



Homeland Security and Emergency Services

FY2023 Local Subrecipient Program Guidance: Former Tier II UASI Groups, NYC Urban Area Partners and Top 100 MSAs

**State Homeland Security Program
State Law Enforcement Terrorism Prevention Program**



**NYS Division of Homeland Security and Emergency Services (DHSES)
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Table of Contents

Section I: Program Overview.....	3
Section II: FY2023 State Priorities for the SHSP/SLETPP	5
Section III: FEMA Priorities and Spending Requirements	11
Section IV: Application Process and Requirements.....	16
Section V: Authorized Program Expenditures.....	18
Appendix A: Federal Programmatic Reporting Requirements “Instructions and Guidance”	27
Appendix B: <i>NYS Critical Capabilities List and DHS/FEMA Core Capabilities Crosswalk</i>.....	29

Section I: Program Overview

Program Descriptions

The FY2023 State Homeland Security Program (SHSP) and the State Law Enforcement Terrorism Prevention Program (SLETPP) are the two-core homeland security grant programs in New York State. Every county in the State, along with the City of New York, receives funding under these programs. The SHSP and SLETPP are designed to build and sustain critical homeland security capabilities across the State.

The Federal Emergency Management Agency (FEMA) and the NYS Division of Homeland Security and Emergency Services (DHSES) identify key programmatic priorities for the SHSP and SLETPP grants. The areas of domestic violent extremism and cybersecurity are of particular concern as the preeminent threat to our homeland. This funding cycle, FEMA has continued with the six (6) National Priorities from the FY2022 SHSP/SLETPP cycle. There is a minimum of three (3) percent spending requirement in the areas of Enhancing Information and Intelligence Sharing and Analysis, Enhancing the Protection of Soft Targets/Crowded Places, Combating Domestic Violent Extremism, Enhancing Community Preparedness and Resilience and Enhancing Election Security (which would total 15% of your overall award amount). The Enhancing Cybersecurity national priority area has no minimum spend for the FY2023 cycle. That said, you must meet a minimum of 30% of your overall award amount within these six (6) outlined priority areas but you will have the flexibility of determining which of those national priorities you want to assign your remaining 15%. This change will require a re-alignment of some of your projects to ensure that the spending goals are met.

For example:

Empire County received a \$100,000 allocation

- The minimum 3% spending requirement of their overall award equals \$3,000 per National Priority Area a total of at least \$15,000 between the five (5) required National Priority Areas (Enhancing Information and Intelligence Sharing and Analysis, Enhancing the Protection of Soft Targets/Crowded Places, Combating Domestic Violent Extremism, Enhancing Community Preparedness and Resilience, and Enhancing Election Security).
- 30% of their projects must fall within the six (6) National Priority Areas (must meet a minimum of \$30,000)
- Based on a gap analysis, the county determined that they had viable projects to meet the minimum in each of the required National Priority areas. That said, they wanted to support a continued Enhancing Cybersecurity project as well as add an additional training project under the Combating Domestic Violent Extremism national priority area to boost that amount.

Their application included the following projects

Enhancing Information and Intelligence Sharing and Analysis: \$3,000

Enhancing Community Preparedness and Resilience: \$3,000

Enhancing the Protection of Soft Targets/Crowded Places: \$3,000

Combating Domestic Violent Extremism: \$3,000 + \$8,000 = \$11,000

Enhancing Cybersecurity Project: \$7,000

Enhancing Election Security Project: \$3,000

Total Projects under National Priority Areas = \$30,000

Please note that there still will be some flexibility in determining priorities based on your own unique risk profiles and some of your long-standing grant projects could apply to these priority areas. To ensure statewide coordination, all funding must be spent in support of the new priorities and the State's 2022-2025 Homeland Security Strategy and must be allowable per federal and State guidelines.

Activities implemented under the SHSP and SLETPP must support terrorism preparedness, by building or sustaining capabilities that relate to terrorism prevention, protection, and/or response activities. However, many of the capabilities that support terrorism preparedness simultaneously support preparedness for other hazards. Subrecipients must demonstrate this "dual-use" quality for any activities implemented under these grants that are not explicitly focused on terrorism preparedness. **Also, please note that ALL SLETPP funding (totaling 35% of your allocation) must be used in support of law enforcement terrorism prevention-oriented planning, organization, equipment, training, and exercise activities. Please note that this is a 5% increase from the FY2022 SHSP/SLETPP cycle so be mindful when developing your projects.**

Important Funding Reminders

Drawdown of Funds/Interest: This is a reimbursement program; however, subrecipients may request an advance of funds (if needed). If DHSES approves such a request, subrecipients may drawdown funds for up to 120 days prior to expenditure/disbursement. Advanced funds must be placed in an interest-bearing account and are subject to the rules outlined in 2 C.F.R. Part 200. Subrecipients must account for this interest earned. Local units of government may keep interest earned on federal grant funds up to \$500 per fiscal year. This maximum limit is not per award; rather, it is inclusive of all interest earned as a result of all federal grant programs received per year. Interest earned in excess of \$500 must be remitted to DHSES.

