

# Round 5 BETTER BUFFALO FUND GUIDELINES

## FAQs

*Updated as of December 14, 2021*

### General Questions

#### **If an organization has been awarded funding through the BBF, would they be eligible to reapply in a later round?**

Nothing prohibits an organization from applying in subsequent rounds if they received an award previously; however, progress on implementing their prior award and meeting program objectives will be heavily weighed into future applications.

#### **Has the geography for the Better Buffalo Fund changed?**

The geography for the Buffalo Main Streets Initiative was extended in Round 4 to include Broadway (between Cedar and Mortimer Streets) and Main Street (between Mohawk and Seneca Streets) and in Round 5, Broadway has been extended to Reed Street. Round 5 has also added Abbott Road from Robins to Cazenovia. Due to the targeted investments through the East Side Corridor Economic Development Fund, four target areas were removed from the program, Bailey, Broadway/Fillmore, Fillmore/MLK and Jefferson Avenue. Projects in these target areas can apply for funds through the East Side Commercial District Program. The geography of the Transit Oriented Development initiative remains the same.

#### **Where can I review the PowerPoint from the Information Session on December 8, 2021?**

A PDF of the PowerPoint is available on the BBF webpage:

<https://esd.ny.gov/better-buffalo-fund-program>

#### **Is the application deadline flexible?**

New for Round 5, all applicants must submit a brief Letter of Intent (LOI) by December 20, 2021, 4:00 P.M. The full application deadline is February 21, 2022, 4:00 PM. LOIs and full proposals received after the deadline will not be accepted.

#### **What is the new Letter of Intent process?**

New for Round 5, all applicants must submit a brief Letter of Intent (LOI) by December 20, 2021, 4:00 P.M. If an LOI meets program requirements, an applicant will be invited to briefly discuss their proposal with ESD (and HCR for BMSI applicants) and may be invited to proceed to a full application. The LOI and full application must be submitted electronically online through New York State's Consolidated Funding Application portal <https://apps.cio.ny.gov/apps/cfa/index.cfm>

#### **Can I submit a full application on February 21, 2022 even if I didn't submit a Letter of Intent?**

No, all applicants must submit a brief Letter of Intent (LOI) by **December 20, 2021, 4:00 P.M.** Applicants who proceed to the full application without first being approved through the LOI will not be considered for funding.

#### **What specific components are required for the LOI?**

For TOD, applicants will complete questions related to total project cost and amount requested through the BBF, applicant type, project location, site control, project description (including square footage and proposed uses), TOD principles, status of project development to date and a project timeline. Applicants

will also have to upload a sources and uses budget and any photos, maps or renderings (if available).

For BMSI, applicants will complete questions related to project description, location and map, administrative procedures and past experience administering a program like this, business/building owner interest in the program, and a total project budget including amount requested through the fund.

More detailed questions and attachments will be required for the full application

**If I submit an LOI, will I automatically be eligible to submit a full application?**

No, based on your LOI, ESD will invite you to proceed or not with a full application.

**Can funding be used toward project costs that were incurred before the grant/loan was awarded?**

Project funding may only be used for expenses incurred after the date that notice of the funding award is given.

**Can in-kind donations be included as part of the matching fund?**

No. In-kind donations cannot be used toward your match and should not be included in your project budget. Evidence of in-kind donations such as staff time can be outlined in the application narrative to support the applicant's administrative capacity and demonstrate local support for the project.

**If a project is receiving state funds through another program, would it preclude the project from seeking funding through the BBF?**

No. There are no restrictions on projects receiving other state funds, and other state funds can be used to meet the matching requirements; however, projects will be evaluated on how much private funding the project will leverage. In addition, BBF funds are intended to fill gaps in project budget, and not replace private or public funds already committed.

**When will awards be announced?**

We anticipate making award announcements in spring 2022.

**How will BBF funds be distributed between TOD and Buffalo Main Streets Initiative projects?**

There is no set allocation for each program. The pool of applicants will drive the amount designated for each program.

**Will the grant and/or loan value requested be awarded on an all or nothing basis?**

ESD sometimes awards less than is requested. This is a competitive application process and one review criterion is the amount the applicant has requested as part of the total project cost (the more private sector leverage, the better), so applicants should only request what is really needed to complete the project.

**Will there be future rounds of funding?**

Future rounds will be determined after conclusion of the fifth round of funding.

**Our project is in a preliminary phase. Should we proceed with an application or wait for future rounds of funding?**

All applications will be assessed for "project readiness." Future rounds will be determined after conclusion of the fifth round of applications. Applying to the BBF this year will not preclude you from applying in future rounds, nor will it affect the outcome of your application in future rounds.

