11/8/11
Date

Executive Deputy
Title

Specific CDBG Certifications

The State certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR §91.115 and each unit of general local government that receives assistance from the State is or will be following a detailed citizen participation plan that satisfies the requirements of 24 CFR §570.486.

Consultation with Local Governments -- It has or will comply with the following:

1. It has consulted with affected units of local government in the nonentitlement area of the State in determining the method of distribution of funding;
2. It engages in or will engage in planning for community development activities;
3. It provides or will provide technical assistance to units of local government in connection with community development programs; and
4. It will not refuse to distribute funds to any unit of general local government on the basis of the particular eligible activity selected by the unit of general local government to meet its community development needs, except that a State is not prevented from establishing priorities in distributing funding on the basis of the activities selected.

Local Needs Identification -- It will require each unit of general local government to be funded to identify its community development and housing needs, including the needs of low-income and moderate-income families, and the activities to be undertaken to meet these needs.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objectives of Title I of the Housing and Community Development Act of 1974, as amended. (See 24 CFR 570.2 and 24 CFR part 570)

Use of Funds -- It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. **Overall Benefit.** The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 200_ , __, and __. (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. **Special Assessments.** The state will require units of general local government that receive CDBG funds to certify to the following:

It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It will require units of general local government that receive CDBG funds to certify that they have adopted and are enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Compliance with Laws -- It will comply with applicable laws.

Matthew Nelson
Signature/Authorized Official

11/10/11
Date

Deputy Commissioner/President CCR
Title

Specific HOME Certifications

The State certifies that:

Tenant Based Rental Assistance -- If it intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the State's consolidated plan.

Eligible Activities and Costs -- It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through §92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

Appropriate Financial Assistance -- Before committing any funds to a project, the State or its recipients will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing.

Matthew Nelson 11/10/11
Signature/Authorized Official Date

Deputy Commissioner / President - OCR
Title

ESG Certifications

The State seeking funds under the Emergency Shelter Program (ESG) certifies that it will ensure that its recipients of ESG funds comply with the following requirements:

Major rehabilitation/conversion -- In the case of major rehabilitation or conversion, it will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 10 years. If the rehabilitation is not major, the recipient will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 3 years.

Essential Services and Operating Costs -- Where the assistance involves essential services or maintenance, operation, insurance, utilities and furnishings, it will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served.

Renovation -- Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services -- It will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal State, local, and private assistance for such individuals.

Matching Funds -- It will obtain matching amounts required under 24 CFR 576.51 and 42 USC 11375, including a description of the sources and amounts of such supplemental funds, as provided by the State, units of general local government or nonprofit organizations.

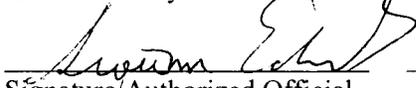
Confidentiality -- It will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement -- To the maximum extent practicable, it will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under this program, in providing services assisted through this program, and in providing services for occupants of such facilities.

Consolidated Plan -- It is following a current HUD-approved Consolidated Plan or CHAS.

Discharge Policy -- It has established a policy for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

HMIS -- It will comply with HUD's standards for participation in a local Homeless Management Information System and the collection and reporting of client-level information.


Signature/Authorized Official

11/7/11
Date

Director
Title

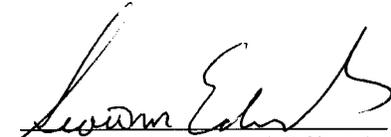
HOPWA Certifications

The State HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under the program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of any building or structure purchased, leased, rehabilitated, renovated, or converted with HOPWA assistance,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.



Signature/Authorized Official

11/7/11
Date

Director
Title

Appendix IV
Standard Form 424

**APPLICATION FOR
FEDERAL ASSISTANCE**

OMB Approved No. 3076-0006

Version 7/

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction	<input type="checkbox"/> Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. DATE SUBMITTED November 15, 2011	Applicant Identifier B-12-DC-36001
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name: State of New York	Organizational Unit: Department:
Organizational DUNS: 004895517	Division:
Address: Street: 38-40 State Street	Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Mr. First Name: Christopher
City: Albany	Middle Name
County: Albany	Last Name Leo
State: New York	Zip Code 12207
Country: USA	Email: cleo@nyshcr.org

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

1 4 - 6 0 1 3 2 0 0

Phone Number (give area code) (518) 474-2057	Fax Number (give area code) (518) 474-5257
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8. TYPE OF APPLICATION:

New
 Continuation
 Revision

If Revision, enter appropriate letter(s) in box(es)
 (See back of form for description of letters.)

