



Office of Community Renewal

NYS HOUSING TRUST FUND CORPORATION



New York Main Street Program Guide Fall 2008 Funding Round

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*Please Note: These guidelines are only applicable to the NYMS Fall 2008 funding round.

I. Introduction

NYMS provides funds to stimulate reinvestment in properties located within mixed-use commercial districts located in urban, small town, and rural areas of New York State. The New York Main Street Program (NYMS) is administered by the Office of Community Renewal (OCR) under the direction of the New York State Housing Trust Fund Corporation (HTFC). HTFC contracts with the Division of Housing and Community Renewal (DHCR) to administer the Corporation's activities and manage its affairs. Since its inception in 2004, NYMS has awarded over \$42 million dollars in more than 150 communities across the State.

The 2008-09 New York State Budget included historic increases in funding for New York's housing and community development programs. These new resources will help build and preserve affordable housing and revitalize communities all across the state and increase the effectiveness of important state programs that provide a wide variety of services and investments. The enacted budget provided \$5 million in bonded capital to the NYS Housing Trust Fund Corporation to supplement the New York State Main Street Program for 2008-2009. Furthermore, the NYS Housing Trust Fund Corporation added \$1.4 million in previously allocated program resources, for a total of \$6.4 million in funding made available for the NYMS Fall 2008 funding round. A Request for Proposals was published on September 10, 2008 and the application submission deadline is November 12, 2008. These Program Guidelines are only applicable for the NYMS Fall 2008 funding round.

II. Program Description

The NYMS Fall 2008 program provides resources for the purpose of assisting New York communities with their Main Street and downtown revitalization efforts. NYMS provides funds to stimulate reinvestment in mixed-use (commercial-civic-residential) "main street" buildings or neighborhoods in order to:

- Stimulate the economic revitalization of mixed-use business centers in urban, small town, and rural areas by providing financial incentives for the rehabilitation of traditional commercial building stock;
- Foster small business development, thereby providing economic opportunities and promoting economic activity in traditional downtown or neighborhood business location;
- Expand affordable housing opportunities in mixed-use districts, including accessible upper floor units and new homeownership opportunities;
- Increase the capacity of local government and community-based not-for-profit organizations to undertake community renewal programs at the local level and market the district to prospective businesses and residents;

- Facilitate an effective planning process that ensures that capital investments of public funds will enhance the aesthetics and economics of the commercial district through appropriate design that respects the historic architecture of the target area;
- Preserve significant or historic buildings and provide an environment that attracts new investment to enable the adaptive reuse of these buildings for new Main Street enterprises;
- Address issues of code enforcement, energy efficiency, Americans with Disabilities Act (ADA), and fair housing to bring vacant commercial space into code compliance, so that it can be utilized by new businesses.

III. Eligible Applicants

To be eligible, applicants must be a unit of general local government or an organization incorporated under the NYS Not-for-Profit Corporation Law, which includes community-based organizations, business improvement districts, and other similar entities that have been providing relevant service to the community for at least one year prior to application. Funded applicants, municipalities or not-for-profits will act as a Local Program Administrator (LPA).

IV. Roles and Responsibilities

Local Program Administrator's (LPA) assumes responsibility for ensuring successful completion of all assisted projects; evaluating and selecting activities to be supported; entering into contracts with participating property owners; and assuring compliance with all local, state and federal laws and regulations. HTFC encourages collaborative efforts between municipalities and local not-for-profits to achieve the goals and objectives of this program. LPAs may subcontract with a municipality to provide services for the administration of the NYMS Program.

1. Main Street Program Approach

NYMS is a comprehensive grant program that provides funding for local revitalization efforts and technical assistance to help communities build the capacity required to grow their downtown or neighborhood retail district.

Successful applicants will involve local residents, businesses, and property owners in making decisions about program implementation; address design issues in a contextually-appropriate manner; follow a coordinated outreach and communication strategy to publicize district activities; implement an effective business strategy to recruit appropriate businesses and measure and evaluate progress in meeting district goals.

