



## **FACT SHEET**

# **Erie County Storefront Revitalization Program**

**April 7, 2022**

The Erie County Department of Environment and Planning (ECDEP) hereby establishes the following guidelines and procedures for the implementation of a Storefront Revitalization Program. Funding for this program will be provided through Erie County 2022 Budget Appropriations. The objective of the program is to provide grant funds to eligible businesses throughout Erie County that may have lost revenue during the COVID pandemic, assisting them with exterior façade upgrades and improvements that will help to attract new customers, business and revenue.

### **1. Program Goals**

- To improve the physical appearance and enhance the curb appeal of eligible businesses throughout Erie County.
- To strategically invest in and strengthen our local small-business economy that is building back from the COVID pandemic.

### **2. Funding Available**

\$10 million is being allocated within the 2022 Erie County Budget to help area businesses that depend on in walk-in customers to drive revenue. Grants of up to \$40,000 will be made available per business. The business owner shall be responsible for all costs in excess of \$40,000.

### **3. Eligible Activities**

Eligible activities include the repair, replacement and/or installation of existing building façade materials (siding, brick/masonry repair, etc...), awnings, signage, window and door treatments, roof replacement, and lighting. Permanent outdoor fixtures such as planters, benches, and bike racks are also eligible. Grounds improvements such as paving and landscaping may be eligible if they are incidental to the main rehab work to the building facade. It is anticipated that only in rare occasions will grounds improvements satisfy the test for meeting the incidental work definition.

Interior renovations are not eligible for assistance under this program.

Eligible activities also include items necessary to insure building compliance with federal Americans With Disabilities (ADA) regulations.

It should be stressed that routine maintenance or repair items and new façades that mask building architecture are not eligible for assistance.

#### 4. **Eligible Areas**

All businesses within Erie County who meet the criteria outlined in Paragraph 5 are eligible to apply. There are no area restrictions or limitations outside of requirement that business address is physically located within Erie County.

#### 5. **Eligible Applicants**

Eligible applicants are owners or lessees of occupied commercial/retail properties that are located within Erie County. National franchises are not eligible, however local franchises may be eligible if they meet the criteria below. Eligible applicants include any occupied retail business structure that is operating in conformity with the Municipality's zoning regulations. Business must be current with Federal, State, and Local taxes, including property taxes, for the building they wish to improve through the program. Also, eligible applicants can have no pending petition for bankruptcy protection, and no pending liability claims.

##### **Further Criteria:**

- Eligible Entities include: C-Corp, S-Corp, LLC, LLP, Partnership (JV, Gen, Limited), sole proprietorship whereby they have employees who are on a payroll and pay payroll taxes
- Must provide evidence or proof of business **license/permit or DBA**
- Business must have earned less than \$5 Million in Annual Gross Income for 2020 and 2019
- Must have 75 or fewer employees as of March 17, 2020
- Show proof of Employees paying Payroll Taxes prior to March 17, 2020

#### 6. **Ineligible Applicants:**

- Non-profit businesses (for-profit subsidiaries are eligible)
- Financial businesses primarily engaged in the business of lending, such as banks, finance companies, and factors (pawn shops, although engaged in lending, may qualify in some circumstances)
- National Chain Franchises
- Life insurance companies
- Government-owned entities (except for businesses owned or controlled by a Native American tribe)

- Businesses principally engaged in teaching, instructing, counseling, or indoctrinating religion, whether in a religious or secular setting
- Businesses which 1) present live performance of a prurient sexual nature or 2) derive directly or indirectly more than *de minimis* gross revenue through the sale of products or services, or the presentation of any depictions or displays, of a prurient sexual nature
- Unless waived by SBA for good cause, businesses that have previously defaulted on a Federal loan or Federally assisted financing, resulting in the Federal government or any of its agencies or Departments sustaining a loss in any of its programs, and businesses owned or controlled by an applicant or any of its Associates which previously owned, operated, or controlled a business which defaulted on a Federal loan (or guaranteed a loan which defaulted) and caused the Federal government or any of its agencies or Departments to sustain a loss in any of its programs. For purposes of this section, a compromise agreement shall also be considered a loss
- Businesses primarily engaged in political or lobbying activities
- Home-based businesses, or businesses located in a residential dwelling unit or accessory structure are not eligible

**7. Match Requirement**

There is no match requirement for this program. Please note that the business owner does not need to provide funds up front for this program. Erie County will pay the contractor directly for work completed up to \$40,000.

**8. Compliance with Local Municipal Government Regulations**

All facade improvements funded through this program must be carried out in a manner that insures full compliance with any local, state, and federal regulations applicable to the Project. This includes any local building permits, zoning or sign code requirements, and/or historic designation requirements.

