

# Frequently Asked Questions

## New York State Office of Parks, Recreation & Historic Preservation (OPRHP) Environmental Protection Fund Grant Program for Parks, Preservation and Heritage (EPF)

### **WHO MAY APPLY?**

Municipalities, State agencies, public benefit corporations, public authorities and not-for-profit (NFP) corporations with an ownership interest in the property may apply. Such an interest may be outright ownership (fee simple) or a lesser interest, such as development rights, an easement, or a long-term lease of duration equal to the period of New York State Office of Parks, Recreation and Historic Preservation's (OPRHP) oversight of the project. All parties with an ownership interest in the property will be required to sign the project agreement. All lien holders must subordinate their interests to those of the State and may be required to sign the project agreement. NFP corporations are subject to New York State's Not-For-Profit Corporation Law. In order to apply under this program, a NFP corporation must have tax-exempt status under the IRS code, be current with pertinent federal and state filings, and be pre-qualified in the Grants Gateway (see <http://www.grantsreform.ny.gov/Grantees>).

### **HOW ARE GRANTS SELECTED FOR AWARD?**

Each application will be reviewed for eligibility and, if determined eligible, will be rated according to the Grant Selection Criteria. Within each region, applications are ranked according to project category, competing only against others in their region and category.

### **WHAT ARE THIS YEAR'S FUNDING PRIORITIES?**

OPRHP Commissioner Priorities identified for 2022 are:

- A. Projects that enhance and/or create opportunities for walkable public spaces for recreation, fitness, community gardens and open space in underserved neighborhoods (i.e., build green space, revitalize existing athletic and recreational facilities, create, and enhance amenities at community gardens and schoolyards).
- B. Projects that rehabilitate existing sections of the Empire State Trail, and/or create or enhance multi-use pedestrian and bicycle trails, creating physical and functional connections among already-protected state and local lands, historic sites, greenways, trails (including the Empire State Trail) and waterways. For example, projects may include landscape and trail improvements and special features or signage to improve programming and interpretation.
- C. Projects that are undertaken by OPRHP Friends organizations or other partner groups that occur in State Parks or Historic Sites.

### **WHAT IS MY FIRST STEP?**

All Environmental Protection Fund (EPF) applicants must use the Regional Economic Development Councils online application process, the Consolidated Funding Application (CFA). The CFA is available through our website <https://parks.ny.gov/grants/consolidated-funding-app.aspx> (scroll down to the bottom of the page, under Resources, select Grants, and then click Consolidated Funding Application on the menu) and the Governor's Regional Economic Development Councils website <https://regionalcouncils.ny.gov/>.

The deadline for applications is **4:00 PM, July 29, 2022**.

### **IS THERE A MAXIMUM GRANT OR A LIMIT ON THE NUMBER OF GRANTS?**

There is no statutory limit on the number of grants one property, or one applicant may receive, but in the interest of equity and fairness and in consideration of applicant capacity, applicants that have three or more open grants with OPRHP should not receive additional awards. **Grant awards are capped at \$500,000. If the total project cost is greater than \$4 million, up to \$750,000 may be requested.**

### **ARE THESE MATCHING GRANTS?**

Yes. Assistance toward the cost of projects shall not exceed 50% of the approved project cost. Applicants whose projects are located in impoverished areas (as defined by 10 percent or more of the population below the poverty level according to the most recent census data as provided on our website), can apply for up to 75% of the cost of the project. To view state poverty data, go to <https://parks.ny.gov/grants/consolidated-funding-app.aspx>. After the grant award is made, the funding amount will not be adjusted upward.

### **WHAT TYPES OF APPLICANT SHARE ARE ELIGIBLE?**

The applicant's share (also referred to as *matching share* or, simply, *match*) includes all funds (including State and Federal funds), other than the grant amount, related to the project and fully documented. The applicant's share may include cash and/or the value of force account labor, real property, professional services, volunteer labor, equipment, supplies and materials. Other Environmental Protection Fund grants (i.e., Climate Smart Communities, Water Quality Improvement Project, Local Waterfront Revitalization Program, etc.) cannot be used as match. Also, pursuant to Chapter Law 54 of 2014, State and Municipal Facilities Program (SAM) funds cannot be used as a required match or be considered local share to other state programs or to leverage state aid or grants including but not limited to the apportionment of aid under the education law. Additional project costs that are not paid for by the award or required local match funds can be paid for by SAM funds.

### **WHEN MUST MY SHARE BE AVAILABLE?**

Successful applicants are expected to raise their full share within one year of the grant award. Professional services and materials purchased or donated (and warehoused, not installed) up to three years prior to the application deadline may be applied toward the matching share, as may acquisition costs retroactive up to one year prior to the application deadline.