Other (specify)

7. TYPE OF APPLICANT: (See back of form for Application Types)

A. State
 Other (specify)

9. NAME OF FEDERAL AGENCY:
 U.S. Department of Housing and Urban Development

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:
 1 4 - 2 2 8

TITLE (Name of Program):
 Labor Management Cooperation Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:
 State-administered Community Development Block Program (CDBG)

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):
 State of New York

13. PROPOSED PROJECT

Start Date: January 1, 2012	Ending Date: December 31, 2012
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14. CONGRESSIONAL DISTRICTS OF:

a. Applicant State of New York	b. Project Entire State
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15. ESTIMATED FUNDING:

a. Federal	\$	44,032,414 ⁰⁰
b. Applicant	\$	⁰⁰
c. State	\$	⁰⁰
d. Local	\$	⁰⁰
e. Other	\$	⁰⁰
f. Program Income	\$	⁰⁰
g. TOTAL	\$	44,032,414 ⁰⁰

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. Yes. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE:

b. No. PROGRAM IS NOT COVERED BY E. O. 12372
 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

Yes If "Yes" attach an explanation. No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Authorized Representative

Prefix Mr.	First Name Matthew	Middle Name
Last Name Nelson	Suffix	
b. Title Deputy Commissioner and President, Office of Community Renewal	c. Telephone Number (give area code) (518) 473-9387	e. Date Signed 11 / 10 / 11
d. Signature of Authorized Representative		

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approved No. 3076-0006

Version 7/

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction	Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. DATE SUBMITTED November 15, 2011	Applicant Identifier M-12-SG-36-0100
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name: State of New York	Organizational Unit: Department:
Organizational DUNS: 004895517	Division:
Address: Street: 38-40 State Street	Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Ms. First Name: Patricia
City: Albany	Middle Name
County: Albany	Last Name Doyle
State: New York	Zip Code 12207
Country: USA	Email: pdoyle@nyshcr.org

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

14-1675062

Phone Number (give area code) (518) 473-2569	Fax Number (give area code) (518) 474-9907
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8. TYPE OF APPLICATION:

New
 Continuation
 Revision
 If Revision, enter appropriate letter(s) in box(es)
 (See back of form for description of letters.)

Other (specify)

7. TYPE OF APPLICANT: (See back of form for Application Types)

A. State
 Other (specify)

9. NAME OF FEDERAL AGENCY:
 U.S. Department of Housing and Urban Development

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

14-239

TITLE (Name of Program):
 Labor Management Cooperation Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:
 New York State HOME Program

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):
 State of New York

13. PROPOSED PROJECT

Start Date: January 1, 2012	Ending Date: December 31, 2012
--------------------------------	-----------------------------------

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant State of New York	b. Project Entire State
-----------------------------------	----------------------------

15. ESTIMATED FUNDING:

a. Federal	\$ 34,106,424.00
b. Applicant	\$.00
c. State	\$ 4,263,303.00
d. Local	\$.00
e. Other	\$.00
f. Program Income	\$ 1,000,000.00
g. TOTAL	\$ 39,369,727.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. Yes. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE:

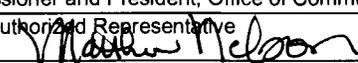
b. No. PROGRAM IS NOT COVERED BY E. O. 12372
 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

Yes If "Yes" attach an explanation. No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Authorized Representative

Prefix Mr.	First Name Matthew	Middle Name
Last Name Nelson		Suffix
b. Title Deputy Commissioner and President, Office of Community Renewal		c. Telephone Number (give area code) (518) 473-9387
d. Signature of Authorized Representative 		e. Date Signed 11/10/11

**APPLICATION FOR
FEDERAL ASSISTANCE**

OMB Approved No. 3076-0006

Version 7/

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction	Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. DATE SUBMITTED November 15, 2011	Applicant Identifier S-10-DC-0100
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name: New York State Office of Temporary and Disability Assistance	Organizational Unit: Department: Center for Specialized Services
Organizational DUNS: 80-6781860	Division: Bureau of Housing and Support Services
Address: Street: 40 North Pearl Street	Name and telephone number of person to be contacted on matter involving this application (give area code) Prefix: Mr. First Name: Richard Middle Name:
City: Albany	Last Name Umholtz
County: Albany	Suffix:
State: New York	Zip Code 12243-0100
Country: USA	Email: richard.umholtz@otda.state.ny.us

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

1 4 - 6 0 1 3 2 0 0

Phone Number (give area code) (518) 474-3080	Fax Number (give area code) (518) 486-7068
---	---

8. TYPE OF APPLICATION:

New
 Continuation
 Revision

If Revision, enter appropriate letter(s) in box(es)
 (See back of form for description of letters.)