**How do I access the Better Buffalo Fund application?**

Applications can be accessed and completed online through New York State's Consolidated Funding Application portal <https://apps.cio.ny.gov/apps/cfa/index.cfm>

**Are the application questions available for review?**

Application questions are available for reference, here:

<https://apps.cio.ny.gov/apps/cfa/help.cfm?section=programquestions>

**Will the full application be available prior to 1/18, so we can review and prepare in case we are invited to submit a full application?**

The full application will be available only after 1/18/21. The questions can be reviewed here.

<https://apps.cio.ny.gov/apps/cfa/help.cfm?section=programquestions>

**Will awardees be subject to prevailing wage rate?**

The Better Buffalo Fund does not use federal funds and prevailing wage and Davis Bacon generally will not apply. Projects involving work on public property may be impacted by NYS labor laws, and it will be the local program administrator's responsibility to comply with all state labor laws.

**What do you mean by "local support" for a project?**

We are looking for information that would show your project is consistent with local development plans, zoning and other projects in the area.

**Is environmental review from the City of Buffalo required of projects funded through the Better Buffalo Fund?**

No; however, all required state approvals must be in place prior to the start of construction including State Environmental Quality Review (SEQR) and consultation with the State Historic Preservation Office, if applicable.

**If a project is eligible for both tracks, can an applicant apply to both tracks?**

No. The applicant must choose one track only.

**Could an organization submit two different applications for two different projects– one for TOD and one for the Buffalo Main Streets Initiative?**

Yes, an applicant could submit two separate applications for two different projects but should not apply to both TOD and BMSI for the same project.

**Must "mixed use" include housing?**

For TOD, mixed-use projects are encouraged and there is a preference for projects that include market rate or mixed-income rehabilitated, converted or infill housing (excluding single-family).

For BMSI, preference will be given for projects that preserve and improve housing units and/or address affordable housing needs in the target area especially through the creation of residential units on upper floors of mixed use buildings.

**Can these funds be used to purchase a mixed-use building on grant street, or other commercial property?**

For TOD projects, acquisition is an eligible expense for reimbursement only if it is included as a portion of the Total Project Costs for the redevelopment of the mixed-use building or commercial property. Better Buffalo Funds cannot be solely used for acquisition.

**Do both programs have restrictions on owner serving as general contractor? What if the owner plans to do the work on the inside with minimal use of contractors but the grant money would**

## **allow for a majority of the exterior of the building to be refurbished?**

BMSI does not allow owner labor to be reimbursed or used as match. For example, if an owner is doing both interior and exterior renovations, the owner could do work on the inside, and then BMSI could reimburse up to 50% of the exterior work that follows procurement (bid out, not completed by owner).

For TOD, If a property owner/grant recipient is acting as “developer” and wishes to properly procure/manage a number of individual construction contracts necessary to implement a project (e.g., carpentry, masonry, electrical, plumbing, etc.), then the costs incurred through those individual construction contracts are eligible for reimbursement by ESD. However, a property owner/grant recipient is not permitted to “self-perform” any construction work or get reimbursed for their own labor for oversight/management of such individual construction contracts, which typically the role of a General Contractor.

## Transit Oriented Development

### **How are M/WBE goals assigned?**

Once ESD decides to support a project, staff from the ESD Office of Contractor and Supplier Diversity (OCSD) will review project documentation to assess whether the project is appropriate for MWBE goal setting. For ESD supported projects that are determined to be appropriate for MWBE goal setting, ESD will seek to identify MWBE goals at the time that an Incentive Proposal (IP) is issued. OCSD assigns goals based on criteria that include the regional availability of certified MWBE contractors to perform the work specified in the overall project scope (not necessarily only for the portion of the project that is supported by ESD). Specifically, OCSD will determine availability by asking: (1) whether subcontracting the work specified in the IP is possible or appropriate and (2) whether there are MWBEs that can perform the work specified in the IP as either a prime contractor or subcontractor.

### **What happens if M/WBE goals aren't met?**

If an ESD supported project does not meet the MWBE participation goals, the contracting party may submit a Waiver Request to OCSD with appropriate information documenting its “good faith efforts” to meet its MWBE goal. In the event that a waiver is not granted or approved OCSD may assess liquidated damages or seek settlement in accordance with the MWBE Regulations and the provisions of the MWBE contract language.

### **Did all past recipients meet their M/WBE goals?**

M/WBE goals are assessed at completion of the project. To date, projects that have been completed have met the M/WBE goals.