Notice of Waiver for FY2023 SHSP/SLETPP Grants: Jurisdictions may choose from the following options if they do not want to accept their FY2023 SHSP/SLETPP award:

1. Jurisdictions may request that the State retain the local unit of government's allocation of grant funds and spend it on their jurisdictions' behalf; or
2. Jurisdictions may refuse an allocation for their jurisdiction with the understanding that the allocation will be expended by the State of New York in direct support of other local homeland security efforts in accordance with FY2023 grant guidelines.

If your jurisdiction wishes to exercise either of the above options, please contact DHSES at (866) 837-9133 or send an e-mail to Grant.Info@dhses.ny.gov.

NIMS Implementation: All subrecipients must ensure and maintain adoption and implementation of the National Incident Management System (NIMS). Emergency management and incident response activities require carefully managed resources (personnel, teams, facilities, equipment, supplies) to meet incident needs. Information on FEMA's NIMS Resource Typing can be accessed online: <https://www.fema.gov/resource-management-mutual-aid>. **DHSES engages counties statewide regarding NIMS and annually captures information regarding NIMS compliance. Updates to NIMS Typing have occurred this year, please review carefully. Every county must maintain a NIMS point of contact and supply DHSES with any requested information in support of the NIMS compliance reporting.**

Section II: FY2023 State Priorities for the SHSP/SLETPP

Overview

New York State is committed to ensuring that SHSP/SLETPP funds are used effectively to build and sustain the critical capabilities that are needed to address the diverse risks that the State faces. New York State has been the target of at least 44 terrorism plots since 9/11 and the State has more Federal Disaster Declarations than all but three other states. In the past decade alone, the State has endured significant terrorist-linked attacks (Chelsea Bombings, NYC Subway Bombings, and the New Year's Eve Attack), has contended with significant domestic violent extremist activities with the most recent a hate-motivated attack at a supermarket in Buffalo, NY, that killed 10 innocent citizens, as well as other major incidents ranging from natural disasters, the COVID-19 health emergency, to an explosion in the number cyberattacks. Given these risks, it is imperative that SHSP/SLETPP funds are leveraged effectively to build capabilities based on the State's risk profile and in support of the State's Homeland Security Strategy.

NYS Homeland Security Strategy

The New York State Homeland Security Strategy was developed in conjunction with hundreds of local, State, and federal stakeholders, and other partners from the "Whole Community". The Strategy includes 10 major goals (ranging from Citizen Preparedness to Cybersecurity). Each Goal has supported Objectives and each Objective has associated Targets and Measures. **All SHSP/SLETPP funding must be in support of the State Homeland Security Strategy.** The current strategy is available online: [New York State's Homeland Security Strategy | Division of Homeland Security and Emergency Services \(ny.gov\)](#)

NYS Critical Capabilities List

In 2012, DHSES developed the NYS Critical Capabilities List to provide a capabilities-based framework for the State's homeland security and emergency management efforts. The Critical Capabilities List includes 28 distinct capabilities that address the five primary mission areas identified by FEMA (prevent, protect, respond, recover, mitigate). These capabilities were developed in conjunction with State Agency Partners, the NYS Emergency Managers Association (NYSEMA), and other key local stakeholders. The Critical Capabilities List includes the functions that State and local governments perform in terms of homeland security and emergency management. That said, alignment to the DHS/FEMA's Core Capabilities this year will be essential in your project discussions. A crosswalk from the DHS/FEMA's Core Capabilities list to the NYS Target Capability List is available at **Appendix B** of this Program Guidance.

County Emergency Preparedness Assessment (CEPA) Program

In 2014, DHSES launched the County Emergency Preparedness Assessment (CEPA) Program. The CEPA is a framework and tool to help State and local stakeholders assess risks, capabilities, and the potential need for support and resources during emergencies or disasters. The CEPA Process was initially conducted in 2015, in which all New York State counties participated and then again in 2018, and 2022. CEPA updates happen on a three-year planning cycle. **Counties are strongly encouraged to use the results of their completed CEPAs to inform their priorities under the FY2023 SHSP/SLETPP grant programs.** It is important to note that the CEPA program does not impact how much funding counties receive under the SHSP/SLETPP grants (this is determined by the DHSES Risk Formula); rather, the CEPA results may inform how a county chooses to allocate

their SHSP/SLETPP funding. This update occurs on a three-year cycle – counties should use their most current CEPA results to inform their applications. In addition to CEPA, DHSES maintains the right to request (at any time during the life of the grant contract) information related to the nature and extent of any threats/hazards faced by the subrecipient and the status of a subrecipient's capabilities related to these threats/hazards.