Other (specify)

7. TYPE OF APPLICANT: (See back of form for Application Types)

A. State
 Other (specify)

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

TITLE (Name of Program): 1 4 - 2 3 1

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

Emergency Solutions Grants Program (ESGP)

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):

State of New York

13. PROPOSED PROJECT

Start Date: October 1, 2012	Ending Date: September 30, 2013
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14. CONGRESSIONAL DISTRICTS OF:

a. Applicant State of New York	b. Project Entire State
-----------------------------------	----------------------------

15. ESTIMATED FUNDING:

a. Federal	\$	3,292,159 ⁰⁰
b. Applicant	\$	⁰⁰
c. State	\$	⁰⁰
d. Local	\$	⁰⁰
e. Other	\$	⁰⁰
f. Program Income	\$	⁰⁰
g. TOTAL	\$	3,292,159 ⁰⁰

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. Yes. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE:

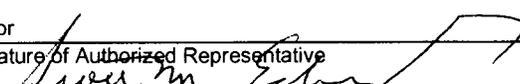
b. No. PROGRAM IS NOT COVERED BY E. O. 12372
 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

Yes If "Yes" attach an explanation. No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Authorized Representative

Prefix Mr.	First Name Scott	Middle Name
Last Name Edwards		Suffix
b. Title Director		c. Telephone Number (give area code) (518) 474-1051
d. Signature of Authorized Representative 		e. Date Signed 11/7/11

**APPLICATION FOR
FEDERAL ASSISTANCE**

OMB Approved No. 3076-0006

Version 7/

1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction	<input type="checkbox"/> Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. DATE SUBMITTED November 15, 2011	Applicant Identifier NYH10F999
		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name: New York State Office of Temporary and Disability Assistance	Organizational Unit: Department: Center for Specialized Services
Organizational DUNS: 80-6781860	Division: Bureau of Housing and Support Services
Address: Street: 40 North Pearl Street	Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Mr. First Name: Richard
City: Albany	Middle Name
County: Albany	Last Name Umholtz
State: New York Zip Code: 12243-0100	Suffix:
Country: USA	Email: richard.umholtz@otda.state.ny.us

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

14-6013200

Phone Number (give area code) (518) 474-3080	Fax Number (give area code) (518) 486-7068
---	---

8. TYPE OF APPLICATION:

New
 Continuation
 Revision

If Revision, enter appropriate letter(s) in box(es)
 (See back of form for description of letters.)

Other (specify)

7. TYPE OF APPLICANT: (See back of form for Application Types)

A. State
 Other (specify)

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

14-241

TITLE (Name of Program):

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

Housing Opportunities for Persons with AIDS Program (HOPWA)

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):

State of New York

13. PROPOSED PROJECT

Start Date: January 1, 2013	Ending Date: December 31, 2013
--------------------------------	-----------------------------------

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant State of New York	b. Project Entire State
-----------------------------------	----------------------------

15. ESTIMATED FUNDING:

a. Federal	\$	2,154,810.00
b. Applicant	\$.00
c. State	\$.00
d. Local	\$.00
e. Other	\$.00
f. Program Income	\$.00
g. TOTAL	\$	2,154,810.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. Yes. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE:

b. No. PROGRAM IS NOT COVERED BY E. O. 12372

OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

Yes If "Yes" attach an explanation. No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Authorized Representative

Prefix Mr.	First Name Scott	Middle Name
Last Name Edwards		Suffix
b. Title Director		c. Telephone Number (give area code) (518) 474-1051
d. Signature of Authorized Representative		e. Date Signed 11/7/11

Appendix V

ESGP Substantial Amendment

Required Contents of Substantial Amendments

1. SF-424

Please see the attached SF-424 form.