Housing is a key component in any successful main street revitalization. Affordable, marketable housing in upper-floor spaces and on adjacent streets helps to strengthen the social and economic vitality of the business district.

HTFC believes that a holistic approach to Main Street revitalization that involves aesthetics, business creation/retention, and housing will lead to healthy and economically vibrant communities. A combination of capacity and capital is needed to revitalize Main Streets across the state. The NYMS program is designed to help address these needs.

2. Program Administration and Plan

Each Main Street program will be implemented and managed in accordance with a NYMS Administrative Plan. The NYMS Administrative Plan should address matters such as: project selection and development; construction management; ongoing maintenance; and operation support and administration. Following awards, successful applicants will implement the NYMS Administrative Plan in accordance with all local, state and federal law. The NYMS Administrative Plan also should serve as a guide for the LPA in conducting a program in an open, fair, and efficient manner that is responsive to the needs of the local community.

- The minimum amount of NYMS funding for which an applicant can apply is \$50,000. The maximum amount is \$500,000.
- All NYMS contract activities must be completed within two (2) years from the effective date of the contract.
- In order to substantiate work costs, LPAs must obtain copies of work write-ups, invoices for materials and labor, cancelled checks, lien releases, and any other documents necessary to maintain effective internal controls.
- HTFC will make payments to LPAs through an automated deposit system, which is usually completed within 2 weeks from the time of the request. Factors such as multiple funding sources or small progress payments can complicate the process somewhat and may slow payments.

Declaration: For properties receiving a Building or Facade Renovation Grant, and/or Downtown Anchor Grant, the property owner must execute a Declaration in a form specified by HTFC, which shall be filed in the County Clerk's Office in the county in which the assisted property is located.

- The property owner must ensure the improvements are maintained for a minimum of seven years. If the property is transferred during that period the new owner must agree to assume the responsibility of maintaining the asset or all grant funds are subject to recapture by HTFC.
- The Declaration will also apply to residential units assisted with NYMS funds requiring the building owner to make them available and maintain the affordability for low-income households for a minimum of seven years.

3. Applicants and LPA's

In addition to units of local government, community based not-for-profit corporations, Neighborhood and Rural Preservation Companies, Business

Improvement Districts incorporated pursuant to the Not-For-Profit Corporation Law, and not-for-profit charitable organizations are all eligible to apply as Local Program Administrators (LPAs). Applicants must be incorporated under the Not-for-Profit Law for a minimum of one (1) year. LPAs are not required to have 501(c)(3) status in order to apply.

Property Owners located in designated main street districts will apply to the LPA for the funding of individual projects from successful applications.

4. Not-for-Profit LPA Boards and Activities

The board of directors of the not-for-profit LPA should be representative of the residents and other public and private interests of the area being served.

Elected officials serving at or above the state level may not serve on the board of the LPA, unless that participation is otherwise mandated by federal or state statute. No member of a political party's executive committee, at any level, shall serve on the board of the LPA. In urban areas, chief executive officials and members of local legislative bodies are prohibited from serving on LPA boards. In all cases, elected officials should constitute less than half of the board of the LPA.

Under certain circumstances, it may be permitted for an LPA to allocate funds for a property owned by a member of its board. The allocation must be consistent with the selection procedures described in the approved Main Street Administrative Plan that the LPA is following. There must be a public disclosure in the pertinent community that the LPA is doing this. The board member whose property may receive assistance may not vote on or participate in discussions concerning that matter.

An LPA may allocate funds to improve a property that it owns under certain circumstances. It must be consistent with the Main Street Administrative Plan, it must be necessary to carry out the Main Street program or project proposed, and there must also be a public disclosure of this activity.