Statewide Engagement in Critical Programs

DHSES is committed to engaging key stakeholders across New York State in our preparedness efforts. **Funded subrecipients must agree to attend and participate in any DHSES-sponsored conferences, training, workshops, or meetings (excluding those identified by DHSES as voluntary) that may be conducted by, and at the request of DHSES during the life of the grant contract.** This includes county participation in initiatives such as the County Emergency Preparedness Assessment (CEPA) Program and the Emergency Management Certification and Training (EMC & T) Program. Additionally, pursuant to Article 26 of NYS Executive law, DHSES is authorized to undertake periodic drills and simulations designed to assess and prepare responses to terrorist acts (or threats) and natural disasters. These efforts will generally involve local stakeholders.

Threat Assessment Management (TAM) Training Requirement

In recognition of the evolving threat environment to include the growing trend of domestic violent extremism, particularly given the recent mass shooting event in Buffalo, through Governor Hochul's leadership, DHSES has developed and implemented a program on prevention frameworks as it relates to the threat of targeted violent extremism. One of the core prevention strategies that is currently being deployed is the creation of county-level Threat Assessment Management (TAM) teams. Under the FY2023 SHSP/SLETPP guidance, as a condition of funding, subrecipients will be required to attend DHSES-sponsored event(s) as they are made available.

FY2023 SHSP/SLETPP DHSES Priorities

DHSES has identified a series of priorities for the FY2023 SHSP and SLETPP funding programs. In addition to meeting the requisite federal requirements and supporting the larger NYS Homeland Security Strategy, all Counties/Cities receiving FY2023 SHSP/SLETPP funding must certify compliance with the Preparedness Objectives outlined below. If these objectives have not been addressed, homeland security funding, or other local resources, must be dedicated to meet compliance in these areas. DHSES reserves the right to monitor compliance and withhold funding until compliance is achieved. A template for signature has been included as a fillable PDF document attached to your funding allocation e-mail. Please be sure to include all the relevant details requested in this document. **A signed copy of this form with all the required information is due to DHSES along with your application by April 19, 2023.**

Priority 1 - Advancement of Regional Partnerships: DHSES continues to promote the advancement of multi-disciplinary, multi-jurisdictional regional partnerships across New York State. These partnerships allow capabilities to be developed in a coordinated and cost-effective way. Over the past 10-12 years, effective regional partnerships have been developed in several different areas, including regional Counter Terrorism Zones (CTZs), HazMat Partnerships, Interoperable Communications Consortia, Explosive Detection Canine Team partnerships, Tactical Team Partnerships, Bomb Squad regional coordination efforts, etc. Under the FY2023 SHSP/SLETPP grants, support for these (and other) regional partnerships and programs are strongly encouraged.

- **Preparedness Objective 1:** Ensure the lead law enforcement agency in the County/City maintains active participation in Counter Terrorism Zone (CTZ) activities; including the Operation Safeguard and the Red Team Program. The County/City's lead law enforcement agency must attend at least one (1) CTZ meeting per quarter, support Operation Safeguard related taskings, and participate in Red Team exercises as requested by DHSES.

Priority 2 - Maturation of Citizen Preparedness Efforts: The presence of an active and engaged citizen participation is a critical component of the State's preparedness posture. While several jurisdictions in the State have developed innovative citizen preparedness programs, the CEPA Program (along with other capability assessments) has found that this continues to remain a low rated capability across the State. The State has worked to address this issue through the State's Citizen Preparedness Corps Program, however, there is still additional work that local jurisdictions can do, building on and in support of existing models in the State. This core capability is not only a focus of New York State but also a concern nationwide. To that end, DHS/FEMA has added this requirement of SHSP/SLETPP grant funding to 3% of the jurisdiction(s) overall allocation amount to enhance and support citizen preparedness efforts across the state. SHSP funds can be used for a variety of Citizen Preparedness projects, including the development (or sustainment) of citizen preparedness campaigns, training/outreach efforts involving Citizen Corps Councils and Community Emergency Response Teams, and for citizen preparedness kits and supplies.

- **Preparedness Objective 2:** Maintain a Citizen Preparedness Coordinator to collaborate on Citizen Preparedness efforts with New York State.

