

Hurricane Ida Storm, Village of Rye Brook

9/21/2022



Question 1: How will I be paid for my home/how will my home be valued?

Answer 1: The way in which the landowner will receive compensation through the EWPP-Floodplain Easement Program (EWPP-FPE) will be via two purchase agreements. An “Agreement for the Purchase of Conservation Easement” from NRCS which will compensate you for the easement and structure, and a purchase agreement from the Village of Rye Brook which will compensate you for the remaining fee title. The compensation values for the easement, structure, and remaining fee title will be determined by an appraisal completed by a licensed appraiser. The date of value is the date before Hurricane Ida.

Question 2: Does my foundation (or any other part of my home) need to be repaired in order to be eligible for a buyout?

Answer 2: Your foundation (or any other part of the home), damaged by Hurricane Ida, does not need to be repaired in order to apply/participate in the NRCS EWPP-FPE Program. However, repairs may be necessary per local laws and code ordinances.

Question 3: Will I be compensated for the work I have done on my home since Hurricane Ida?

Answer 3: Directly compensated? No. Compensation will be based on the value of your home, per the appraisal, as of the day before Hurricane Ida. Refer to Question 1.

Question 4: What if I received insurance money, loans, or other recovery assistance?

Answer 4: Any compensation received as “recovery assistance” was intended for use to repair your home. If you followed through with repairs, the offer NRCS would extend as a result of the appraisal would not be impacted.

A copy of the insurance check or other documentation pertaining to the recovery assistance must be provided, along with copies of documentation showing the money was spent for its intended purpose. Examples of documentation might be paid contractor invoices, receipts for building supplies delivered to the property address, or other documentation confirming how the funds were spent. If invoices or receipts are not available, the landowner has the optional affidavit form available for use.

Question 5: What if I do not have receipts and opt to not use the affidavit that is available?



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Answer 5: NRCS must reduce the Easement offer to the landowner by the amount of recovery assistance the landowner has received for the purpose of repairing your home.

Question 6: What if I received insurance money, loans, or other recovery assistance but did not make repairs to the home?

Answer 6: NRCS must reduce the Easement offer to the landowner by the amount of recovery assistance the landowner has received but did not use for making repairs to the home.

Question 7: How long will this process take?

Answer 7: The process as a whole (from application sign-up to closing (the buy-out) will be a multi-year process.

NRCS estimates our review of determining the project's viability will be completed by Spring of 2023. This will include identifying which residents will be tentatively approved for funding.

As previously discussed, appraisals will determine the compensation/offer amount which will be extended to the residents. Appraisals completed by a licensed appraiser are estimated to be completed by Fall/Winter 2023.

Question 8: What should residents expect from the buyout program?

Answer 8: Through NRCS' EWPP-FPE Program, at the closings, an approved applicant will sell/convey a Floodplain Easement (rights to their property) to NRCS. The resident will then sell the fee title (remaining interest in the property) to the Village of Rye Brook. At the end of the transaction (the two simultaneous closings), the resident no longer retains ownership of the property. The property is now owned by the Village of Rye Brook subject to a Floodplain Easement held by the United States Government. The easement ensures the property does not allow redevelopment. Ultimately NRCS and the Village of Rye Brook will partner to restore the parcel (and surrounding parcels) to a functioning floodplain.

Question 9: What if my neighbor does not apply to the program?

Answer 9: There is no simple answer at this point in time. NRCS and the Village of Rye Brook will assess how the applications received relates to the EWPP-FPE Program's goal of restoring the entire reach of the floodplain.



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Question 10: What if I own multiple properties?

Answer 10: You may submit a full application package for each individual property, provided they fall within the designated project area.

Question 11: What if I purchased a property within the project area after September 1, 2021? Am I eligible to submit an application?

Answer 11: Yes, the current landowner/homeowner may submit an application.

Question 12: What if I sold my home? Would the buy-out be offered to the new homeowner?

Answer 12: The program is available to the current landowner/homeowner if they are interested in submitting an application package by the October 31, 2022 application deadline.

Question 13: Will a property owner be required to sell their property to NRCS?

Answer 13: No. This is a voluntary program.

Question 14: When will the amount I am being offered be provided?

Answer 14: The compensation amounts for both the easement (which includes the structure) and the residual fee-title, will be known after appraisal has been completed and technically reviewed and approved. Appraisals completed by a licensed appraiser are estimated to be completed by Fall/Winter 2023.

Question 15: What if I owe the bank more than the amount being offered?

Answer 15: Landowners are required to provide clear title to be eligible for the NRCS program. If the amount owed on their mortgage exceeds the amount being offered as a result of the appraisal, the landowner will be required to pay-off the difference of the mortgage at or before closing.