### **Can you explain how the non-reimbursable commitment fee works?**

For TOD, upon award, ESD will issue an Incentive Proposal outlining ESD award, terms and conditions. When that is accepted by awardee, awardee will provide a \$250 Application Fee, due when the Incentive Proposal is returned/with the completed ESD Universal Application. The recipient will provide a 1% commitment fee due after ESD Directors' approval at the time a Grant Disbursement Agreement is executed (after project is completed). For example, if you are awarded \$100,000, you are responsible for paying \$1,000 that cannot be reimbursed with BBF funds.

### **As a nonprofit, would we qualify to have the application fee waived?**

We will not consider waiver requests from nonprofits.

### **Are loans for permanent financing only? What are the terms?**

Yes, loans are for permanent financing only. The terms are up to 10 years for machinery and equipment; and up to 20 years for real estate, however there have been certain instances when loan terms had to be reevaluated for certain projects. ESD will work with loan recipients to determine if loan terms can be reevaluated.

**Minimum awards are \$250,000 for loans and \$100,000 for grants not to exceed 20% of the overall project. Is the program geared to \$1,000,000+ projects?**

For the TOD track, we are generally looking for projects that are at least \$500,000 total project cost on a grant, or \$1,000,000 on a loan. For the Main Street track, projects can be smaller—awards range from \$50,000 - \$500,000 not to exceed 50%-75% of the total project cost (depending on the project activities).

**Can a project apply for both a grant and loan for the same building for a TOD project?**

No. An applicant should choose only one. Loan applicants will receive priority. An applicant should choose a grant or loan based on the project's solvency as demonstrated in their operating pro-forma. Minimum awards are \$250,000 for loans and \$100,000 for grants not to exceed 20% of the overall project.

**What is the timeframe to utilize TOD funding?**

Awards will be determined based on project readiness and ability to deliver the project in a reasonable development timeframe upon award. Projects are expected to commence shortly within acceptance of the Incentive Proposal.

**For a TOD project, does one have to have full approvals and financing in place to apply?**

No; however a project that can demonstrate sufficient planning to implement within the stated timeline; is ready to move forward upon award announcement; and can demonstrate evidence or commitments for the balance of project financing will be reviewed more favorably under the Readiness and Financing criteria.

**Can a project that is beyond a 1/4-mile radius from a transit station on the designated streets be eligible to apply to the TOD track?**

For the TOD track, funding is available for projects which promote dense development (housing, employment, and retail) within ¼ mile walking distance of transit stops on the designated streets, although projects that fall within ½ mile walking distance of transit stops will be considered if they build upon existing infrastructure and assets; and encourage the use of multi-modal transportation, and stimulate pedestrian activity through retail and neighborhood-oriented businesses and services, quality public spaces, and accessible walkways. Projects which are beyond ½ mile from a designated transit stop will not be considered for funding.

**Under the Buffalo Main Streets Initiative, there is a minimum of two bids for contractors and professional services. Does this pertain to TOD also?**

No. That is not a requirement for TOD.

**If 20% of the project can be from the BBF and there must be at least 10% equity, can the remaining 70% of the project be loan funds?**

Yes.

**For TOD, can we download the budget form prior to going through the online application prompts?**

The TOD budget template can be downloaded here <https://esd.ny.gov/file/bbf5-tod-loi-sources-usesxlsx>

**Can a building that has previously been purchased be used as equity?**

If the building or land has already been purchased in connection with the proposed project, it can be used as equity.

**Can low- income or historic tax credits be used as equity?**

Equity may include tax credit income used for project related costs secured by the applicant.

**Would geothermal and solar panels be eligible expenses for a renovation project?**

Yes.

**Our property is within ½ mile of a transit stop on one of the TOD corridors, but it is located outside of the City of Buffalo. Is this property eligible for funding under the TOD track?**

No. Only properties located in the City of Buffalo are eligible for funding under the Better Buffalo Fund.

**Are resolutions or support letters required as part of the TOD application attachments?**

No. Supports letters are optional for the Buffalo Main Streets Initiative only.

**I understand that for TOD, site control of a property is required. Will an MOU for the purchase of a property contingent upon a BBF award be accepted?**

If acquisition of a building is part of the project budget, applicants can submit a purchase agreement contingent on receiving of a BBF award. Projects will be assessed, however, based on commitment of the balance of the project's financing.

**Where does Utica Street TOD end?**

The Utica Street TOD line should extend to Richmond Avenue (since transit stops end at that point). Projects are eligible that fall within ¼ mile walking distance of transit stops on designated streets, although projects that fall within ½ mile walking distance of transit stops will be considered if they build upon existing infrastructure and assets.