2. Summary of Consultation Process

- **Describe how the recipient consulted with the Continuum(s) of Care on:
o determining how to allocate ESG funds for eligible activities;
o developing the performance standards for activities funded under ESG; and
o developing funding, policies, and procedures for the operation and administration of the HMIS.**

New York State Office of Temporary and Disability Assistance (NYS OTDA) is the primary State agency that coordinates services to homeless households and households at-risk of homelessness. Under the Emergency Solutions Grant program (ESG), OTDA will require each sub grantee to consult with their local Continuum of Care regarding their ESG funded programs. In order to be considered for funding each prospective sub grantee needs to demonstrate coordination with the local social services district and the Continuum of Care or other relevant planning committee. Sub grantees are required to submit a certification from their local Continuum of Care that demonstrates coordination with the Continuum of Care and support of the project. The certification ensures that the grantee is working with the local Continuum to allocate funds and develop performance standards. NYS also requires an additional certification from grantees to attest to their active participation in the Homeless Management Information System (HMIS).

3. Summary of Citizen Participation Process

- **Summarize citizen participation process used;**

This amendment meets New York State's criteria for requiring a substantial amendment to the Consolidated Plan. The criteria are:

- a substantial change in the State's allocation priorities or a change in the method of distribution of funds;
- an activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Action Plan; or
- a substantial change in the purpose, scope, location, or beneficiaries of an activity.

In submitting this substantial amendment to the Consolidated Plan, New York State has followed its citizen participation plan. After the amendment was developed, a thirty-day comment period was held to solicit responses from citizens and other interested parties. A public comment period notice, including a toll-free number for the public to request copies of the amendment, was placed in the *New York State Register*. In addition, the public comment notice was printed in newspapers with statewide circulation including minority newspapers and was also published in Spanish. The ESG public comment notice as sent to New York State Homes and Community Renewal's (HCR) electronic mailing list as well as to the New York State Task Force on the

National Affordable Housing Act (NAHA) and partnership Advisory Committee (PAC). Interested parties were encouraged to mail or e-mail their written comments to NYS HCR's Office of Intergovernmental Affairs.

- **Summarize the public comments or views received; and**

No comments were received in the 30 day public comment period.

- **Summarize the comments or views not accepted and include the reasons for not accepting those comments or views.**

No comments were received in the 30 day public comment period.

4. Match

Describe:

- **types of cash and/or non-cash resources used as match**
- **specific amounts of resources used as match**

New York State has combined ESG funds with NYS funds under the Solutions to End Homelessness Program (STEHP). New York State will use state funds in the amount not less than \$1,423,602 to enhance the activities allowed under Phase II of the Emergency Solutions Grant (ESG) program in an effort to continue successful Homeless Prevention and Rapid Re-Housing (HPRP) stimulus activities.

Individual grantees will provide matching funds in the amount of \$428,237 (25% of their grants) from other sources. These other sources may include in-kind contributions, local share funding, or a combination of both. In total, New York State will have a 100% match to all of the ESG Phase II allocated funds.

- **proposed uses of match resources**

NYS proposes to use state funds, through the STEHP program to create a state wide homeless services system. By marrying state funds with federal funding we have maximized our limited resources to create a continuum of services for people who have become homeless or are at risk of homelessness. STEHP grantees will be able to provide wrap around support for their clients. For example, by using STEHP funding a shelter provider may now offer rapid rehousing rental assistance for their eligible residents to assist them in finding permanent housing. This level of support alleviates a bottleneck that is formed when shelter residents cannot secure permanent housing. By providing funding to allow sub grantees to create a pathway out of the shelter, NYS has loosened the constrictions that are often caused by separate and limited funding streams.

5. Proposed Activities and Overall Budget

a. Proposed Activities

- **All recipients must include the following details for each proposed activity:**

- 1) corresponding priority needs from recipient's Annual Action Plan**

OTDA proposes to take full advantage of the flexibility of ESG to fund a wide range of services which address critical gaps in the housing continuum of care across New York State. With the Phase II ESG funds, the State will support an array of projects designed to strengthen this continuum which may include the following services: support for legal interventions to prevent evictions, homeless re-housing assistance, advocacy for entitlement benefits, cash assistance for security deposits and rental assistance, and supportive services.

In addition to requiring that programs serve households whose AMI is less than 30% OTDA proposes that highest priority be given to:

- projects that fill identified gaps in the continuum of care in various regions of the State;
- projects outside of directly entitled ESG areas, with medium priority for those projects proposing to serve entitlement areas receiving ESG funds directly from HUD of \$245,000 dollars or less in FFY 2011, and lower priority for those projects proposing to serve entitlement areas receiving ESG funds directly from HUD in an amount greater than \$245,000 dollars in FFY 2011; and
- projects that demonstrate at least an 85% positive housing outcome rate evidenced by documentation that the program participant exits to, or is on the path to, securing permanent housing.

