

**TOWN OF HEMPSTEAD  
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT  
DOWNTOWN REVITALIZATION INITIATIVE  
DOWNTOWN BALDWIN IMPROVEMENT GRANT  
PROGRAM GUIDELINES**

**1. INTRODUCTION**

The Downtown Baldwin Improvement Grant Program has been approved by New York State under the Downtown Revitalization Initiative (DRI). The Program is being administered by the Town of Hempstead Department of Planning and Economic Development (DPED) in compliance with the DRI Administrative Plan approved by New York State Housing and Community Renewal.

The Downtown Baldwin Improvement Grant Program will offer funding assistance to eligible projects that enhance and strengthen the Downtown Revitalization Initiative area. Grant funds would support a range of eligible activities, including façade upgrades including but not limited to signage and awnings and building entrance enhancements (from rear parking areas).

The Downtown Baldwin Improvement Grant Program as constituted herein requires a joint effort by and between the Town of Hempstead and the Baldwin business community. The purpose of the program, in addition to overall revitalization in Downtown Baldwin, is to improve the visual character and aesthetics of the area to make it more attractive to shoppers, customers and residents. The program is voluntary, each business owner or tenant must individually apply for participation. The Town will provide financial assistance through an allocation of the DRI Downtown Baldwin Improvement Grant Program funds. The Town will also provide technical assistance in the preparation of plans, specifications, cost estimates and in bidding and supervising the improvements.

The administrative regulations and procedures set forth in this guideline are in accordance with the New York State for the Downtown Revitalization Program Administrative Plan.

**2. ELIGIBILITY**

Eligibility for participation in the Downtown Baldwin Improvement Grant Program will be determined as follows:

- 2.1 Location - To be eligible for participation in the program the building must be located within the geographic boundaries of Downtown Baldwin as approved under the DRI Program. The eligible project area extends along a north-south corridor running 1.4 miles centered on Grand Avenue and bisected by Sunrise Highway and the Long Island Railroad. Merrick Road anchors the Downtown Baldwin Area to the south and Stanton Avenue anchors it to the north. Maps showing the location and boundaries of the eligible area are on file in the office of DPED.
- 2.2 Applicant Eligibility – Applicants who are eligible for DRI assistance include property owners that are:
  - Individuals

- For-profit entities
  - Not-for-profit entities
- 2.3 Eligible COVID Activities
- Reconfiguration of existing facilities to encourage reduced density.
- 2.4 Ineligible Activities
- Ineligible uses of funds include: acquisition costs; new construction (including in-fill buildings); improvements to structures owned by religious or private membership-based organizations; or improvements to municipally owned and municipally operated buildings; furnishings, appliances, electronics, tools, disposable supplies, business equipment, non-permanent fixtures, temporary artwork.
  - Funds may not be used for site work or ancillary activities on a property including but not limited to: septic systems/laterals, grading, parking lots, sidewalks, patios, decks, garages, sheds, landscaping, fences, free standing signs, general maintenance or repairs.
  - Ineligible COVID activities include: inventory, rent or lease expenses, working capital or other undefined expenses, general or disposable supplies beyond PPE as outlined above and other expenses that do not sustain business operations.

### 3. AVAILABLE FUNDING

The Town may award a minimum of \$10,000 and up to a maximum of \$20,000 in grant funds, per building. The grant program would be structured such that grant funds could be used to cover a maximum of 80% of an eligible project's costs, with applicants required to contribute 20% of the total costs. Business and property owners will receive planning, design and cost estimating support from the Town of Hempstead Department of Planning and Economic Development to ensure efficient and effective transformation of eligible buildings and structures in downtown Baldwin.

- In-kind match is not eligible.
- Costs incurred prior to the effective date of the grant agreement are not eligible for reimbursement and not eligible as a match.
- COVID Expenses: In order to receive funding for COVID related improvements, the following will be provided:
  - Impact of COVID on participating business or property owner;
  - Need for funding; and
  - Explanation for how the investment impacts the sustainability and resiliency of the business or property. Small projects are unlikely to demonstrate long term viability.
- Soft Costs
- Eligible soft costs include architecture, engineering, and environmental testing expenses.
- Soft costs require matching funds, and in-kind match is not eligible.
- Soft costs incurred for work on buildings that eventually prove infeasible and do not receive other investments will not be reimbursed with DRI funds. Therefore, reimbursements for soft costs may not be requested as part of a partial payment prior to project completion.