Priority 3 - Development of Effective Cybersecurity Programs and Policies: All levels of government, the private sector, and the general public have been impacted by the dramatic increase in cyberattacks over the past five years. The proper detection, interdiction, and remediation of cyber vulnerabilities is critical. Through the CEPA program, DHSES has found that counties tend to be very concerned about the threat of cyberattacks, however, their capabilities to prevent and address these attacks are often underdeveloped. As such, DHSES is emphasizing the importance of cybersecurity in the FY2023 SHSP and SLETPP grant programs. This core capability is not only a focus of New York State but also a concern nationwide and remains a national priority. Grant funding can be used for cybersecurity planning, cybersecurity enhancement equipment (including encryption software, malware protection, intrusion/detection prevention systems, and vulnerability scanning), cybersecurity training (which may require pre-approval; please consult with your Contracts Representative at DHSES); and cybersecurity exercises.

- **Preparedness Objective 3:** Maintain an Information Security Officer (ISO) to coordinate cybersecurity efforts with New York State.

Priority 4 - Enhancement of Law Enforcement Information-Sharing Capabilities: Since 9/11, the enhancement of law enforcement information-sharing capabilities has been a top priority in New York State. In addition, this core capability is a fundamental focus of DHS/FEMA and as such there is a requirement of 3% of your SHSP/SLETPP grant funding to be spent in the area of Information and Intelligence Sharing and Analysis. Additionally, this capability remains a fundamental focus in the Combating Domestic Violent Extremism national priority, given the criticality of the sharing of information and intelligence in instances where there are threats of domestic extremists. The importance of this mission remains in the forefront, jurisdictions are encouraged to sustain and enhance their information-sharing efforts with the New York State Intelligence Center (NYSIC) and their local CTZ. Not only should the information-sharing efforts be from local, county, and state, but also must

incorporate federal law enforcement intelligence agencies as well. Within this area, support for major outreach programs is prioritized, including participation in the Field Intelligence Officer (FIO) Program, and the engagement of Fire/EMS personnel in information-sharing activities through the Intelligence Liaison Officer (ILO) Program.

- **Preparedness Objective 4A:** Maintain participation in the Field Intelligence Officer (FIO) Program (to ensure information sharing between the New York State Intelligence Center and local law enforcement within your jurisdiction).
- **Preparedness Objective 4B:** Maintain participation in the Intelligence Liaison Officer (ILO) Program (to ensure information sharing between the New York State Intelligence Center and local Fire and Emergency Medical Services agencies within your jurisdiction).

Priority 5 - Continued Coordination of Emergency Management Planning Efforts: Proper Emergency Management planning provides the foundation for effective response, recovery, and mitigation activities. Jurisdictions are encouraged to utilize their grant awards to maintain and update critical plans including Comprehensive Emergency Management Plans (CEMPs), HazMat Response Plans, COOP/COG plans, and Fatality Management Plans. Participation in the Emergency Management Accreditation Program (EMAP) is highly encouraged. Additional information to include the program guidance and standards can be found at: <https://www.dhSES.ny.gov/local-emergency-management-accreditation-program>. Planning gaps identified during your county's CEPA process can often be addressed by leveraging SHSP (or SLETPP) funding.

- **Preparedness Objective 5A:** Develop and maintain a Comprehensive Emergency Management Plan or basic emergency plan in accordance with Article 2-B of Executive Law. The plan should be reviewed annually and submitted by December 31 each year to the DHSES Office of Emergency Management.
- **Preparedness Objective 5B:** Participate in the Emergency Management Certification and Training (EMC & T) Program, to include the County Chief Elected Official (Tier 1) and the County Emergency Manager (Tier 2).
- **Preparedness Objective 5C:** Maintain a County Hazardous Materials Response Plan that is updated every three years and submitted to the DHSES Office of Fire Prevention and Control.

Priority 6 - Sustainment of Effective Programs and Existing Capabilities: In the last decade, New York State has effectively leveraged homeland security grant program funds to build critical programs to enhance our prevention, protection, response, recovery, and mitigation capabilities. Under the FY2023 SHSP/SLETPP grants, the sustainment and advancement of effective programs is a top priority in ensuring that core capabilities are maintained statewide. Emphasis will be placed on building, maintaining, and assessing sustainable programs, rather than simply purchasing disparate pieces of equipment.

- **Preparedness Objective 6:** Participate in updates to the County Emergency Preparedness Assessment (CEPA) process every three years or as otherwise directed by DHSES.

Alignment of FY2023 SHSP/SLETPP to Requirements for Specialty Teams

Starting in FY2016, DHSES began to set standard priorities and requirements associated with Specialty Teams. DHSES will continue to support this alignment for FY2023.