**What does “building on existing infrastructure and assets mean”?**

TOD projects that fall within ½ mile walking distance of transit stops will be considered if they build upon existing infrastructure and assets; and encourage the use of multi-modal transportation and stimulate pedestrian activity through retail and neighborhood-oriented businesses and services, quality public spaces, and accessible walkways. Existing infrastructure and assets refer to areas that have seen investment in dense, mixed use redevelopment and have seen TOD enhancements such as improvements to public transit, and/or bike and pedestrian infrastructure. The proposed project should build upon these assets.

**For TOD, is a shopping center rehab and property improvements including parking lot and lighting improvements eligible?**

A shopping center would not be a competitive project as it does not adhere to TOD principles that encourage compact, mixed-use development that promotes the use of pedestrian activity and multi-modal transportation (i.e. higher density, building is oriented to the sidewalk, promotes alternative modes of transportation, parking is not the dominate land use, etc.). In addition, ESD does not generally fund improvements to projects that are solely focused on paving parking lots or parking lot lighting.

**Is there a preference for a grant or a loan? How should an applicant decide which to apply for?**

Loan applicants will receive priority. An applicant should choose a grant or loan based on the project's solvency as demonstrated in their operating pro-forma. However, projects with total costs of no more than \$3 million located east of Main Street and within ½ mile of a transit stop on Main Street, Utica Street, Fillmore Avenue, and Bailey Avenue (as indicated on the map) will be considered more favorably for grants

**Do you need SHPO determination and SEQR determination prior to applying for TOD funding?**  
SHPO and SEQR determinations are included in the application attachments but aren't required. Including these documents help the applicant demonstrate the project's readiness.

**Can small developers be competitive?**

Yes. The size and scale of the project should reflect the ability of the developer to successfully implement the project. In addition, TOD proposals are reviewed based on six criteria. What a small developer may lack in experience, he or she can make up for in other areas. Also, projects with total costs of no more than \$3 million located east of Main Street and within ½ mile of a transit stop on Main Street, Utica Street, Fillmore Avenue, and Bailey Avenue (as indicated on the map) will be considered more favorably for grants.

**Are the loans cash flow loans?**

No. Loans are permanent financing only.

Buffalo Main Streets Initiative

*General*

**Are projects located outside of the designated Buffalo Main Streets commercial districts eligible?**

Projects that are not directly on one of the identified Main Street corridors are ineligible for funds through the BMSI.

**We are interested in a Main Street grant, but our district isn't eligible through the BBF. What should we do?**

Districts that aren't identified on the BBF map could be eligible to apply to HCR's New York Main Street Program. Funding is typically available for this program each year in the State's Consolidated Funding Application (CFA). Visit <https://hcr.ny.gov/new-york-main-street> for more information on the NYMS program and visit [www.regionalcouncils.ny.gov](http://www.regionalcouncils.ny.gov) for more information about the CFA process.

**For the Buffalo Main Streets Initiative, can a non-profit apply to renovate one building?**

An application may be submitted under the Downtown Anchor activity if the request is between \$100,000 and \$500,000 and the applicant can submit the required business plan, market analysis and funding commitments. Projects should be renovation and construction only. Site work and landscaping are not eligible expenses.

If the request amount is lower, the application could be submitted as a Target Area Building Renovation program. In that case, the application should indicate whether additional buildings will also be included and assisted as part of the grant program. Even if the Target Area Building Renovation program funds will be allocated to a property owned by the grant administrator, we require the grant administrator to document all administrative procedures described in the Main Street Administrative Plan including the project selection process. This is to help document the need for public investment and ensure that the grant administrator has evaluated the best use of the resources. The Main Street Grant Agreement will include a required Administrative Plan. It will be similar to the New York Main Street program Administrative Plan available online, here: <https://hcr.ny.gov/nyms-administrative-plan-sample>

**What is considered "Allentown" for BMSI?**

For a property to be eligible for funds in the Allentown area, it must be on Allen Street from Main Street to Days Park or on Elmwood Avenue from Virginia Street to 367 Elmwood Avenue as identified on the

map.

**Does the BMSI program include Bailey Avenue or is Bailey only a TOD corridor?**

Due to the targeted investments through the East Side Corridor Economic Development Fund, four target areas were removed from the program, Bailey, Broadway/Fillmore, Fillmore/MLK and Jefferson Avenue. Projects in these target areas can apply for funds through the East Side Commercial District Program. A building owner on Bailey should contact the University District Community Development Association (the LPA for Bailey Avenue) for more information on funding. Depending on the nature of the project, properties that fall within ½ mile walking distance of transit stops on Bailey Avenue may be eligible for TOD funding.