- 3.1 Proof of Available Financing – Property owners are responsible for the total cost of the project. Grants will reimburse property owners at the conclusion of the project after all costs are paid. Proof of available financing through cash in bank, secured loan commitments, and/or project lines of credit is required.

3.2 Payment Process - The program operates fully as a **reimbursement grant program** and the owner is responsible for paying for all agreed upon improvements and payment of grant funds will be made only upon satisfactory completion of the items in the approved scope of work and payment of renovation expenses.

- No reimbursement shall be paid to the owner until periodic inspection of the work has been completed by the TOH or its representative. All completed work shall comply with all applicable building codes and standards.
- To substantiate work costs, owners must provide the following:
  - written contracts;
  - bank documents;
  - copies of invoices for materials and labor;
  - cancelled checks;
  - lien releases;
  - and any other documents deemed reasonably necessary by TOH or required by HTFC to maintain effective internal controls.
- Cash payments/cash receipts are not permitted and will not be reimbursed

#### **4. PROJECT REVIEW & SELECTION PROCESS**

The Town of Hempstead will use the following project selection criteria and project review and selection process. This process will be used consistently throughout the term of the DRI Grant/Loan program.

##### **4.1 Project Application**

- The third round of Pre-applications for funding will be available beginning February 6, 2023. Applications must be submitted and deemed complete by the TOH prior to May 1, 2023 to be eligible for funding. The TOH has prepared a pre-application (hard copy and/or online) with instructions. The application materials outline the program requirements and selection priorities.

Applicants shall also provide the DPED with such additional information as may be reasonable and necessary to the application, bidding or improvements process. An application may be submitted by the building owner or the building tenant with the building owner's approval. The building owner must approve all final design drawings. For the purpose of this document the term applicant shall apply to a building owner or to a tenant with the written approval of the building owner. All applications shall be submitted to:

Town of Hempstead  
Department of Planning & Economic Development  
200 N. Franklin Street  
Hempstead, NY 11550

- The TOH will advise applicants on the disposition of a final application within 30 business days by email.

#### 4.2 Project Review Committee

- The Project Review Committee will implement the project selection process and generate funding decisions. The planned members include the TOH Department of Planning and Economic Development's Commissioner, the Director of Community Development, and two Community Research Assistants.

#### 4.3 Project Selection and Review Criteria – As per DRI Grant program requirements, project selection criteria must afford priority to:

- Projects that are visually prominent in downtown Baldwin;
- Projects with historic value or historic properties in danger of being lost in part or in total to disrepair or damage;
- Projects that with the assistance of grant/loan funds, will reduce blight, contribute to the economic recovery of the target area, or realize a stabilization or expansion of a Downtown business;
- Project Scoring - Projects will be selected based on the impact it will have within the target area of Baldwin. Projects will be scored based on the following criteria:
- Readiness- projects that provide proof of overall feasibility and readiness such as proof of ownership, documentation that 100% of the financing for the project is in place, reasonable construction timeline (up to 20 points).
- Physical Impact- projects that are visually prominent downtown, have historic value, are in danger of being lost, bring existing properties into compliance with design guidelines, that are transformative beyond normal maintenance (up to 30 points).
- Economic Impact- projects leveraging grant funds with private investment that with the assistance of grant funds, will reduce blight and vacancies, contribute to the economic recovery of the target area, or realize a stabilization or expansion of downtown tax base, businesses and/or jobs (up to 20 points).
- DRI Priorities- projects that advance the goals and priorities of the Baldwin Community Investment including; enhancing and beautifying the cultural, recreational, and community assets of the DRI Area to transform Downtown Baldwin to an active and vibrant center that serves the needs of a diverse and engaged citizenry. Projects to promote a unique Baldwin cultural identity, building on existing historic and cultural organizations to include building façade improvements, and unified branding to encourage a more visually appealing downtown. (up to 30 points).

#### 4.4 Project Selection Documentation

- The TOH will retain clear documentation of each project selection committee decision in its program files. This documentation will include an eligibility determination for each application reviewed, and a justification for each project selection decision. This documentation will include all relevant project review or scoring memos, Project Selection Committee meeting minutes, board approval of projects or other related correspondence.

