



March 19, 2013

New York State Homes and Community Renewal
Attention: Alison Russell
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ALLIANCE FOR A JUST REBUILDING COMMENTS ON NYS CDBG PARTIAL ACTION PLAN

The Alliance for a Just Rebuilding writes to comment on the New York State Action Plan for Community Development Block Grant Program Disaster Recovery, Federal Register Docket No. FR-5696-N-01.

The Alliance for a Just Rebuilding is made up of labor unions, workers centers and community, faith-based, environmental justice and policy organizations to address immediate relief and long-term rebuilding issues in the wake of Hurricane Sandy.

Firstly, we note that the allotted 7-day period for comments on the Partial Action Plan is inadequate for Sandy victims, vulnerable populations, stakeholders and New Yorkers at large to properly analyze the Administration's proposals and provide feedback. We welcome the Governor's stated commitment to us to accept, document and respond to comments beyond the official comment period, and incorporate them into Action Plan amendments and future Action Plan submissions.

We plan to submit more detailed comments in coming weeks. In the interim, we offer these basic comments in support of a recovery process that meaningfully includes and supports Sandy-affected communities.

We welcome the state's recognition of the critical need to engage communities in recovery planning and work to develop resiliency; its recognition that the most impacted communities are those with low incomes and the fewest resources to support their recovery; and its commitment to using recovery/resiliency work as an engine for economic growth that reduces New Yorkers' vulnerability to future climate disasters.

These ends require a planning process that moves quickly without outrunning the capacity of affected communities to meaningfully participate, and setting high-road standards for all CDBG-funded activity that protect communities' economic resiliency. These include:

- A process for selecting projects and major contractors that includes representation from labor, advocates & affected communities
- Community impact/high road standards applied to all Sandy funds spent -- local hiring, good/prevaling wages, inclusion of low-income housing, and first-source contracting from affected communities
- 30-day notice of public hearings on projects/contracts substantially subsidized or

facilitated by state agencies, as with state IDA projects (including making applications and cost-benefit analysis publicly available at least 12 days in advance)

- 14-day notice of all agency contracts (including making relevant documents public and accessible) that use federal Sandy money, with opportunity to comment in public
- NY State Administrative Procedure Act (SAPA)-like documentation, publication and response to comments on Sandy-related planning and any announced initiative, providing rationale for complying or not complying with public recommendations; and 5 business days for deliberation before final decisions are made
- A state-managed reporting website that allows communities to track public initiatives, receive notice of hearings and other planning processes, and analyze outcomes of recovery work.
- Outreach and engagement for state programs that is comprehensively available in the languages of displaced/affected communities

We also highlight the urgency, in the course of immediate recovery initiatives like Rebuild/Restore NY, of applying minimum criteria for ensuring that communities are supported to recover, rather than weakened, by state plans. These include ensuring that initiatives:

- Don't displace residents from housing that can be repaired & be sustainable
- Don't disproportionately negatively impact low-income people, people of color and/or renters
- Generate economic benefits primarily for affected communities
- Create good, sustainable jobs with benefits, rather than low-wage/non-advancing/temporary jobs
- Develop a diversity of local resources (good jobs, small/locally-owned businesses, housing, mobility) rather than emphasizing one element alone
- Prioritize projects that benefit low-income and environmental justice communities
- Are planned and funded to levels that are meaningful and accessible to the communities they're intended to serve: funding at levels that allow homeowners to comply with flood maps, restore income-generating units in their homes; documentation requirements that account for barriers for immigrants, low-income or disconnected households, households who lost documents in the storm, etc.

We would also point out that the state's assessment of the number of rental units lost in Storm Sandy likely undercounts those units by tens of thousands. Accessory dwellings – rental units in owner-occupied homes that were unregistered – account for a significant, urgently-needed bloc of affordable rental units, and an important source of income for their owners. Failing to recognize these units means that recovery planning will not restore these housing units, nor support owners to recover the stabilizing income they generate. Recognizing that these units present logistical difficulties, we call on the state minimally to account for them in the Partial Action Plan, commit to helping owners repair and register them, and commit to replacing affordable units to their true previous level.

Finally, we urge the state to recognize and address issues arising in post-Sandy mold remediation efforts. Mayor Bloomberg has allocated \$15 million of private foundation money to mold remediation in New York City, but this will only help a small fraction of the 80,000 houses potentially suffering from mold infestations. Moreover, dangerous mold remediation work is

being carried out by volunteers and workers with little training or protections. Poor workmanship by untrained or unscrupulous contractors can leave behind traces of mold, requiring work to be done again. Homeowners, renters and follow-on contractors are left with deep uncertainty about the extent to which mold has been removed, suppressed or simply slowed. The result is a recovery environment in which work is unsafe, projects are done several times over, home restoration is delayed by weeks or months, and trust is obliterated. The state has the capacity to resolve this issue by making sure housing repair work includes mold remediation and by requiring the use of expert reputable contractors for any state-funded mold remediation work.

We hope you take these recommendations into consideration.

Respectfully,

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The Alliance for a Just Rebuilding is made up of community, labor, faith and environmental justice organizations including: 350.org, ALIGN, CAAAV: Organizing Asian Communities, Center for Popular Democracy, Center for Social Inclusion, The Community Development Project at the Urban Justice Center, Community Voices Heard, Consortium for Worker Education, Families United for Racial and Economic Equality (FUREE), Good Jobs New York, Hunger Action Network of NY State, Long Island Civic Engagement Table, Long Island Jobs with Justice, Make the Road NY, Mutual Aid Housing Association of NY, National Domestic Workers Alliance, NEDAP, New York Committee for Occupational Safety and Health (NYCOSH), New York Communities for Change, New Yorkers for Fiscal Fairness, New York State Nurses Association, Occupy Sandy, Participatory Budgeting Project, Physicians for a National Health Program-NY Metro, Pratt Center for Community Development, Queens Congregations United for Action , RWDSU, SEIU 32BJ, TWU Local 100, VOCAL-NY