**What options are available through better Buffalo Funding for Jefferson Ave projects through the BMSI if the East Side project is not moving forward quickly enough.**

Projects on Jefferson could be eligible for TOD funding if they fall within 0.5 miles of the East Utica bus stops or Main Street transit stops. For projects that are interested in East Side Commercial District Program funding on Jefferson, contact Citizens Alliance in partnership with the WNY Black Chamber of Commerce, the program's LPA.

**Do you need to have previously received a grant from New York State Homes and Community Renewal to apply to BMSI?**

No. Applicants are encouraged to provide examples of relevant renovation grant experience to demonstrate capacity to administer the requested grant funds.

**Our association would like to apply for a BMSI grant. Is this organization eligible?**

Applicants for the Buffalo Main Streets Initiative must be formally incorporated under NYS Not-for-profit Corporation law. Applicants are required to provide a formal Certificate of Incorporation as an application attachment.

**We are a new not-for-profit and have NYS certification but not 501c3 status, are we eligible to apply?**

To be an eligible applicant, an organization must be formally incorporated under the NYS Not-for-Profit Corporation Law and providing relevant service in the community for at least one year prior to application. Applicants must provide a copy of the organization's Certificate of Incorporation and Filing Receipt (typically from the NYS Department of State) to demonstrate eligibility at the time of application. IRS 501c3 status is not a program requirement, but ESD and HTFC are unable to advise on potential tax consequences for a not-for-profit without tax exempt status.

**Can only pre-designated not-for-profit LPAs apply, or can any not-for-profit doing commercial district work apply, and once they're designated funds, they become an LPA?**

Eligible applicants to the BMSI Program are local non-profit community-based organizations or business associations that are formally incorporated under NYS Not-for-profit Corporation law. These are not pre-designated, but each eligible target area of the BMSI program should have at least one organization that serves that neighborhood and is already doing similar work. If a property or business owner is not familiar with who that is, contact HCR or ESD for more information on community not-for-profits.

For the Anchor category, if the owner is a not for profit and has experience in managing renovation grants, they are eligible to apply for funds to assist their building. For example, a Theatre or Arts Center.

**For BMSI, do we need to indicate which program we are applying for?**

Yes. In the LOI and application, an applicant must indicate whether they are applying for the funds for a Target Building Renovation program or a Downtown Anchor project.

**Does the LPA partner need to be known when we submit for LOI?**

Yes - LPA should be known at the time of the LOI because they are the applicant.

**Is a church eligible for funds?**

Improvements to structures owned by religious organizations are ineligible uses of funds.

**What is required for SEQR and SHPO on BMSI projects?**

Prior to the commitment or expenditure of BMSI program funds, the environmental effects of each activity must be assessed in accordance with the State Environmental Quality Review Act (SEQR). Review by the State Historic Preservation Office (SHPO) is part of this review. An Environmental Handbook with detailed instructions is available online, here: <https://hcr.ny.gov/nysms-environmental-compliance-handbook>

**If a building is on the National or New York State Registers of Historic Places, what is required?**

All participating buildings must be reviewed by the State Historic Preservation Office (SHPO) as part of a site-specific environmental review. If a building is on the National Register, SHPO will require detailed documentation of the proposed project scope of work, including product specifications.

**What is considered traditional building stock?**

Traditional building stock is generally buildings that are mixed-use and located in a downtown retail/commercial district that is pedestrian-oriented.

**When are administrative funds disbursed?**

Applicants may request up to 10% of the grant award for administrative expenses. If awarded, the program administrator may request 40% of the allocated administrative funds once the contract is executed and environmental review is complete. Administrative funds beyond the initial 40% will be available based on completion of building renovation activities.

**Our project is located on Main Street in downtown Buffalo, are we eligible to apply to the BBF under the Main Street program track?**

Properties on Main Street in downtown Buffalo are eligible for the TOD track. In Rounds 4 & 5, the Buffalo Main Streets Initiative was extended to include Main Street between Mohawk and Seneca Streets. There are other resources available to support other areas on Main Street including NYS HCR's regular Main Street program through the annual CFA process. <https://apps.cio.ny.gov/apps/cfa/>.

**Can we use funds to add an addition to a building?**

Target Area Building Renovation and Downtown Anchor funds cannot be used for new construction. New construction is considered an extension of the footprint of a building.

**If my application is funded, how do I access the awarded Main Street money?**

Before Main Street funds can be drawn down, awardees must execute the New York Main Street grant agreement and designate a bank account to receive Main Street funds in the form of a direct deposit. Main Street is a reimbursement program; therefore, individual projects must be complete and paid for before funds will be disbursed. Main Street funds may be requested on a per building/project basis.