2) concise description of the activity, including the number and types of persons to be served

NYS proposes to utilize 60% of the second phase ESG allocation for homelessness prevention activities, and 40% of the allocation for rapid re-housing activities. It is projected that roughly 880 homeless persons will be served by rapid re-housing projects and 4800 persons at risk of becoming homeless will be served by prevention projects.

3) corresponding standard objective and outcome categories

Objective: Decent Housing

To provide decent housing for individuals and families at-risk of homelessness, and to those that were formerly homeless, the Program will fund and administer homelessness prevention activities, as well as rapid rehousing activities in order to alleviate potential homelessness and provide low-income households with the services necessary to build housing stability.

Outcome: Increase Availability/Accessibility

Increase availability/accessibility by developing and implementing homelessness prevention activities and rapid re-housing activities including, but not limited to, legal services, mediation programs, and short-term subsidies, for individuals and families at-risk of homelessness or to re-house those that have become homeless in permanent housing.

Objective-outcome category = DH-1

4) start date and completion date

October 1, 2012 – September 30, 2014

5) ESG and other funding amounts

\$1,712,951 available for sub grantees (after 7.5% administrative fee of \$138,888)
\$1,423,602 – NYS
\$428,237 – Sub grantee match

- **Local governments and territories are required, and States are encouraged, to include the following details for each proposed activity:**

6) one or more performance indicators

7) projected accomplishments, in accordance with each indicator, to be made within one year

8) projected accomplishments, in accordance with each performance indicator, to be made over the period for which the grant will be used for that activity

NYS OTDA proposes to utilize the performance indicators and projected accomplishments outlined below for the proposed activities of homelessness prevention and rapid re housing.

Key Indicator: Number of individuals or families at risk of homelessness receiving homelessness prevention services. It is estimated that 4,800 individuals will be served with housing relocation and stabilization services and/or financial assistance within the first year of the program and 14,400 individuals within three years.

Key Indicator: Number of literally homeless individuals or families receiving rapid re-housing services. It is estimated that 880 individuals will be served with housing relocation and stabilization services and/or financial assistance within the first year of the program and 2,640 individuals within three years.

b. Discussion of Funding Priorities

- **Explain why the recipient chose to fund the proposed activities at the amounts specified (recommended: if available, use locally-relevant data to support the funding priorities, and explain how the funding priorities will support the national priorities established in *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness*)**

NYS drew on its experience with HPRP to develop the proposed budget for the second phase of ESG funding. The state's HPRP program allocated prevention spending and rapid rehousing spending at 60% and 40% of total spending, respectively. In order to build on the success of the state's HPRP program, NYS proposes to allocate 60% of second phase ESG funding to Homeless Prevention projects and 40% to Rapid Re-housing projects.

The proposed program supports the national priorities established in *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness* by setting a path to ending all types of homelessness. With the stated priorities, NYS will be allocating its resources to build up the homeless response system in communities across the state, some of which have been operating fractured or only pieces of a homeless response system. NYS will work with continuums across the state to collaborate with all homeless service providers in their community to create more comprehensive homeless response systems. The state's STEHP program is the start of this collaboration and utilizing ESG in combination with state resources will better enable NYS to prevent homelessness and rapidly return people who experience homelessness to stable housing.

- **Identify any obstacles to addressing underserved needs in the community.**

Unmet needs remain despite the wide range of homeless prevention services available in New York State. Many localities, particularly rural areas, have an insufficient number of programs to meet the need for services. In addition, due to funding limitations, nearly all of the existing programs are forced to limit the amount of assistance that can be provided to any one individual. Due to a lack of affordable housing in many parts of the state and to escalating living costs in the wake of stagnant or falling wages, the amount of assistance provided may not be sufficient to ultimately prevent some recipients from becoming homeless.

c. Detailed Budget

- **Include detailed budget of planned activities and funding levels accounting for entire second allocation and any reprogrammed funds from the first allocation (may use Table 3 in this Notice).**

Please refer to Table 3 for the NYS funding levels of the second ESG allocation.