Bomb Squads: Subrecipients using FY2023 SHSP/SLETPP funding for Bomb Squads should:

- Align requests with the Bomb Squad's **Capability Assessment** conducted in conjunction with the DHS Office for Bombing Prevention (OBP) and that is updated annually.
- Ensure that incidents and activities as it relates to all counter-IED response operations are reported within the U.S. Bomb Data Centers' Bomb Arson and Tracking System (BATS).

Note: All Bomb Squad training requests under the FY2023 SHSP/SLETPP must be pre-approved by DHSES. Please refer to Section V for more details.

Explosive Detection Canine Teams: Subrecipients using FY2023 SHSP/SLETPP funding to develop or sustain an Explosive Detection Canine Team should:

- Ensure that the **Certification and Re-Certification** of the Canine Handler is done through a program that is certified by the NYS Division of Criminal Justice Services (DCJS).
- Align requests with the Team's **Capability Assessment** conducted in conjunction with DHS Office for Bombing Prevention (OBP).
- Report incidents and activities as it relates to all counter-IED response operations in the U.S. Bomb Data Centers' Bomb Arson and Tracking System (BATS).

Note: All Explosive Detection Canine Team training requests under the FY2023 SHSP/SLETPP must be pre-approved by DHSES. Please refer to Section V for more details.

Tactical Teams: Subrecipients using FY2023 SHSP/SLETPP funding for Tactical Teams should:

- Ensure that existing capabilities are being sustained. New investments being made to increase Tactical Team capabilities should be in line with the NYS SWAT Team Standards issued by DCJS with the priority being focused on the team's attainment of DCJS certification, if not already a certified team.

Note: All training requests for Tactical Teams under the FY2023 SHSP/SLETPP must be pre-approved by DHSES. Please refer to Section V for more details.

HazMat Teams: Subrecipients using FY2023 SHSP/SLETPP funding for HazMat Teams should:

- Update your jurisdiction's **Hazardous Materials Response Plan** every three years and submit it to OFPC in accordance with the NYS Homeland Security Strategy.
- In 2016, HazMat teams were required to complete the HazMat Team Accreditation Program as a part of the HazMat Targeted Grant Program. The results of the HazMat Team Accreditation Program should be used to guide new investments into HazMat team capabilities. Please feel free to reach out to OFPC for additional information on the HazMat Team Accreditation Program at OFPC.Fire@dhSES.ny.gov.

Note: Under the FY2023 SHSP/SLETPP, **biological detection** equipment is not eligible **AND** all HazMat Team training requests must be pre-approved by DHSES. Please refer to Section V for more details.

Technical Rescue/USAR Teams: Subrecipients using FY2023 SHSP/SLETPP funding for Technical Rescue/USAR Teams should:

- Align requests with DHSES Office of Fire Prevention and Control (OFPC) Typing and Accreditation Standards for Technical Rescue/USAR Teams. Please reach out to OFPC for additional information on the standards at OFPC.Fire@dhSES.ny.gov.
- It is important to keep in mind that the purchase of SWIFT water equipment is not an allowable expense under FY2023 SHSP/SLETPP funding.

Note: All training requests for Technical Rescue/USAR Teams under the FY2023 SHSP/SLETPP must be pre-approved by DHSES. Please refer to Section V for more details.

Section III: FEMA Priorities and Spending Requirements for the SHSP/SLETPP

FY2023 FEMA SHSP/SLETPP Priorities and Spending Requirements

For FY2023 SHSP/SLETPP program funding, DHS/FEMA has identified six (6) National priority areas and has required that at least thirty (30%) of your allocation amount must be spent in support of these key areas (each area has its own spending requirement). The National Priority areas are as follows:

- 1) Enhancing Information and Intelligence Sharing and Analysis
- 2) Enhancing the Protection of Soft Targets/Crowded Places
- 3) Combating Domestic Violent Extremism
- 4) Enhancing Community Preparedness and Resilience
- 5) Enhancing Election Security
- 6) Enhancing Cybersecurity

DHS/FEMA has provided various resources in each area to assist subrecipients in developing their projects and determining their needs. In addition, please be reminded your project for each of these priorities will be evaluated for Grant Effectiveness. Details on that scoring process are under Section IV.

Enhancing Intelligence and Information Sharing and Analysis National Priority Project (Minimum Spending Requirement - 3%)

Effective homeland security operations rely on access to, analysis of, and the timely sharing of open source, unclassified, and classified information, suspicious activity reports, tips/leads, and actionable intelligence on indicators and behaviors to accurately access and mitigate a wide array of threats against the United States, including terrorism, threats to life, targeted violence, among others. Cooperation and coordination between local, state and federal partners is key to ensuring that missions to eradicate those threats are successful and first responders remain safe while protecting our communities. Given the importance of information sharing and collaboration to effective homeland security solutions, at least one project must be in support of your jurisdictions efforts to enhance information sharing and cooperation with local, state, and federal agencies. Additional resources and information regarding collaboration and information sharing are available at [Office of Intelligence and Analysis](#).