**Can a for-profit business or property owner apply directly to the Better Buffalo Fund for the Buffalo Main Streets Initiative track?**

Eligible applicants under the Main Street track are only organizations incorporated under the NYS Not-for-Profit Corporation Law. Not-for-profit recipients then provide grants to local building owners. We will not contract directly with property owners.

**Are restrictions placed on buildings that receive Main Street funds?**

Property owners participating in the Main Street Program must sign a Property Maintenance Declaration. The Property Maintenance Declaration states that the property owner will maintain all Main Street assisted improvements in good condition for a five-year term. This Declaration document must be filed with the County to secure the investment.

**Can funds be used to improve a building's parking lot?**

No. Buffalo Main Streets Initiative funds cannot be used for site work such as parking lots, driveways, sidewalks or general landscaping.

**Does the non-profit applicant need to own or have site control of the building (s)?**

For Target Area Building Renovation activities, not-for-profit organizations generally request funds to provide matching grants to a group of private property owners. If awarded a Main Street grant, the organization may award matching grants to district building owners of up to \$50,000/building, plus an additional \$25,000 toward each residential unit renovated, not to exceed 75% of Total Project Cost or \$150,000/building, whichever is less.

For Downtown Anchors an applicant may apply for funds (up to \$500,000 per building, not to exceed 50% of the total project cost) to assist a property owned by the not-for-profit organization or apply on behalf of the property owner.

**We are a not-for-profit applicant partnering with another not-for-profit on the project. Are we both required to produce 3 years of financial records, or just the applicant?**

Only the applicant is required to submit 3 years of financial statements.

**What could asbestos found during the environmental survey mean for a project?**

An initial survey for asbestos containing materials is a standard part of a renovation project and compliance with DOL regulations is one component of a Main Street environmental review process. It is possible that asbestos containing materials could be identified and require changes to a project scope of work. Renovation projects completed by contractors must comply with NYS Department of Labor regulations related to asbestos—regardless of the use of NYS grant funds.

**Is the not-for-profit applicant required to be located in the same geographic area as the project?**

The not-for-profit is not required to be located in the same geographic area as the project, but the applicant must demonstrate sufficient capacity and experience to work in a different district. The not-for-profit should confirm that it is allowable within the organization's bylaws.

**Do any of the forms on the New York State Homes & Community Renewal website need to be used when completing the Better Buffalo Fund application?**

The forms are not required for the application, but the following could be referenced to understand the environmental review and grant administration processes for awarded projects.

<https://hcr.ny.gov/buffalo-main-streets-initiative>

**If a building could potentially be sold within the next year, how could that affect a project's eligibility?**

All participating property owners must execute a Property Maintenance Declaration at project

completion. The Declaration is a regulatory agreement that must be filed with the county when the project is completed. The document states that assisted improvements will be maintained in good condition for a five-year term. If an assisted property is sold, moved, demolished or materially altered during the five-year term the property owner must repay the grant funds. The repayment amount is decreased by one-fifth for each year the property was in compliance.

The property could technically change hands prior to completion of the project—as long as the new property owner agrees to sign the document and comply with the rules for the regulatory term. However, if the ownership of the property is questionable, it is recommended to wait until the next funding round. The grant funds should not be pursued as a way to market a property for sale.

**The guidelines state that grant funding is typically disbursed upon project completion. Is it possible for funding to be awarded upfront?**

No. Main Street funds are provided on a reimbursement basis only. Evidence of construction inspections, invoices and payments must be submitted to request reimbursement of grant funds. Progress payments are available upon prior approval from HTFC.

**Will Better Buffalo Fund applicants to the Buffalo Main Streets Initiative track need to comply with the New York Main Street (NYMS) rent limits for residential units?**

No, the affordability requirements from NYMS will not apply. However, projects that have an affordable housing component are preferred.

*Target Building Renovation*

**Can you explain the matching requirements for Target Area Building Renovations?**

Matching funds are required for building renovation projects on a per building basis. Grant funds per building cannot exceed 75% of project cost/building or \$150,000/building, whichever is less. Streetscape projects and administrative costs do not require matching funds. Applications are more competitive, however, when they demonstrate higher levels of matching and leveraged funds.

**Do commercial properties have to be identified at time of application or should the business association notify commercial property owners within the target area of the matching grant opportunity after receiving the grant?**

Applicants for funds under the Downtown Anchor activity must identify the property and other sources of financing at the time of application.