#### 4.5 Design Standards

TOH has developed design guidelines, which identify a clear design reference document for projects involving exterior renovations. These guidelines are generally consistent with the requirements of the State Historic Preservation Office, Housing Trust Fund Corporation (HTFC), and TOH. TOH will enforce the standards throughout the development process. Design Guidelines are on file in the office of DPED and available online at <https://www.hempsteadny.gov/DocumentCenter/View/151/Design-Guidelines-Formatted-Final-PDF>

#### 4.6 Housing Trust Fund Corporation Approval

Projects approved locally will be submitted to Housing Trust Fund Corporation (HTFC) for review and approval prior to notifying property or business owner of formal funding approval. The submission to HTFC will include:

- Property location information
- Business information
- Project scope of work
- Project cost estimates
- Award amount
- Total project cost
- Proposed payment structure
- Projected outcomes, e.g. units assisted, jobs created/retained

### 5. PROJECT DEVELOPMENT

#### 5.1 Environmental Review

Prior to the commitment or expenditure of program funds, the environmental effects of each activity will be assessed in accordance with the State Environmental Quality Review Act (SEQR). TOH will submit all required environmental review paperwork according to the requirements outlined in the HTFC Environmental Compliance Handbook.

#### 5.2 Work Write-up / Scope of Work

Once a project application has been formally selected for DRI Grant program assistance, TOH will meet with the property owner to develop the formal project scope of work and explain program requirements related to design, environmental hazards, and energy efficiency.

A formal written scope of work or description of the use of funds is required. The scope of work for a participating renovation project must address:

- Immediate health and safety concerns;
- The correction of existing code violations;
- Environmental hazards;
- Installation of energy conservation measures;

- Accessibility for persons with disabilities;
- Consistency with any other local program design guidelines; and
- Preservation of historical elements of the building.

TOH is responsible for coordinating renovation work write-ups with local code officials, the State Historic Preservation Office, and other regulators. If needed, additional experts must be consulted. Both the Town and the property owner must sign-off on the formal scope of work.

### 5.3 Contractor Selection

The TOH will establish a list of contractors able to perform work in compliance with applicable standards. The Town will create a formal Request for Qualifications (RFQ) process to provide contractors and professional service providers an equal opportunity for consideration. All contractors must supply references and proof of proper insurance. Proof of insurance must include general liability coverage in a minimum amount of one million dollars and workers' compensation coverage. TOH, State of New York **and** the Housing Trust Fund Corporation must be listed as additional insured. TOH will use this list to solicit bids or quotes for the project activities. Additional contractors can be added to the list at a time; however, references and proof of proper insurance must be supplied to TOH and approved.

#### EEO & MWBE Requirements

TOH is required to comply with Articles 15-A and 17-B of the New York State Executive Law. These requirements include equal employment opportunities for minority group members and women ("EEO"), and contracting opportunities for certified minority and women-owned business enterprises ("MWBEs") and Service-Disabled Veteran-Owned Businesses ("SDVOBs"). TOH's demonstration of "good faith efforts" pursuant to 5 NYCRR §142.8 shall be a part of these requirements. Please visit NYS Empire State Development's Division of Minority & Women Business Development website for a directory of certified Minority and Women-Owned Businesses: <<http://www.esd.ny.gov/MWBE.html>>.

TOH must submit a Contractor Bid Solicitation Plan with the grant agreement. This Plan will identify a minimum of four certified MWBE firms that will be included in the bid solicitation process. Once the contractor/vendor selection process is complete, TOH must report to HTFC on the use of certified MWBE firms.

#### Procurement & Bidding

TOH will complete a procurement process for all activities to be reimbursed with TOH funds. A minimum of two bids or proposals will be obtained and reviewed for all project costs, including but not limited to purchases, services and renovation, administration or professional service activities. This process is required to establish the reasonableness of project costs. The procurement process will be free of collusion or intimidation, and the TOH will exercise appropriate oversight over the entire process to ensure that it is fair, efficient and free of actual and perceived conflicts of interest. A clear, written, scope of work for the project, as outlined in Work Write-up / Scope of Work section, must be the basis for

the bids or proposals. All bidders must have equal access to relevant information, including information on the property itself. The bids or proposals for all activities must be submitted directly to the TOH by the contractor. TOH will advise the property owner of acceptability of bids/proposed cost. TOH shall select the lowest responsible bidder. If the property owner chooses other than the lowest bidder, re-imbusement will be based on the amount of the lowest bid. TOH will document the bid solicitation, review and selection process and save such documentation in its project files.