Enhancing the Protection of Soft Targets/Crowded Places National Priority Project (Minimum Spending Requirement - 3%)

Soft targets and crowded places are increasingly appealing to terrorists and other extremist actors because of their relative accessibility and the large number of potential targets. This challenge is complicated by the frequent use of simple tactics and less sophisticated attacks. Given the increased frequency for terrorist to target these types of venues and inflict harm in public areas, it is vital that public and private sectors collaborate to enhance security of locations such as transportation centers, parks, restaurants, shopping centers, special event venues, and similar facilities. Additional resources and information regarding securing soft targets and crowded places are available through the DHS Cybersecurity and Infrastructure Security Agency (<https://www.cisa.gov/>).

Enhancing Community Preparedness and Resilience (Minimum Spending Requirement - 3 %)

DHS/FEMA recognizes the importance of engagement of effective citizenry in all areas of preparedness and to this end has required SHSP investments by adding the new Community Preparedness and Resilience national priority and a spending requirement of 3% of our overall award. New York State faces a wide variety of natural, human-caused, and accidental type threats and hazards. As such, the State maintains an “all hazards” approach to addressing these threats and hazards by developing and maintaining the capabilities necessary to prevent or mitigate all types of disasters. Through investments in the areas of citizen preparedness (e.g., education, awareness training, outreach events, and the development of the Citizen Preparedness Corps), it has sought to move the needle to help strengthen relationships, foster confidence, and build resilience in our communities. Citizen Preparedness has been an integral component to all jurisdiction’s emergency planning and response efforts, but it continues to be a prevalent need in terms of funding those important initiatives. Additional resources and information regarding community preparedness and resilience can be found at (<https://www.fema.gov/emergency-managers/individuals-communities>).

Below is a list of projects that are applicable in each of the identified planning, organizational, equipment, training and exercises that would support this specific priority. Please note that this list is not exhaustive, if you have questions, please refer to the “Project Linkage Document” and/or reach out to your contract representative for further guidance and clarification:

- **Planning:** The hiring of consultants to analyze capability gaps and develop plans and protocols to engage the communities in emergency response efforts. This can include engagement with faith-based organizations, local businesses, educational institutions and community-based organizations such as homeless shelters, food pantries, nonprofit medical providers and senior care facilities to bolster their resilience to all hazards. This can also include identifying community resources and characteristics in order to identify gaps and resources, identify hazards and vulnerabilities and inform action to promote resilience. Additionally, planning projects under this national priority can include the purchase See-Something-Say-Something materials, procuring media ads and advertising materials to help educate communities of safety and preparedness measures as well as the purchase of first aid kits, brochures, etc.
- **Organizational:** Hiring staff to oversee the jurisdiction’s Community Emergency Response Teams (CERT) and other community preparedness efforts.
- **Equipment:** Purchasing of application software that can make information available on-line for the public to help aid in their preparedness efforts for all types of hazards (e.g., “ReadyNY” campaigns).
- **Training:** Develop and deliver training events that help bolster community preparedness, this includes the purchase of supplies to support training efforts. Such training can include local delivery of CERT train-the-trainer and CERT Program manager courses to build and maintain local program capacity, provide continuity training such as “DHS/FEMA’s Organizations Preparing for Emergency Needs” training to the whole community, conduct “You are the Help Until the Help Arrives” workshops in concert with community-based organizations, and provide Active Shooter Response training to community groups, to name a few.
- **Exercises:** Develop, conduct an exercise that measures the community preparedness and resilience to respond to an emergency.

Combating Domestic Violent Extremism National Priority Project (Minimum Spending Requirement - 3 %)

As stated in the October 2020 [DHS Homeland Threat Assessment](#), domestic violent extremists, including ideologically motivated lone offenders and small groups, present the most persistent and lethal terrorist threat to the Homeland. These violent extremists capitalize on social and political tensions, which have resulted in an elevated threat environment. They utilize social media platforms and other technologies to spread violent extremist ideologies that encourage violence and influence action within the United States. The COVID-19 pandemic has further created an environment that may lead to accelerated mobilization to targeted violence and/or radicalization to domestic terrorism, including driving lawful protests to incite violence, intimidate targets, and promote their violent extremist ideologies. This uptick in violent extremism activities was evident in the most recent attacks in Buffalo, NY where 10 innocent people were killed and 2 wounded in an unprovoked, racially motivated attack. The prevention of these types of targeted violence and extremist beliefs should be at the forefront of your SHSP/SLETPP projects. DHSES is highly recommending you consider projects that fall within this federal priority area as this need is so prevalent.