Applicants for the Target Area Building Renovation activity may apply with a designated target area – but without commercial properties identified. We do recommend, however, that an applicant complete a marketing effort to confirm that area property owners are interested in a matching, reimbursement grant program. Letters of interest from potential participants will strengthen an application. Applications with properties identified demonstrate readiness to complete projects in a shorter term and typically receive priority consideration. If an applicant prefers to pre-select properties for assistance and include those properties in the application, the required project selection and award process must be completed and documented. Refer to the BMSI Administrative Plan sample available online for requirements.

**Can we submit an application for a Target Building Renovation project for just one building?**

An application for a single building under the target building renovation activities is eligible if the amount requested is at least \$50,000 and there is only one building ready to proceed if awarded a grant. However, because the program encourages projects that can demonstrate significant impact for the target district, applicants should consider gauging interest from other building owners and expanding the number of buildings if feasible.

**Our project seems to meet all of the criteria, but it would be under the minimum grant of \$50,000. Are we eligible to apply?**

Single building requests under the identified minimum request amount of \$50,000 will not be accepted. The applicant could consider a program approach instead to assist a group of buildings in a target area.

**Is there a preference for exterior renovation? Many of our building owners have deferred maintenance issues or have interior renovations that are priorities for them.**

While concentrated visual improvements and visual impact is important to the program, we also understand that every commercial corridor's goals are different and deferred maintenance could help them sustain a business or interior improvement could help make a property more desirable to attract a tenant. The applicant needs to make a case in the application for why the types of improvements proposed are important based on the unique needs of the community.

**Are architectural drawings required for an application?**

Architectural drawings help the applicant demonstrate project readiness, but they are not formally required.

**Are streetscape improvements limited to the space in front of the buildings that utilized BBF grant funding for renovations?**

No. Streetscape improvements can be used throughout the awarded target area.

**Does the state have a preferred list of contractors who could assist building owners with their projects?**

No, we do not maintain lists of contractors. As part of the administrative plan, LPAs are instructed to develop a list of vetted contractors that will be included in the bid solicitation process. The list should remain open to new contractors but provide a starting point for obtaining bids.

**I understand that projects cannot begin prior to an award, but what happens if a business owner has a phased project?**

One part of a phased project may be allowed. Applicants should clearly identify the distinct phases of the entire project in their application and identify the phase(s) for which they are seeking funding.

**Can the non-profit applicant use the grant funds for a building that they own?**

Yes, but the organization must document how the project meets the identified project selection priorities and objectives of the Better Buffalo Fund's Buffalo Main Streets Initiative.

**Can funding through the Better Buffalo Fund be used for a micro loans program?**

At this time, funding awarded through the Better Buffalo Fund cannot be used for a microloan or construction loan program. Applicants may request between \$50,000 and \$300,000 for matching grants to district building owners of up to \$50,000/building, plus an additional \$25,000 toward each residential unit renovated, not to exceed 75% of total project cost or \$150,000/building, whichever is less. Applicants may request a higher amount should they be able to demonstrate a demand and project list beyond the \$300,000 maximum. Awards above this level may be considered at ESD's discretion.

**Property owners in our community are not currently interested in completing building renovation projects, but we would like to install benches, garbage cans and bike racks. Can we apply for Streetscape funds to purchase and install these fixtures?**

Streetscape funds may not be requested as a standalone activity. Streetscape funds must be ancillary to a Target Area Building Renovation program.

**If two different organizations want to apply for Target Area Building Renovation funding for the same corridor, would they be eligible to do so?**

Yes; however, the Better Buffalo Fund seeks to promote cooperation and coordination in the implementation of economic development programs to maximize efficiencies and leverage high impact results. In addition, planning and marketing to confirm that property owners in each target area are interested in the grant program is strongly recommended.

**We are a citywide organization and wish to apply for multiple Main Street corridors. Should we submit multiple applications or just one?**

An application must have a single applicant organization that will enter into a grant agreement for the project. An applicant may apply for more than one target area in a single application, but in most cases the maximum request amount remains at \$300,000. There are certain circumstances where Applicants may request a higher amount beyond the \$300,000 maximum. Awards above this level will be considered at ESD's discretion. It is important to present sufficient capacity to administer the program, and especially important if an applicant plans to work in more than one target area. Be sure to do planning and marketing to confirm that property owners in each target area are interested in the grant program. It is recommended that you prioritize the street/target area that is ready to begin construction.

**If we are an LPA that has a current open Target Area Building Renovation grant through BMSI. Are we eligible to apply in this round for the same district, a new district, a new Downtown Anchor?**

Nothing prohibits an organization from applying in subsequent rounds if they received an award previously; however, progress on implementing their prior award and meeting program objectives will be heavily weighed into future applications.