V. Eligible Activities

Eligible activities for the NYMS Program Fall 2008 funding round include one or more of the following:

- **Building Renovation:** Grants to building owners for renovation of first floor commercial or civic space up to \$30,000 per building, plus up to an additional \$30,000 for each renovated residential unit, not to exceed 75% of the total project cost or \$120,000 per building, whichever is less. Building renovation grants may be used for facade renovations and interior or exterior work. All work must comply with the standards of locally adopted design guidelines and the NYS Office of Parks, Recreation and Historic Preservation for properties eligible for the historic register. If the facade does not meet design standards as noted above, a facade renovation will be required.
- **Downtown Anchors:** Gap financing grants to building owners of up to \$500,000 per building, but not exceeding 33% of project cost, to help establish or expand cultural, civic

or business anchors that are identified in a local plan as key to local revitalization efforts. A comprehensive business plan for the proposed downtown anchor is a required addendum for all applications that propose funding for anchor projects. Incorporating residential units on the upper floors is strongly encouraged and those projects will receive priority consideration.

- **Streetscape Enhancement:** Grants of up to \$25,000 for streetscape enhancement activities such as: planting trees and other landscaping; installing of street furniture and trash cans; providing appropriate signs in accordance with a local signage plan; and performing other appurtenant activities to enhance the NYMS target area. Applicants must demonstrate how the improvements will enhance residential and commercial conditions in the target area. Distinctive street lighting may be eligible for funding where applicants can demonstrate that it is not an ordinary expense of the existing unit of local government. A streetscape enhancement grant will only be awarded if it is ancillary to building renovation or downtown anchor activities.

1. Building Renovations, Facades and Entrances

In order to use NYMS funds for projects to rehabilitate a building's facade only, LPAs must ensure that there are no outstanding code violations or health and safety issues; and the building will be used for a purpose consistent with the proposed revitalization of the Main Street target area.

- Whenever there are contiguous buildings or storefronts, they must have uniform facade treatments.
- The New York State Historic Preservation Office (SHPO) must be provided an opportunity to review and suggest appropriate work items.
- Building Renovation funding should generally be used on the front side of the building facing the main street. Side entrances may be assisted, provided that the portion of the building that is on the main street has been addressed. Exceptions, however, may be considered if a corner building has a significant side facade or if the building is accessed via a rear parking lot and has a significant rear facade. In such cases, the building renovation funding limitations would still apply.
- Funding for a project to erect a false façade where there is no building would be viewed as a Streetscape enhancement. It would be subject to a \$25,000 limitation on such improvements and would have to be ancillary to building renovation or downtown anchor grants.

2. Streetscape Enhancements

Streetscape enhancement grants are to be part of a community's comprehensive efforts to improve the aesthetics and economic vitality of its downtown area and must be ancillary to a NYMS building renovation or downtown anchor activity.

- Streetscape improvements may be on privately-owned property or on a public right-of-way. An easement assuring public access to such improvements will be required.

- Public improvements that are ordinarily operation and maintenance responsibilities of local government, such as street paving, parking facilities, or new sidewalks are not eligible for funding.

3. Municipal and Civic Buildings

NYMS funds can not be used on municipal buildings or for municipal purposes. However, if a building is owned by a local government and has a formal agreement, structure, or lease with a not-for-profit organization to operate a cultural or civic anchor within the building, the not-for-profit can apply to the LPA for NYMS funds. An agreement between the municipality and the not-for-profit that makes the property available to the not-for-profit for at least seven years will be required.

NYMS funds can be used to assist civic buildings, such as museums, cultural centers, performing arts centers, libraries and alike, if the property is owned or operated by a not-for-profit corporation.

4. Projects in Progress

Projects that are already in progress are eligible for NYMS funding if the work has already been cleared under the State Environmental Quality Review Act (SEQR) and the New York State Historic Preservation Office (SHPO). However, NYMS funds cannot be used to substitute for other committed funding and the applicant must show that but for NYMS funding the proposed project could not be completed.