Projects within this given area should focus on planning, organization, equipment, training and exercises that support the mitigation of this prevalent threat. The projects under this national priority must articulate how the specific activity will support combating domestic violent extremism. Such activities may include (please note that this list is not exhaustive):

- **Planning:** The development of plans and protocols to operationalize response to these types of events; hiring consultants to analyze misinformation campaigns to include reviewing social media and other technology platforms to identify the threats; development of Threat Assessment Management teams to coordinate the flow of a multitude of resources expanding above and beyond law enforcement (e.g. education, mental health offices, corrections/parole, etc.) to aid in identifying individual's prone to extremism.
- **Organization:** Hiring of intelligence analysts to research, compile and develop products to be disseminated and shared to help law enforcement identify potential threat actors; hiring a program manager to oversee the implementation of a Threat Assessment Management team to include program development (on-line or otherwise); Operational Overtime for counter terrorism missions.
- **Equipment:** The purchasing of information technology systems and software to help aid in analysis of open source and/or classified intelligence, physical protective measures utilized for target hardening of critical infrastructure and mass gathering sites (e.g. CCTV, lighting, bollards, perimeter fencing, access controls, etc.); purchasing of emergency alerting, warning and notification systems to for first responders and the public, specialized equipment for law enforcement and CBRNE first responders.
- **Training:** Development and implementation of training and awareness programs to educate the public and first responders on suspicious activity and how to report (e.g., Operation Safeguard); training for law enforcement to include specialized teams (Bomb Squads, Explosive Detection Canine Teams, Tactical Teams), patrol, and fire response operations to prepare for a response to these types of incidents.
- **Exercise:** The development, execution, and evaluation of exercises aimed at identifying capability gaps as it results to responding to incidents involving domestic terrorism and targeted violence.

Enhancing Election Security National Priority Project (Minimum Spending Requirement - 3 %)

Election security has been identified as a National Priority and this year is requiring a minimum spend of 3%. In 2017, DHS designated the infrastructure used to administer the Nation's elections as critical infrastructure. This designation recognizes how vitally important the election security is to the American way of life. Threats to election systems are constantly evolving, so defending these systems require constant vigilance, innovation, and adaption. This specific priority can be linked to several of the other National Priority areas including Enhancing Cybersecurity and Enhancing the Protection of Soft Targets/Crowded Places. That said, it can include projects that are associated with physical security measures and planning support at soft targets to include critical infrastructures sites that may also serve as polling stations. In addition, it can also include cyber risk assessments on network systems connected to elections, interactive backups, encrypted backups and software to monitor/scan as well as endpoint protection and services.

Enhancing Cybersecurity National Priority Project (No Minimum Spending Required)

NYS DHSES recognizes the impacts that cyber incidents pose to our government information systems and critical infrastructure, placing our security, economy, and public health and safety at risk. As New York State's dependencies on computer networks and information systems grow, so do threats of cyber incidents. Government entities at every level and of every size use cyber-based systems to some degree. All sectors of critical infrastructure, including transportation, energy, communications, emergency services, and water systems rely on Information Technology (IT)-based controls, thus placing them at risk of cyberattacks. Minimizing risk is key to maintaining the security of these systems. With the cybersecurity threat landscape expanding in size and complexity, all levels of government must ensure their cybersecurity measures are kept current and updated regularly, relative to emerging threats. Therefore, it is highly encouraged that you consider cybersecurity projects in your application. Projects within this priority will count towards meeting the 30% National Priority area spending requirements.

Cybersecurity investments must support the security and functioning of critical infrastructure and core capabilities as they relate to preventing, preparing for, protecting against, or responding to acts of terrorism. Subrecipients are encouraged to utilize the Nationwide Cybersecurity Review (NCSR) results to help inform their project development. As noted, the NCSR is required to be completed by February 29, 2024, for all subrecipients of SHSP/SLETPP funding.

In addition, several resources at the state-level are available to help inform your cybersecurity investments to include coordinating with the DHSES Office of Counter Terrorism's Cyber Incident Response Team (OCT-CIRT) and Cyber Support Element (CSE). Available information can be found on DHSES website at <https://www.dhSES.ny.gov/cyber-incident-response-team>. Although not a requirement, jurisdictions are encouraged to also apply for membership to the Multi-State Information Sharing and Analysis Center (MS-ISAC). The MS-ISAC is the focal point for cyber threat prevention, protection, response and recover for the nation's state, local, Tribal and territorial (SLTT) governments. Direct members in the MS-ISAC and access to all its resources are available at no cost to New York's local governments. More information is available at: <https://www.cisecurity.org/ms-isac/>.