6. Written Standards for Provision of ESG Assistance

- **If the recipient is a metropolitan city, urban county, or territory: include written standards for providing the proposed assistance.**
- **If the recipient is a state: include written standards for providing the proposed assistance or describe the requirements for subrecipients to establish and implement written standards.**

NYS OTDA expects, and will monitor, the establishment and implementation of the following written standards by its sub recipients:

1. Standard policies for determining eligibility for ESG funded programs, including documenting household income if less than 30% of the Area Median Income.
2. Policies and procedures for coordination with other local service and housing providers.
3. Policies and procedures for prioritizing eligible families.
4. Policies and procedures for determining whether a family is eligible for rapid rehousing or prevention.
5. Standards for determining the levels of rental assistance to be paid to a program participant and whether and how the assistance will be adjusted over time, including but not limited to:

- a. Utility and rental arrears payments may only be issued for a maximum of 6 months.
 - b. Rental assistance payments for prevention clients may only be made for a maximum of 6 months.
 - c. Rental assistance payments for rapid rehousing clients may only be paid for a maximum of 12 months over an 18 month period.
6. Standards for determining how long participants can be engaged in the program including maximum length of stay.

7. Describe Process for Making Sub-awards

Phase II ESG funds will be awarded by NYS OTDA through a competitive Request for Proposals (RFP) process. Funds will be available to local Departments of Social Services and not-for-profits for eligible activities as described in the interim ESG program rule published on December 5, 2011.

NYS OTDA will evaluate the proposals submitted on the merits of the documentation for need, program plan, degree of service delivery coordination, agency experience, and budget. Funding priority, as discussed above, will be given to those areas that did not receive ESG funds directly from HUD. Resultant awards will be for a three-year period with an option to extend for two additional one year periods.

The procurement of services related to ESG is subject to the approval of the Governor's Office, the New York State Attorney General, and Office of the State Comptroller. Awards will be made by August 2012 with contracts commencing shortly thereafter.

8. Homeless Participation Requirement

- **For those recipients who cannot meet the participation requirement in § 576.405(a), the substantial amendment must include a plan that meets the requirements under §576.405(b).**

As a state entity, NYS is not subject to this requirement.

9. Performance Standards

- **The recipient must describe the performance standards for evaluating ESG activities, which must be developed in consultation with the Continuum(s) of Care.**

The performance standards set for the STEHP program intend to encourage sub-grantees to provide long-term stability for their program participants. In the STEHP RFP, priority was given to each applicant that could demonstrate an 85% positive housing outcome rate. The state considers a positive housing outcome to have occurred if a program participant is currently residing in or is on the path to securing permanent housing. Additionally, each sub-grantee needs to annually show that their project has achieved at least a 75% positive housing outcome.

Should a project not achieve this positive housing outcome standard, OTDA may reallocate their ESG funds to one or more ESG sub grantees.

10. Certifications

C. Written standards required for recipients who are eligible and decide to use part of the second allocation of FY 2011 funds for emergency shelter and street outreach activities

- 1. If the recipient is a metropolitan city, urban county, or territory: include written standards for providing the proposed assistance, as follows.**
- 2. If the recipient is a state, either: (1) include written standards for providing the proposed assistance or (2) describe the requirements for subrecipients to establish and implement written standards.**

The written standards must include:

- a. If funding essential services related to street outreach with second allocation: standards for targeting and providing these services.**
- b. If funding any emergency shelter activities with second allocation: policies and procedures for admission, diversion, referral and discharge by emergency shelters assisted under ESG, including standards regarding length of stay, if any, and safeguards to meet the safety and shelter needs of special populations and persons with the highest barriers to housing.**
- c. If funding essential services related to emergency shelter with second allocation: policies and procedures for assessing, prioritizing, and reassessing individuals' and families' needs for essential services related to emergency shelter.**

NYS will not use any of the second allocation of FY 2011 funds for emergency shelter or street outreach activities.

D. Requirements for recipients who plan to use the risk factor under paragraph (1)(iii)(G) of the “at risk of homelessness” definition

- If recipient plans to serve persons “at risk of homelessness,” based on the risk factor “otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness:” describe specific characteristics associated with instability and increased risk of homelessness.**

In addition to requiring that a household have an AMI of less than 30%, NYS proposes to use the following indicators to qualify a recipient as “at risk of homelessness” based on the risk factor “otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness:”

- living in housing where illegal activity is taking place;
- living in housing that is unsafe;
- living in housing that is unsanitary; or
- other local characteristics identified by Continuums of Care.