NYMS funds may be reimbursable for eligible program costs incurred pursuant to the NYMS contract agreement may be requested for reimbursement. However, before commitment or expenditure of funds, the environmental effects of each activity carried out with NYMS funds must be assessed in accordance with SEQR and SHPO.

Applicants are cautioned that any work done prior to execution of the grant agreement is done at the discretion and risk of the applicant. Renovation costs incurred subsequent to the grant agreement execution date would be eligible.

Work can be completed on part of a building, leaving another part unfinished as a holdover for future use, provided that the project can be completed in compliance with all applicable codes and ordinances, and the unfinished space does not present a hazard to occupants or users of the building, nor does it have a negative visual impact on the Main Street façade. This can only be done when the investment of NYMS funds will result in occupied commercial and residential space in addition to the unfinished space.

5. Site Control and Commitments

While an LPA generally will not have site control of properties to be assisted at time of application they must ensure that the grant recipient will have site control before providing a grant to a building owner. The program expectation is that the proposed owner will acquire the property and complete the renovations within the two-year contract period.

A not-for-profit LPA may apply to assist a property that it plans to own and manage. If the building is privately owned at the time of application, then the LPA must have firm financial commitments in place for the purchase and a contract of sale with the owner.

6. Other Eligible Uses of Funds

- NYMS funds may be used for handicap accessibility improvements. Applicants must comply with the provision of the Americans with Disabilities Act (1990), the Fair Housing Act (1968), and the Rehabilitation Act (1973). The cost of installing an elevator or other similar measures to make second floor space or rear spaces accessible for residential use is an eligible expense.
- LPAs are required to control lead-based paint hazards in residential units and related common areas by following HUD's *Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing*. Exterior painting is eligible when done in conjunction with required façade improvements or to control lead paint hazards.
- Energy efficiency and green-building measures are eligible.
- Projects that include a proposed change in the use of a building are an eligible use of NYMS funds.
- Signage is an eligible expense, provided it is context-sensitive to the overall facade renovation and must not mask the architectural elements of the building. Signage should be installed as part of an overall facade renovation. NYMS funds cannot be used for interior-lit plastic/vinyl signs. Signs should be exterior-lit and made of appropriate materials.
- Permanent fixtures only may be purchased as part of a building renovation grant. Non-permanent fixtures, furnishings, and business equipment are not eligible uses of NYMS funding.
- Architectural services costs are eligible expenses for NYMS funds provided that they are necessary and appropriate to the work being done. Costs for general architectural surveys and work on buildings that eventually prove infeasible and do not receive other investments of NYMS funds will not be funded or reimbursed.
- NYMS funds could be allocated as a loan. However, approval will not be granted unless it is required to access other funding, such as tax credits. The loan should be for a sufficiently long term, and all repayments must be returned to HTFC. Owner equity generated by the sale of credits may also count as a match.
- NYMS funds cannot generally be used for vinyl or aluminum siding. Wooden window treatments should not be replaced with vinyl or aluminum treatments. Where it is determined that window replacement is necessary, the new windows should match the original window design. Approval of replacement windows by SHPO may also be required.

7. Ineligible or Restricted Project Activities

- New construction, as usually defined, is not permitted as a use for NYMS funds. Construction of in-fill buildings is not eligible for NYMS funds.
- NYMS funds cannot be used for demolition of an entire structure. Some interior demolition, if part of a Building Renovation grant or Downtown Anchor grant, may be permitted.
- NYMS funds cannot be used for construction of an additional story on an existing building. However, costs to construct an architecturally-consistent addition to provide residential space above existing commercial space may be considered an eligible match of funds.
- Ineligible uses of funds include: acquisition costs; capitalizing a revolving loan fund; structure demolition; and improvements to churches, synagogues, and other religious structures.