It also includes compliance with the Americans With Disabilities Act and the Architectural Barriers Act. As a condition of participating in the Erie County Storefront Revitalization Program, business owners will be required to incorporate alterations to the exterior of the structure to insure compliance with the Uniform Federal Accessibility Standards.

This only pertains to that part of the exterior which may be altered as part of the building improvement project such as entrance doors.

**9. Design Review**

Business owners shall submit an application identifying, in general terms, the proposed improvements and an estimate of the cost of the proposed improvements. Owner will need to include photos of existing conditions, quote or cost estimates, along with any

photos/renderings of improvements to be made. A description of proposed colors, materials, dimensions etc...should be included with the application. If the proposal is eligible for assistance, the Program Architect shall meet with the business owner to obtain more detailed information including property maps, historic drawings (if within or near to historic site and/or district), photographic inventory, and detailed information concerning desired improvements and other items as necessary in anticipation of preparing detailed drawings. Business owner must have final approval of scope from Project Architect and from the Building/Property owner before proceeding.

Upon acceptance of the plans for the proposed improvements by the business owner, the owner shall obtain written cost estimates from at least two contractors. The business owner would then select the contractor and so inform the Program Administrator, who will send out an Owner/Contractor Agreement to be executed. Assistance under the program will generally be based on the lowest responsible bid; however, the business owner may select a higher bidder provided the Project Architect provides a written summary justifying same. Erie County strongly encourages full adherence to the recommendations prepared by the Project Architect for each structure.

Proposed improvements must conform to all aspects of the building, fire, zoning and development codes for the municipality located in. All required plan review and building permits must be obtained by the applicant's contractor prior to work being performed.

**10. Grant Approval and Payment Procedures**

Upon approval by the Project Architect, the County will authorize a written commitment to the business owner in an amount not to exceed \$40,000. The owner and the contractor shall then enter into a contract for the improvements.

**11. Payment Procedures**

Upon completion of the improvements, the business owner shall notify the Project Architect so that they can schedule an inspection to ensure conformity with the approved design plans and specifications. The Project Architect and the business owner must approve and sign off on all construction work before submitting a final payment request. Said payment request must include receipts or other items documenting the entire cost of work. The County will approve disbursement of funds to the contractor after the business owner has provided verification that the work has been completed as proposed.

**12. Application Process**

Application Forms to participate in the Program are available on the Erie County Department of Environment & Planning Web Site. All applications will be accepted on-line via the DEP Website or mailed on a rolling basis until such available funds are exhausted. Not all applications submitted will be funded.

Upon submittal of all requested information, applications that are determined to be complete will then be scored by the Program Administrator. Erie County will provide

final approval of which projects will be funded based on the scoring methodology below and the geographic location of the business.

It is the intent of this Program to award funds to businesses geographically distributed throughout Erie County. Erie County reserves the right to prioritize funding of applications to ensure that all municipalities benefit from this Program.

The following applicants will receive weighted consideration in scoring:

- Awarding of funds to business geographically distributed throughout Erie County
- Applicants who are certified as a minority-owned business (MBE), woman-owned business (WBE), or are veterans with a service connected disability.
- Applicants located in close proximity to other Applicants or within the same commercial business district increase their score (with the intended goal of making more of an impact in that particular commercial center).
- Condition of the existing storefront (must submit photos and related documentation of existing conditions with application). Projects that address existing ADA access issues or potential Building/Zoning/Sign Code violations which would be corrected by the storefront investment will increase their score.
- Extent to which an Applicant's business relies on walk-in customers and/or on-site sales, vs online or remote sales. The more walk-in customers the higher their score
- In an effort to provide funding to as many businesses as possible, applications requesting less than the maximum \$40,000 may be prioritized as this will allow more businesses to participate in, and benefit from the Program.

**13. Self-Help Projects**

*Self-help projects are not eligible for project assistance.*

**14. Compliance with New York State Historic Preservation Guidelines**

Certain buildings located within or adjacent to State/National Historic Registry Districts, or those that are eligible for inclusion on the Registry, will require consultation with the New York State Historic Preservation Office (SHPO). This may require use of specific materials or rehab techniques to insure retaining of historic quality. For example, repair of original windows may be required rather than outright replacement. Compliance with these standards may add to the overall rehabilitation cost. Erie County will consider increasing the cost of a rehabilitation project to cover certain added costs necessary to comply with NYS SHPO standards. This recognizes the Countywide significance of preserving the region's historic legacy. These cases will be reviewed and funding determined on a case-by-case basis.