E. Requirements for Optional Changes to the FY 2011 Annual Action Plan

- 1. Centralized or Coordinated Assessment System**

- **If the recipient's jurisdiction, or a portion of the recipient's jurisdiction, currently has a centralized or coordinated assessment system and the recipient or subrecipients utilize the centralized or coordinated assessment system, the recipient should describe the assessment system in the substantial amendment.**

Providers under the proposed program are required to demonstrate how their prevention or re-housing project will fit into existing community and homeless systems and how it will not duplicate existing services.

It is the goal of NYS that the homeless service providers use a centralized intake system in their communities to provide services for families and individuals who are homeless or at risk of becoming homeless. Many communities developed centralized intake and assessment systems for HPRP and will continue to use those systems to carry out the STEHP program. Some communities only centralized their intake forms, while other areas developed a county wide panel that determined eligibility and program guidelines. NYS plans to work with communities who do not have a centralized system to encourage them to coordinate their efforts so that groups can avoid duplication of services, make program application simple and efficient, and maximize the use of limited resources.

2. Monitoring

- If existing monitoring procedures are not sufficient to allow recipients to monitor compliance with the new requirements, HUD encourages recipients to update their monitoring standards and procedures in the process of submitting this substantial amendment. This should address appropriate levels of staffing.

Projects will be monitored by OTDA throughout the term of the contract. Monitoring may include site visits, regular telephone contact, as well as provider meetings. The goal of monitoring is to ensure that the terms of the contract are being met. In addition, monitoring enables NYS OTDA to provide technical assistance, where necessary, in order to assist the contractor in meeting the terms of the contract. It is the responsibility of the contractor to monitor any and all sub contracts.

In addition, copies of all applicable federal rules and regulations for the program will be disseminated to sub grantees, along with materials to assist them with the vouchering and reporting process. Periodic conference calls and/or in-person training sessions will be held with sub grantees to address any questions they have with contract compliance and/or programmatic concerns with which they need assistance.

Our monitoring procedures are sufficient to allow for NYS to effectively monitor according to the new ESG requirements.

Table 1: Suggested Format for Declaration of FY 2010 Grant Fund Commitments

Activity Type	Obligated Amount
Homeless Assistance	\$2,679,474
Homelessness Prevention	\$367,649
Administrative Activities	\$160,375
Total FY 2010 Award	\$3,207,498.00

FY 2011 Detailed Budget Table

First Allocation		Second Allocation		FY 2011 Emergency Shelter Grants/Emergency Solutions Program Allocations
First Allocation	\$3,292,159.00	Second Allocation		
Second Allocation	\$1,851,839.00	Grant Amount	\$5,143,998.00	
Grant Amount	\$5,143,998.00	Total Administration	\$303,494.00	
		First Allocation		Second Allocation
	Eligible Activities	Activity Amount	Reprogrammed Amount	Activity Amount
Emergency Shelter Grants Program	Homeless Assistance	\$2,631,176.00	\$0.00	
	<i>Rehab/Conversion</i>	\$0.00	\$0.00	
	<i>Operations</i>	\$803,380.00	\$0.00	
	<i>Essential Services</i>	\$1,827,796.00	\$0.00	
	Homelessness Prevention	\$496,376.00	\$0.00	
	Administration	\$164,607.00	\$0.00	
Emergency Shelter Grants Subtotal		\$3,292,159.00	\$0.00	
Emergency Solutions Grants Program	Emergency Shelter**			\$0.00
	<i>Renovation**</i>			\$0.00
	<i>Operation**</i>			\$0.00
	<i>Essential Service**</i>			\$0.00
	<i>URA Assistance**</i>			\$0.00
	Street Outreach - Essential Services**			\$0.00
	HMIS		\$0.00	\$50,000.00
	Rapid Re-housing		\$0.00	\$660,180.00
	<i>Housing Relocation and Stabilization Services</i>		\$0.00	\$249,072.00
	<i>Tenant-Based Rental Assistance</i>		\$0.00	\$411,108.00
	<i>Project-Based Rental Assistance</i>		\$0.00	\$0.00
	Homelessness Prevention		\$0.00	\$1,002,771.00
	<i>Housing Relocation and Stabilization Services</i>		\$0.00	\$386,108.00
	<i>Tenant-Based Rental Assistance</i>		\$0.00	\$616,663.00
	<i>Project-Based Rental Assistance</i>		\$0.00	\$0.00
	Administration			\$138,888.00
	Emergency Solutions Grants Subtotal			\$0.00
			Total Grant Amount:	