VI. Match / Leverage of Funds

Investments of NYMS funds in eligible building activities must be matched by other funds. Any funds provided to administer the program or to support program activities beyond the required match amount are considered leveraged funds. The availability of funds to an LPA may increase the likelihood that the application will be funded.

1. Match Requirements for NYMS Fall 2008 Funding Round Eligible Activities

- Building Renovation grants, which are limited to \$ 30,000 per building, with an additional \$30,000 per assisted residential unit available, require a 25% (1-to-4) match. No single property assisted with Building Renovation grant funds may exceed \$120,000 in total NYMS funds.
- Downtown Anchor grants, which are limited to \$500,000, may not exceed 33% of total project costs.
- Streetscape grants do not have a specific match requirement, but they are limited to \$25,000 per award and must be ancillary to one or more other Main Street activities.
- Match requirements must be realized on a building-by-building basis in order to expedite payment for work completed. HTFC will consider waivers of this requirement in certain unusual circumstances; however, such accommodations are rare and may complicate and delay payments.
- Applicants must demonstrate that they will be able to secure sufficient resources to administer the proposed Main Street program.

- LPAs are not required to provide a cash match. A match can come from a variety of public and private sources.

2. Sources of Eligible Match or Leveraged funds

- Federal or state community development or economic development programs, such as: CDBG, HOME, ESDC, and LIHC. Coordinating applications with other programs is strongly encouraged. These sources may be considered as leveraged funds for scoring purposes.
- The required match may come from the building owner and/or other public funds. Building owners may take out a loan to finance the match. Interim/construction financing cannot be counted as match or leverage.
- Energy efficiency programs, such as NYSERDA or DHCR’s Weatherization Assistance. Improving energy efficiency in residential units and/or commercial units is encouraged. Because downtown / Main Street areas tend to be older parts of communities, energy efficiency may be an appropriate and logical goal. Applicants are strongly encouraged to consider DHCR’s Weatherization Assistance Program if affordable residential units will be part of a NYMS project.
- Professional service costs incurred, including project delivery, or “soft costs,” such as architectural services. These are recognized matches, provided they are reasonable, sufficiently documented, and related to a specific project. The owner should get two cost estimates for the same scope of work in any case.
- Tax credit programs such as, Low Income Housing Tax Credits, New Market Tax Credits, and Historic Preservation Credits. Equity investments in a tax credit project are considered public financing. Developers' fees that are re-invested in a project are considered private funding.
- The equity of a property that is free and clear of a mortgage obligation can be considered as a cash match, only if funds are borrowed against the equity from a financial institution and used in the renovation.
- Revenue from a BID's special assessment used as part of the NYMS program can be recognized as a match.
- Funds expended for costs incurred after the award of a NYMS grant may be recognized as match or leverage, regardless of when they were awarded or contracted.
- Property acquisition costs cannot be counted as match or leverage.

VII. Residential / Upper Floor Housing

1. Any residential unit assisted with NYMS funds that is vacant at the time of the application or becomes vacant during the regulatory term must be marketed to, and

affordable to, households with incomes at or below 80% of the area median income (or, if higher, 80% of the State median income), as adjusted for family size.

2. HTFC recognizes that incorporating market-rate rental units may strengthen many Main Street districts. While NYMS funds cannot be used to assist market-rate units, investment in renovation of market-rate units may be considered as an eligible match for NYMS investments in commercial or civic spaces or affordable rental units.
3. NYMS funds can be used to subsidize rehabilitation costs of cooperatives and condominiums that will be sold to low-income households.
4. Assisted buildings are not required to include both residential and civic or commercial space.
 - However, applications must propose a comprehensive approach to strengthen both the commercial and residential sectors.
 - The proposed service area should include a mix of uses, such as residential, commercial, and civic buildings.
5. If NYMS funds are used to renovate the commercial space and other funds are used to renovate the residential space, affordable housing restrictions do not apply to the commercial space. Only units receiving direct investment of NYMS funds will be regulated under NYMS.
6. Appropriate use of upper floor space may include office or other commercial use.
 - If an applicant is proposing a non-residential use on the upper floors of a building, housing needs elsewhere in the mixed-use district must be addressed.
 - Applicants should also demonstrate why the non-residential use is more appropriate for the second floor in the particular building, such as: when the hours of operation of the first floor tenant conflict with living above (i.e. a residence over a busy restaurant); or when a non-residential use on the upper floors results in a better distribution of peak parking demand in the immediate area (i.e. offices with peak parking demand from 9:00 am to 5:00 pm over a restaurant with peak parking demand from 6:00 pm to 11:00 pm).
 - There is no need to develop residential and commercial units in every individual building, but each NYMS application must address both the commercial and residential aspects of the Main Street district.