### **ARE THERE AFFIRMATIVE ACTION REQUIREMENTS?**

Yes. Our agency is committed to programs of Affirmative Action. Your Regional Grants Administrator (RGA) will assist you in undertaking Affirmative Action initiatives as you plan your project. A list of the RGAs can be found at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>. Article 15A of the Executive Law pertains to Minority and Women-owned Business Enterprises (MWBE)/Equal Employment Opportunity (EEO). Grant recipients will be required to solicit MWBEs before commencing work and to document their efforts involving MWBEs during the project term.

### **ARE THERE ENVIRONMENTAL REVIEW REQUIREMENTS?**

Yes. Before any action to award grants, the requirements of the State Environmental Quality Review Act (SEQR) must be met. Specific requirements for SEQR, including the designation of lead agency and classification of actions, can be found in the CFA Guidance Document at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>.

### **ARE THERE HISTORIC PRESERVATION REQUIREMENTS?**

For projects that involve properties listed on or eligible for the State and/or National Register, all work undertaken as part of a grant-assisted project must conform to the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.

For projects on sectarian properties, grant assistance can fund only costs necessary for historically accurate restoration to restore and preserve the historic integrity of the historic property, and only to the extent that those costs exceed the cost of basic rehabilitation. Information and instructions on how to structure/present a sectarian project can be found at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>.

### **WHEN ARE THE GRANT MONIES AVAILABLE?**

This grant program is administered on a reimbursement basis. Successful applicants will be expected to fund project expenditures upfront, and then submit for reimbursement. Once the project agreement with OPRHP is formally approved and conditions met, grant recipients must document project expenditures in order to receive reimbursement (i.e., document 100% of eligible costs to receive up to 50% reimbursement or up to 75% reimbursement for selected high-poverty grants). Grant recipients must plan their financial arrangements accordingly.

### **ARE THERE FISCAL REQUIREMENTS?**

Project costs will be eligible for reimbursement only if the specified grant work meets State standards and the expenditures are made in compliance with State requirements. Municipalities must comply with General Municipal Law Sections 103 (competitive bidding) and 104-b (procurement policies and procedures). Not-for-profit corporations must follow procurement policies that ensure prudent and economical use of public money in the best interests of the taxpayers of the State of New York, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against nepotism, favoritism, improvidence, extravagance, fraud, and corruption. Such procedures may include, but are not limited to, competitive bidding, the solicitation of three price quotes, written requests for proposals, etc. Expenditures that do not meet these standards (including retroactive services and purchases) should not be included in the grant budget.

### **WHEN CAN I START WORK?**

Work completed prior to award is not generally eligible for reimbursement or for match (retroactivity exceptions are noted above). Successful applicants are advised NOT to begin work until a project agreement (including a budget, scope of work and performance timeline) has been formalized between OPRHP and the grant recipient and OPRHP has issued all necessary approvals. Conditions of award will include environmental and historic preservation reviews, OPRHP acceptance/approval of plans and specifications and bidding documents, competitive bidding, solicitation of MWBEs, etc. Proceeding without advance OPRHP approval could jeopardize grant reimbursement.

### **WHEN MUST WORK BE ACCOMPLISHED?**

All projects must be completed within five years from date of award. OPRHP will monitor the progress of project work and will recapture awarded funds if significant progress is not made.

### **DO THESE GRANTS COME WITH PROVISIONS FOR LONG TERM PROTECTION?**

Yes. All successful applicants will be required to enter into formal project agreements with OPRHP. Other legal documents that will ensure the long term protection of the property and restrict changes in the use of the property may also be required. Any work involving a historic resource will require that a preservation covenant be conveyed to OPRHP. Any not-for-profit corporation undertaking a park development project

will be required to convey a public access covenant to OPRHP. Any not-for-profit acquiring real property for recreation or conservation purposes must grant the State a permanent conservation easement to the property. Parkland acquired or improved by a municipality must remain parkland in perpetuity and is subject to the State's Parkland Alienation Law. Information is available in the "Handbook on the Alienation and Conversion of Municipal Parkland," available at <https://parks.ny.gov/publications/>, under Other Publications.

***WHAT OTHER REQUIREMENTS MUST BE MET?***

All projects will need to comply with the Uniform Fire Prevention and Building Code, the Americans with Disabilities Act, the State Labor Law, Workers' Compensation Law and State Historic Preservation Law. Please contact your RGA for information on how these and other applicable statutes may impact your project.

***ARE THE REQUIREMENTS THE SAME AS PRIOR YEARS'?***

The Guidelines (CFA Guidance Document) and forms are updated at the beginning of each grant round. The complete text of OPRHP's EPF regulations can be found at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>, Forms Resources.

***IS TECHNICAL ASSISTANCE AVAILABLE?***

Yes, technical assistance is available through the Regional Economic Development Councils and through the OPRHP Regional Grant Administrators (RGA). If you have any questions about your application, please contact the RGA for your county available at <https://parks.ny.gov/grants/contact.aspx>. Go to our website <https://parks.ny.gov/grants/consolidated-funding-app.aspx> for more information on the CFA, including pre-application informational webinars, and forms and resources available to help you submit a more competitive application.

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