**Allowable only if the amount obligated for homeless assistance activities using funds from the first allocation is less than or equal to the expenditure limit for emergency shelter and street outreach activities (see Section III.B. of this Notice)

Contributions Grants
Total Fiscal Year 2011
Activity Amount
\$2,631,176.00
\$0.00
\$803,380.00
\$1,827,796.00
\$496,376.00
\$164,607.00
\$3,292,159.00
\$0.00
\$0.00
\$0.00
\$0.00
\$0.00
\$0.00
\$50,000.00
\$660,180.00
\$249,072.00
\$411,108.00
\$0.00
\$1,002,771.00
\$386,108
\$616,663
\$0.00
\$138,888.00
\$1,851,839.00
\$5,143,998.00

less than

.

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approved No. 3076-0006

Version 7/03

1. TYPE OF SUBMISSION: Application		2. DATE SUBMITTED	Applicant Identifier
<input type="checkbox"/> Construction	Pre-application	3. DATE RECEIVED BY STATE	State Application Identifier
<input checked="" type="checkbox"/> Non-Construction	<input type="checkbox"/> Construction	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
	<input type="checkbox"/> Non-Construction		

5. APPLICANT INFORMATION

Legal Name: New York State Office of Temporary and Disability Assistance		Organizational Unit: Department: Center for Specialized Services	
Organizational DUNS: 80-6781860		Division: Bureau of Housing Services	
Address: Street: 40 N Pearl Street		Name and telephone number of person to be contacted on matters involving this application (give area code)	
City: Albany		Prefix: Mr.	First Name: Richard
County: Albany		Middle Name	
State: NY		Last Name Umholtz	
Zip Code 12243-0100	Suffix:		
Country: USA	Email: richard.umholtz@otda.ny.gov		

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

1 4 - 8 0 1 3 2 0 0

Phone Number (give area code) (518) 474-3080	Fax Number (give area code) (518) 486-7068
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8. TYPE OF APPLICATION:

New Continuation Revision

If Revision, enter appropriate letter(s) in box(es)
(See back of form for description of letters.)

Other (specify)

7. TYPE OF APPLICANT: (See back of form for Application Types)

A. State
Other (specify)

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

1 4 - 2 3 1

TITLE (Name of Program):
Labor Management Cooperation Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:
Emergency Solutions Grants Program (ESGP)

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):
State of New York

13. PROPOSED PROJECT

Start Date: October 1, 2012	Ending Date: September 30, 2013
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14. CONGRESSIONAL DISTRICTS OF:

a. Applicant State of New York	b. Project Entire State
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15. ESTIMATED FUNDING:

a. Federal	\$	1,851,839 ⁰⁰
b. Applicant	\$	⁰⁰
c. State	\$	⁰⁰
d. Local	\$	⁰⁰
e. Other	\$	⁰⁰
f. Program Income	\$	⁰⁰
g. TOTAL	\$	1,851,839 ⁰⁰

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. Yes. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE:

b. No. PROGRAM IS NOT COVERED BY E. O. 12372

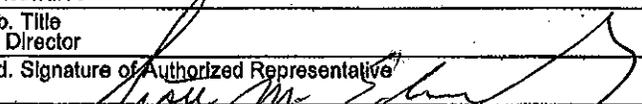
OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

Yes if "Yes" attach an explanation. No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Authorized Representative

Prefix Mr.	First Name Scott	Middle Name
Last Name Edwards		Suffix
b. Title Director		c. Telephone Number (give area code) (518) 473-2588
d. Signature of Authorized Representative 		e. Date Signed 3/20/12

ESG Certifications

The Emergency Solutions Grants Program Recipient certifies that:

Major rehabilitation/conversion – If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion. In all other cases where ESG funds are used for renovation, the jurisdiction will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the jurisdiction will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the jurisdiction serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The jurisdiction will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for such individuals.

Matching Funds – The jurisdiction will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The jurisdiction has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the jurisdiction will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the jurisdiction undertakes with assistance under ESG are consistent with the jurisdiction's consolidated plan.

Discharge Policy – The jurisdiction will establish and implement, to the maximum extent practicable and where appropriate policies and protocols for the discharge of persons from

publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.



Signature/Authorized Official

5/1/12

Date

Director

Title

NEW YORK STATE

Annual Action Plan

Program Year 2012

As Accepted by U.S. Department of Housing and Urban Development
December 28, 2011