Guidelines For
Financial Assistance

Lake Ontario
Small Business Recovery Fund

State of New York
Andrew M. Cuomo, Governor

Empire State Development
Program
The Lake Ontario Small Business Recovery Fund (the "Program") is a program administered by the New York State Urban Development Corporation d/b/a Empire State Development ("ESD") to provide assistance to eligible small businesses that sustained direct physical flood-related damage related to Lake Ontario and St. Lawrence River flooding. New York State has allocated $5 million to be used to provide grants for physical losses to real property and other tangible assets related to Lake Ontario and St. Lawrence River flooding.

Grants may be used for physical losses to structures and other tangible assets related to Lake Ontario and St. Lawrence River flooding. Grants of up to $20,000 may be provided for such losses which either have not or will not be compensated by any other federal, state or local recovery program or any third-party payors. The losses must have occurred on or after April 1, 2017. Program Assistance will be calculated at fifty percent (50%) of the net eligible loss not to exceed $20,000. In order to be eligible for funding the business must have been in operation up until April 1, 2017.

Program Assistance
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Physical loss to structures
Businesses may be eligible for assistance to help with direct physical flood-related damage, including but not limited to repair or replacement of damaged or destroyed real property and other tangible assets including equipment, furniture, fixtures, supplies, and inventory. Losses must be for property and items used or created in the normal and customary course of operations.

Eligible Area
To be eligible for assistance under the Program the business must be located in Cayuga, Jefferson, Monroe Niagara, Orleans, Oswego, St. Lawrence and Wayne counties at the time it sustained the loss.

Eligible Entities
An "Eligible Entity" shall mean:

i. a for-profit business establishment engaged in a retail or service enterprise filing taxes as a New York State business;

ii. its operation is located within Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence and Wayne counties; and,

iii. resident in New York State, independently owned and operated, not dominant in its field and employs one hundred or fewer persons.
Ineligible Entities
i. Casinos or other gambling establishments, or adult entertainment facilities.

Reimbursed Loss
Reimbursed Loss shall mean a loss that has been or will be reimbursed by grants or other assistance received from the local, state or federal governments, and/or third-party payers received by the business or for its benefit. A loan that a business obtained and used to pay the cost of replacement or repair of a loss is not considered a Reimbursed Loss.

Application
Applications will be accepted continuously through December 31, 2017. A business should submit one application when all documentation of loss and repair can be established as described in the program application.

An Eligible Entity must file a complete application for grant assistance. A complete application includes:
(i) an original completed and signed application form;
(ii) a copy of federal business tax return filed for 2015;
(iii) a copy of federal business tax return filed for 2016;
(iv) a copy of signed ST-100 (New York State Quarterly Sales and Use Tax Return) as filed with the NYS Department of Tax and Finance for Quarter 4 (March – June) for the 2017 tax year;
(v) documentation verifying physical loss to real property and/or tangible assets from an insurance carrier, the Small Business Administration or a New York State licensed insurance adjuster;
(vi) documentation of compensation received from any other grant or other assistance from local, state, or federal governments, third party private assistance, or insurance;
(vii) copies of all federal, state and/or local permits for the repairs to physical structures;
(viii) photocopy of the lease, deed, or permit for the premises where the business is located;
(ix) photocopies of both sides of cancelled checks for rent or mortgage payment or a photocopy of a utility bill for the premises which shows service provided;
(x) an original completed Internal Revenue Service (IRS) Form W-9 (http://www.irs.gov/pub/irs-pdf/fw9.pdf);

Grants may be conditionally approved based on the information above but funds will not be disbursed until the following information is received:
(i) documentation of repairs and/or replacement of physical property and tangible assets including, but not limited to, copies of invoices, cancelled checks, bank statements and/or credit card receipts. Cash payments will not be reimbursed.

ESD may require additional or alternative documentation as ESD deems necessary.

Application Review
ESD may give preference to applicants that demonstrate the greatest need, based on available flood damage data provided by applicable agencies. All payments will be made by electronic
transfer. In accordance with IRS regulations all Program Assistance disbursed will be reported by ESD to the IRS and ESD shall mail a Form 1099 to the Program Assistance recipient, at the address provided in the application.

Program Assistance Recapture
ESD may require the Eligible Entity to repay any Program Assistance received under this program in the following events:

(i) if its application, including any information provided therewith or thereafter, contains any material misrepresentations or is incomplete;
(ii) if the Program Assistance was awarded or disbursed in error and the Eligible Entity is not entitled to assistance under these Guidelines; or
(iii) if supporting documentation for actual Eligible Loss incurred and Reimbursed Loss is not true and complete.

In the event the Eligible Entity receives insurance payments and/or additional grants or assistance for an item of Eligible Loss that has been reimbursed with Program Assistance, the Eligible Entity shall immediately repay to ESD the Program Assistance proceeds corresponding to such item.

In the event of any fraudulent misrepresentations by the Eligible Entity, in addition to the recapture of Program Assistance, ESD may pursue other legal remedies and refer the matter to the appropriate governmental authorities for investigation and prosecution.

Audit and Control
ESD may conduct site visits and audit applications on a random or specified basis for a period extending to six years after the final disbursement of the Program Assistance to the Eligible Entity. ESD reserves the right to contact insurance companies and other federal, state and local governmental agencies to confirm information included, or that should have been included, in the applications.

Disclosure of Information
Each Eligible Entity must agree to allow:

(a) the Department of Taxation and Finance to share its tax information with ESD. However, any information shared as a result of this agreement shall not be available for disclosure or inspection under the state freedom of information law;
(b) the Department of Labor to share its tax, employer or other information with ESD relevant to flood recovery funding. However, any tax information shared as a result of this agreement shall not be available for disclosure or inspection under the state freedom of information law;
(c) any federal, state, local governmental agency or authority that has or is providing flood recovery funding will agree to share relevant information with ESD. Any information shared as a result of this agreement shall not be available for disclosure or inspection under the state freedom of information law; and
(d) ESD and its agents access to any and all books and records ESD may require to monitor compliance.
Except as required by applicable law or regulations, ESD will endeavor to maintain the confidentiality of tax and rent information submitted as part of the application. Notwithstanding the foregoing, such information may be made available to ESD staff and designated individuals that are processing the application and to federal, state or local officials and to auditors evaluating the Program and others as ESD may deem to be required in accordance with applicable law and regulations, including judicial orders and subpoenas.

Availability of Funds
The disbursement of any program assistance is explicitly subject to the approval of ESD and the receipt by ESD of a sufficient amount of Program funds from the State of New York acting by and through the New York State Division of the Budget.

Non-Discrimination
ESD’s non-discrimination policy will apply. The Eligible Entity shall not unlawfully discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status.

Amendments to Guidelines
ESD may amend these guidelines from time to time.

Additional Information
The Eligible Entity can access the application form and instructions, these Guidelines, any amendments to these Guidelines and additional information about the Program at the ESD web site at www.esd.ny.gov. Information can also be obtained by calling 518/292-5100.

Application Submissions
Applications will be accepted continuously through December 31, 2017. A complete application package must be mailed to:

Empire State Development
Attn: Lake Ontario Small Business Recovery Fund
625 Broadway
Albany, NY 12245

All applications must be postmarked by December 31, 2017. Applications postmarked after such date may be rejected by ESD. Based on interest in the program and the availability of program funds, the deadline for submission of applications may be extended by ESD at its discretion.