**Can a collaboration between a for-profit entity and a nonprofit entity be accepted to receive funds? For clarification, can a not-for-profit looking to act as a co developer on a project act as the LPA as well?**

For BMSI, collaboration is required and a non-profit must be the applicant and provide direct coordination for the project.

**For Target Area Building Renovation grants, how does reimbursement work?**

Organizations awarded Main Street Target Area Building grants enter into a grant agreement with Housing Trust Fund Corporation, followed by an environmental review process. Once the project is approved to proceed, the organization will follow rules outlined in the grant agreement and administrative plan to award Main Street grants to individual property owners. Funds can be disbursed at the completion of *each* building renovation project. For example, if an organization applies for \$300,000 to assist ten buildings, HTFC will issue up to ten reimbursement payments.

**Our business district covers two eligible locations, should we submit a single application for both, or two separate applications?**

Either scenario would be acceptable. A single application for two districts would simplify the administration of the program, but it would be capped at \$300,000. Two separate applications would each be eligible for \$300,000.

The decision should be based on the marketing and documentation of property owner interest in both areas. We recommend submitting a request for what can be reasonably expended within a 24-month term. We strongly recommend a lower request amount if it is not clear that sufficient property owner interest exists for the \$300,000. In certain circumstances awards above this level may be considered at ESD's discretion.

**If construction is set to begin for a project this month, is the project excluded from the Target Building Renovation Program?**

Projects cannot begin prior to an award; however if the project has distinct phases it may be eligible for funding for a later phase. Applicants should clearly identify the distinct phases of the entire project in their application and identify the phase(s) for which they are seeking funding.

*Downtown Anchor*

**Is acquisition an eligible expense for Downtown Anchor projects?**

Acquisition is not an eligible expense for reimbursement for Downtown Anchor projects. In addition, a BMSI Downtown Anchor grant request can be no more than 50% of eligible renovation and project delivery (soft cost) expenses.

**For a Downtown Anchor project, what happens if the project costs are less than anticipated and the award ends up being greater than 50% of the total project cost?**

BMSI funds are disbursed on a reimbursement basis. If the project costs are less than anticipated, the grantee will request reimbursement for up to 50% of the eligible renovation costs demonstrated by paid invoices. Therefore, the awardee may not be entitled to request reimbursement for the full amount initially awarded. There are no funds to return, excess funds are simply not released.

**What qualifies as a business plan and market analysis?**

The Downtown Anchor activity allows for an investment in a single building that is much larger than typical target area building renovation projects. To provide these larger grants (\$100,000 to \$500,000 for a building), we must confirm that the investment is secure and will be maintained. The business plan and market analysis are intended to provide a clear demonstration of need for the commercial, residential or civic use in the project area. Additionally, the business plan provides evidence that the business and organization are sustainable.

Please note, the Target Area Building Renovation activity does not require these documents. If you intend to apply under the Downtown Anchor activity and do not have a business plan and market analysis, we recommend writing a document to address the issues identified above and providing evidence of financial stability that would be expected in a business plan. The following is what we usually look for:

a. General Requirements

A Business Plan should demonstrate the following:

- that the proposed enterprise will meet an identified need in the general area and can be readily absorbed;
- that there is market support for the anchor;
- that projected income and revenue are attainable;
- that estimated project income is sufficient to pay the estimated operating expenses (including any debt service contained in the financing plan);
- that the operating and development budgets are reasonable;
- If the anchor involves the provision of a public service, the applicant should also discuss the need for the service in the area, and the likelihood of any additional public operating or capital revenue;
- identify the sources of statistics used in the analyses and, when statistics are not from public sources, include means for verification (e.g., list of contacts with telephone numbers or attachment of source documents);

- fully explain the reasoning behind any assumptions used in the analyses;
  - conclude that the enterprise will likely be self-sustaining; and,
  - demonstrate that requested funding will bring the project to a complete and operational state.
- b. Market Analysis
- The Market Analysis should demonstrate sufficient market support for the business or organization.
- c. Operating Budget
- The Program Operating Budget should reflect as accurately as possible the expected income (revenue) and operating costs of the program.
- d. Financing Plan
- Details of how the project is financed

**Does funding under the BMSI Downtown Anchor program fund infill, new construction or demolition?**

No. Grant funds may be used only to renovate large scale, single projects that are key to local revitalization efforts.

**For a Downtown Anchor project, what if the project has to start immediately because of an emergency stabilization situation which is being financed by private funds? Can that funding count towards the 50% project match?**

Projects cannot begin prior to an award and funds that have already been spent cannot be used toward the match; however if the project has distinct phases it may be eligible for funding for a later phase. Applicants should clearly identify the distinct phases of the entire project in their application and identify the phase(s) for which they are seeking funding.