Question 16: Is there a certain number of homes in a row that must agree to the buy-out?

Answer 16: There is no simple answer at this point in time. NRCS and the Village of Rye Brook will assess how the applications received relates to the EWPP-FPE Program's goal of restoring the entire reach of the floodplain.



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Question 17: What if I am not up to date with my taxes?

Answer 17: You are the current property owner now and will remain so until the closings / buy-out are completed. Therefore, you are responsible for all taxes owed on your property. As stated above on the question relative to mortgages owed on the property, all landowners are required to provide clear title to be eligible for NRCS' program. Therefore, as unpaid taxes are a lien against your property, all outstanding taxes will need to be paid before or at the closing.

Question 18: How long from the time an agreement is made to the buy-out before I need to be out of my home?

Answer 18: From the time of the agreement (offer) to the buy-out (closing), it will take several years to get through the required steps of the program. You will be updated throughout the process with a more refined timeframe as to when you will need to be out of your home.

Question 19: Does the home have to be my primary residence?

Answer 19: No.

Question 20: Do I have to be living in the home at the time that the buy-out is offered?

Answer 20: No.

Question 21: What if I did not get a letter? Does that mean I am not included in the buy-out?

Answer 21: If your property is within the program's designated project area and you did not receive a letter, you may still apply to the program. If you are outside the designated area, you do not qualify for the program.

Question 22: What is the difference between an appraisal and an assessment?

Answer 22: An **Appraiser** is a person who is specifically trained to offer an unbiased value of real property. An **Appraisal** is an opinion of the value of property, as of a specific date, supported by objective data. **This is how the value of your property/home will be determined in our program.**

An **Assessor** is an elected or appointed local official who independently estimates the value of real property. The



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Assessed Value is the value placed on property to which a local tax rate is applied to calculate the amount of real property tax. Your **Assessment** is a percentage of a property’s market value. They are two very separate values.

Question 23: Where do I find the Application / NEST Number?

Answer 23: You may leave that blank. NRCS will complete that number for you after your application is entered into their database.

Question 24: What is the purpose of the appraisal since the compensation will be valued as of the day before Hurricane Ida?

Answer 24: The appraiser needs to view the subject property to see what existed or still exists at the time of the assignment. This would verify what structures still exist or may have been completely lost due to the disaster event. Condition of existing structures prior to the event can be determined from various resources; landowner, assessor’s office, assessor’s appraisal docket, aerial photography of the property, etc. However, viewing the property helps the appraiser verify what may have existed at the time of the event.

Appraisal specifications do not require the landowner to be present at the time of the inspection. It is preferred but not required. Appraiser can interview the landowner regarding the property via phone interview if needed.

Question 25: If a homeowner sells their property after they have applied to our program, and they are still in the “application phase”, meaning they have not yet signed a purchase agreement with NRCS, can the new owner participate in the program (if interested)?

Answer 25: If the sale is completed prior to NRCS’ application cut-off date of October 31, 2022, the new owner may apply to the program. If the sale is completed after NRCS’ application cut-off date of October 31, 2022, NRCS and the Village of Rye Brook will contact the new owner and explain the program, providing an opportunity for the new owner to apply.

Question 26: If a homeowner sells their property after they have signed a purchase agreement with NRCS, can the new owner participate in the program (if interested)?

Answer 26: See answer #38.

Question 27: If a homeowner completed clean-up/repairs to their home in lieu of hiring a contractor/company, are



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they allowed to account for their time using the Affidavit portion of the Documentation of Other Recovery Assistance Worksheet?

Answer 27: Yes. However, NRCS NY does have the authority to make the determination if the costs listed are reasonable/acceptable.

Question 28: May a homeowner to take some/all of their appliances with them when they move out of the home, as a result of the buy-out?

Answer 28: Yes. NRCS NY has uploaded a worksheet to the website which the homeowner must complete. The homeowner must list the type, brand and serial number of each appliance they intend to remove prior to closing. The worksheet must be signed by both the homeowner and NRCS.

NRCS or the Sponsor will provide the appraiser a copy of the completed form prior to the conducting the appraisal so the information may be factored into appraisal/valuation of the property.

The same worksheet/requirement applies if a tenant owns the appliances.

Question 29: If homeowners used all or a portion of recovery assistance received (insurance money, etc.) to pay down the principle of the mortgage, is that an allowable expense/cost to list on the Affidavit portion of the Documentation of Other Recovery Assistance Worksheet?

Answer 29: No. Recovery assistance (insurance money) received for the purpose of making repairs to the home was intended for that purpose strictly. If a homeowner used those funds for other purposes, NRCS will be required to reduce their offer by that amount.

Question 30: What is allowed to remain in the homes/garages/sheds (structures) at closing?