VIII. Eligible Areas

Program Target Area: The NYMS Fall 2008 program is a statewide community development program. The proposed activities must be carried out in a program target area of generally no more than three contiguous blocks which has experienced sustained physical deterioration, decay, neglect, or disinvestment, and has a number of substandard

buildings or vacant residential or commercial units. The target area should be an established mixed-use (commercial, civic and residential) district that is pedestrian-oriented and comprised of traditional mixed-use buildings. Buildings within the district or the district itself may be eligible for listing on the National Register of Historic Places or for local or state historic designation. There is a preference for funding proposals where contiguous buildings will be assisted in maximizing the impact of the investment.

1. Eligible target areas include:

- Traditional main street, downtown retail district, or neighborhood business district that has been designated by a state or federal agency as eligible for the purposes of a community development or economic development program will be considered eligible;
- Traditional main street or downtown retail district in an area served by, or eligible to be served by, a Neighborhood Preservation Company (NPC) or Rural Preservation Company (RPC); or
- Another similar district located in an area where at least 51% of the residents earn less than 80% of the area median income for the surrounding community.

2. Target area designations

- If the area has been designated a CDBG target area, Empire Zone, Urban Renewal area, or other federal or state designation, HTFC will accept that designation in lieu of a determination based on the income of residents of the area.
- Applicants are encouraged to identify well-defined Main Street areas in order to maximize the impact that the local program will have on the area.
- The area eligibility requirements can either be based on the specific target area that will be assisted by the NYMS program or the demographics of a larger service area in which the target area is contained.
- A community with less than 51% of the population below 80% AMI and more than 51% of the downtown area population below 80% AMI may be designated as the target area, and thus be eligible for a NYMS grant.

3. HTFC will consider proposals that will assist two or more non-contiguous program districts. However, the LPA must demonstrate that they have the capacity to administer such projects and that the service area they have defined is not so broad that it diminishes program impact.

4. HTFC will fund proposals that would assist buildings outside of the immediate Main Street target area, such as on adjacent streets, or on sites that are set back from the main street. The LPA must demonstrate that buildings on the adjacent side street are integral to the overall Main Street revitalization effort and that the building is located

within the defined service area. For example, a theater on a side street that anchors the downtown business district would be eligible for funding.

IX. Application Process

1. Applicants are required to obtain a Resolution of Support prior to submission of a NYMS application.
 - The Resolution should come from each municipality in which the target area is located. For programs in New York City, the resolution should come from the relevant Community Board (or Boards) that has jurisdiction over the proposed site. A local government may supply Resolutions of Support for any number of local Main Street programs.
 - The Resolution should demonstrate that the local government is aware of and supportive of the proposed Main Street project. The local government does not have to pledge money, land, or any other asset, nor does it need to waive any local rule or regulation.
 - Applicants are encouraged to obtain any other evidence of support from, and in coordination with, the municipality in which the Main Street target area is located.
 - Applications that do not adequately demonstrate support from the local municipality will not be funded. Applicants will not receive notices on this or any other deficiency in the application.
2. Market analysis and business plan for downtown anchors
 - Downtown Anchor grant applicants must have a business plan for the project. The business plan should cover the operation of the business / preservation of the assets at least through the minimum enforcement period of seven years.
 - The business plan must include a market analysis. The market analysis is required for a Downtown Anchor grant even if there are conditional leases in place or in negotiation. The market analysis and business plan will be used to assess risk and to provide assurance that the anchor business will prosper.
3. Additional application factors
 - Applicants that have a history of serving their community and experience in administering similar programs will receive the maximum points in the capacity section.
 - The highest-scoring, feasible applications will be funded and HTFC will strive to achieve an equitable geographic distribution of funds when making awards.
 - Except for Downtown Anchor grants, specific buildings need not be identified upon submitting an application for renovation funding. However, buildings that