#### Conflicts of Interest

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. A contractor cannot receive DRI funds for work done on property that he or she owns, or a property that is owned by an immediate family member. An immediate family member includes a spouse, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law or daughter-in-law. Prior to commencing a project where there is a possible conflict of interest, TOH must review the eligible work items with HTFC staff.

#### 5.4. Contracting Procedures

TOH will enter into a contract with the property or business owner to provide the program financial assistance. The contract will outline the roles and responsibilities for both the TOH and the participating property or business owner.

At a minimum, the contract will specify:

- Agreed upon scope of work;
- Projected amount of financial assistance awarded;
- Estimated project timeline;
- Regulatory term or repayment provisions;
- Requirement to sign a photo release form permitting the TOH and HTFC to use photographs of the assisted business or property;
- Requirement to engage a contractor and begin activities within 30 days of formal TOH approval;
- Payments structure, timing;
- TOH has the right to inspect work at any time;
- TOH may terminate the award and cancel the contract should the work or purchases be inconsistent with the program rules outlined, agreed upon scope of work or project design, stated timeline or if insurance is not maintained by the participating contractor.

## **6. CONSTRUCTION MANAGEMENT/QUALITY CONTROL**

### 6.1 Construction Monitoring

TOH retains the right to inspect or audit work in progress at any point. TOH must perform periodic inspections of renovation activities to monitor adherence with program rules,

environmental hazard compliance, and general project progress. These visits must be documented in TOH project files.

## 6.2 Final Inspection

A final inspection or review of project activities by the TOH is required for each participating project. A final report or reconciliation must be submitted to HTFC to formally document completion of project activities.

## 7. FINANCIAL MANAGEMENT

TOH's chief financial officer will be responsible for all financial transactions under this contract. TOH must have a written policy on internal controls, and use this policy to determine the process for review and approval of requests for disbursement of funds from HTFC. An Authorized Signature Form must be completed to designate the representative(s) authorized to sign disbursement requests and must reflect the TOH's written policy on internal controls.

## 8. ONGOING MAINTENANCE / REGULATORY TERM

All assistance is in the form of a reimbursable grant with a five (5)-year compliance period. Property owners will be required to execute a Declaration document committing to this compliance period. Should the property owner sell the property within the five (5)-year timeframe, they will be responsible for repaying a portion of the grant funding received. A Declaration Form will be filed with the County Clerk to secure this obligation and the following repayment schedule will apply:

Months 0-12:	100% repayment due
Months 13-24:	80% repayment due
Months 25-36:	60% repayment due
Months 37-48:	40% repayment due
Months 49-60:	20% repayment due
Months 60 and beyond:	0% repayment due

## 9. PROGRAM COMPLIANCE

### 9.1. Conditions

Housing Trust Fund Corporation reserves the right to change or disallow aspects of the application and may make such changes conditions of its commitment to provide funding to a project or program. TOH will address any additional requirements or conditions of approval.

## 10. CONFLICTS OF INTEREST

Under certain circumstances, an applicant for State or federal funding may have a "conflict of interest". For example, a conflict of interest may be present if the applicant is related to an employee, officer, Project Review Committee member, or elected official of the TOH. There are other cases where a conflict of interest may also be present. Applicants will be required to complete a Conflict of Interest Disclosure



Form to determine if a conflict of interest exists. If a conflict of interest does exist, the TOH will make a formal determination and provide it to HTFC staff to document the decision. The TOH has a Code of Ethics and Conflict of Interest Policy which can be reviewed in its entirety at [https://hempsteadny.gov/files/pdfs/tb\\_codeofethics.pdf?v1.1](https://hempsteadny.gov/files/pdfs/tb_codeofethics.pdf?v1.1). Municipalities must adhere to Article 18, "Conflicts of Interest of Municipal Officers and Employees," of the NYS General Municipal Law.