Answer 30: Any identified hazardous materials would need to be examined and a determination as to their removal would be required (Prior to closing.)

Question 31: When the appraiser completes the appraisal, does the fact that the property is located within a flood zone get taken into consideration?

Answer 31: All aspects described in the Statement of Work (SOW) of the appraisal will impact the valuation of the



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property. If the sales approach is used similar properties in the area are considered which may take into consideration flood zone areas.

Question 32: What if I do not have a copy of my recorded property deed?

Answer 32: Please email Chris Bradbury at cbradbury@ryebrook.org and ask for assistance with obtaining a copy of your recorded deed.

Question 33: What if I require assistance completing my application package?

Answer 33: Please email Chris Bradbury at cbradbury@ryebrook.org or call 914-939-0634 for further assistance.

Question 34: What happens if there is another flood(s) before closings occur and applicants receive additional insurance/recovery assistance? Will the appraised value (as stated in LOI- Letter of Intent to Continue)/eventual offer be reduced?

Answer 34: Nothing. NRCS will not need to know if you receive additional insurance/recovery assistance. The new flood would be considered a separate storm/flood event from Hurricane Ida.

No. The appraisals were completed based on the qualifying event – Hurricane Ida. A subsequent storm/flood will not impact the appraised values for this project.

Question 35: Each individual property requires an application, correct?

Answer 35: Each individual property requires an application, with the exception of contiguous parcels with the exact same ownership. Ex.: Mary Brown and William Brown own two parcels which are located next to each other. One parcel has their house on it and the parcel next to it (contiguous) is a vacant lot (side yard). Since the ownership deeds for each parcel are held in the exact same names “Mary Brown and William Brown”, and the two parcels are contiguous, the landowners could have applied under one application, which covered both parcels.

Question 36: Will the applicant/landowner be responsible for any costs if they back out of the program?

Answer 36: The applicant will not be held liable for any costs incurred after having checked “Yes” on the Letter Of Intent to Continue (LOI) and backing out PRIOR to signing the “Agreement for the Purchase of Conservation Easement”.



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The “Agreement for the Purchase of Conservation Easement” is the actual purchase agreement or contract between the applicant and NRCS/Federal Government. That IS a BINDING contract.

There is a clause in that contract which reads “C. Except for reasons beyond the control of the Landowner, as determined by NRCS, if the Landowner fails to convey the easement, the Landowner will be in default and shall pay the United States the amount of costs incurred by the United States for survey and all other actions taken in furtherance of this Agreement.”

Question 37: How does the closing process work? Do applicants have to pay any closing fees?

Answer 37: The applicant will close with NRCS / Federal Government first – that closing will accomplish the landowner conveying the Floodplain Easement (and house) to NRCS. Immediately following, the applicant will close with the Village of Rye Brook/Sponsor – that closing will accomplish the landowner conveying the remaining fee title to the Village of Rye Brook. Closings may be completed in person or via mail; to be determined by NRCS at later date.

NRCS pays all closing costs associated with our closing (Floodplain Easement/house). NRCS will not provide funds to the Sponsor for their costs related to the fee title purchase of the property.

Question 38: What happens if an applicant dies before closing? Can the person who assumes ownership of the house via their will stay in the program?

Answer 38: Possibly. There is a “Transfer of Purchase Agreement” or “TOPA” to use for this scenario associated with NRCS’ Agricultural Conservation Easement Program (ACEP). Further review will be required to determine if that same functionality has been authorized for the EWPP-FPE program. Further research will be conducted.

Question 39: If the homeowner hires an attorney for closing, will that cost be covered by NRCS or does homeowner pay them?

Answer 39: If a homeowner retains an attorney, the homeowner is responsible for costs incurred. That cost will not be covered by NRCS.

Question 40: If I am behind on taxes, how will that be handled by NRCS?

Answer 40: See question/answer #17. Taxes are the responsibility of the applicant. Mortgages, home equity loans, taxes, back taxes, any other liens, all get paid at or before closing from the easement proceeds (the amount



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NRCS would offer indicated on your LOI). If that amount is insufficient to cover all liens on title, it is the responsibility of the applicant to pay the difference.

Question 41: Is it possible for a homeowner to relocate their home to an alternative location rather than demolish it?

Answer 41: In some instances, it may be more cost effective to relocate the residential dwelling outside the floodplain. NRCS may pay up to 100 percent of the cost to relocate the residential home on a new lot, location, or parcel that is outside of the proposed easement area and outside the 100-year floodplain, as determined by FEMA flood maps and certified by a registered licensed surveyor.

NRCS NY is awaiting additional guidance from National Headquarters, and will provide an update to the FAQ when received.