do eventually receive assistance must be in the Main Street target area that is cited in the initial application.

X. Other Program Requirements and Guidelines

1. Design standards

LPAs will need to conduct a design review. Architectural drawings are not required with the application. However, they may be required where the reconstruction of structural elements of the façade is involved. The standards established by SHPO should be observed. Eventually, a photo of the building, description of proposed scope of work, and sketch of any proposed façade renovation will be required for SHPO review.

The goal is to respect the original building design while maintaining consistency with the overall design of the Main Street area. Architectural renderings and old photographs or postcards can be useful in developing a design for renovation. Reliance on any single source is not adequate.

When NYMS funds are used in the rehabilitation or construction of residential units, DHCR/HTFC design standards are recommended, although there will not be a formal review for such.

2. Use of space

If a space is rehabilitated for residential or commercial purposes, the LPA must ensure, with the use of an HTFC-provided declaration, that assisted units will be maintained for their intended purpose (either residential or commercial) for a minimum of seven years.

In order to receive and use NYMS funds to renovate a building, a building must be habitable and not in violation of local or state codes. If the building is vacant, it must be ready to be occupied. Once building improvements are made, LPAs will require the owner to maintain the building for a period of at least seven years.

3. Bids and other financial considerations

- While formal public bidding is not required by NYMS, LPAs will be required to obtain two bids for each separate project in order to establish the reasonableness of project costs.
- NYMS does not proscribe an exact format for the bid process; however, certain principles should be upheld in seeking bids or quotes. There should be a clear scope of work for the project for which bids or quotes are sought. All bidders must have equal access to relevant information, including information on the property itself. The process should be free of collusion or intimidation, and the LPA should exercise appropriate oversight over the entire process to ensure that it is fair and efficient.

4. Payments from HTFC

- HTFC will make payments to LPAs through an automated deposit system.
- Normally, this process, from receipt of payment request at HTFC to payment, can be accomplished within two weeks.
- Factors such as multiple funding sources or small progress payments will complicate the process somewhat and may slow payments.

5. Potential Conflict

Perceived or actual conflicts of interest may arise when certain individuals have access to inside information regarding the award of a contract or property assistance, or have undue influence on the process by which a contract or property assistance is awarded.

- To avoid such situations, LPAs should have a written policy statement that specifies which parties are covered and what measures will be taken to allow eligible individuals access to program benefits while avoiding actual and perceived conflicts of interest.
- NYMS staff is available to provide guidance to LPAs in developing such a statement of policy.
- Typically, a contractor cannot receive NYMS funds for work done on property that s/he owns. An apparent conflict of interest exists due to the unique information and influence that the building owner has in areas such as: developing work scopes; choosing which contractors to solicit; evaluating bids; and determining satisfactory performance of the contract.

6. EEO/MWBE and Affirmative Action Policy

Under Article 15A of the New York State Executive Law, all award recipients and their contractors are required to comply with the equal employment opportunity provisions of Section 312 of that Article. Also, all contractors and awardees are required to make affirmative efforts to ensure that New York State Certified Minority- and Women-Owned Business Enterprises are afforded opportunities for meaningful participation in projects funded by HTFC pursuant to Section 313 of the Article.

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