Reminder - Mutual Aid Requirements

All new capabilities supported in part (or entirely) with FY2023 SHSP/SLETPP funding must be readily deployable to support emergency or disaster operations, per existing Emergency Management Assistance Compact (EMAC) agreements. In addition, funding may be used to sustain critical capabilities that may not be physically deployable but would support national response capabilities (e.g., interoperable communications systems).

Section IV: Application Process and Requirements

Application Process

Please review this Program Guidance document before completing your application materials. It will provide you with all the pertinent requirements for receiving funding under the FY2023 SHSP and SLETPP grants. Please note that only one application per jurisdiction will be accepted. Coordination across your jurisdiction will be required. All budgetary and programmatic information must be entered onto the Excel-Based Application Worksheet provided by DHSES. **This information must be submitted to DHSES by April 19, 2023 in order to receive funding.** Completed applications must be sent to the Grants Inbox (grant.info@dhSES.ny.gov).

Revised Excel-Based Application Worksheet

In an effort to ensure that your requested projects are aligned properly and the spending requirements within DHS/FEMA's national priority areas are met, the Application Worksheet has formulas embedded to calculate the percentage of your allocation amount to verify that at least 30% of your projects meet those required thresholds of each of the National Priorities. In addition to the alignment of your projects, DHS/FEMA will be evaluating the Grant Effectiveness of your projects that are within each of the six (6) National Priority areas. Much more detail will be required even at the application phase. Funding decisions will be based on the quality of your project and if it is deemed "effective". The following criteria is outlined in the Funding Opportunity will be required and will be used to make those decisions:

1) Implementation Strategy (40%): Proposals will be evaluated based on the quality and extent to which applicants describe an effective strategy that demonstrates that proposed projects support program objectives of preventing, preparing for, protecting against and responding to acts of terrorism, to meet its target capabilities, and otherwise reduce the overall risk to the high-risk urban areas, the State, or Nation

2) Budget (20%): Proposals will be evaluated based on the extent to which applicants describe a budget plan for each investment demonstrating how the applicant will maximize cost effectiveness of grant expenditures.

3) Impact/Outcomes (40%): Proposals will be evaluated as to how this investment helps the jurisdiction close capability gaps identified in its Stakeholder Preparedness Review and addresses the national priorities outlined in the FY2023 NOFO. Further, proposals will be evaluated on their identification and estimated improvement of core capabilities, the associated standardized targets that align to their proposed investment, and the ways in which the applicant will measure and/or evaluate improvement.

Please note that you may submit additional descriptions of your projects along with your application if the space provided is not enough to describe your project. This can be submitted as an additional attachment to your Excel-based Application Worksheet. DHSES will then collate the information and attach it to our application submission.

Application Submission

Subrecipients will not have to enter information directly into the E-Grants System; rather, staff from DHSES will enter application materials into E-Grants for subrecipients after the Application Worksheet is submitted. Once this information is entered, DHSES will contact the subrecipient's authorized Point of Contact to review and verify that projects have been captured correctly and accept the certified assurances within E-Grants.

Please note that the Period of Performance for the FY2023 SHSP and SLETPP grants is 36 months; the anticipated performance period is estimated to be from 9/1/2023 through 8/31/2026. When you develop your applications for these funds, please be sure to select critical projects that can be implemented within a 36-month period. FEMA has indicated that extensions will not be issued, so projects must be completed within the performance period. As you develop your application for these funds, DHSES strongly recommends that your jurisdiction carefully consider what projects you prioritize and select this year. FEMA has dramatically increased the level of project detail required from subrecipients and with the shifts in priority areas and spending requirements in the national priority, you must submit projects that you will complete within the period of performance. You must maintain the 30% spending requirement in all the National Priority areas for the entire three-year period of performance for the FY2023 SHSP/SLETPP funding cycle.

To assist with your application development process, DHSES has developed a “**Project Linkages Standardization Form**” for your use. This form will guide you through how projects should be linked appropriately to the new Investment Justifications (which include the six (6) National Priority Areas), the NYS Homeland Security Strategy, DHS/FEMA Core Capabilities List, FEMA NIMS Typing Standards, etc. This document has changed substantially, so please be sure to read it carefully and ask questions. Your Contract Representative will be available to assist with any questions throughout the entire application process.

Section V: Authorized Program Expenditures

SLETPP Reminder

All SLETPP funding must be used in support of allowable law enforcement terrorism prevention-oriented planning, organization, training, exercise, equipment activities, and/or management and administration (M&A) costs. Please be sure that you meet the minimum **thirty-five (35) percent** of your overall allocation amount, this is a 5% increase from prior cycles. We will once again only accept one application per county which means you must coordinate appropriately across your jurisdiction to meet this requirement. Please note that a large number of projects that fall within the given National Priority areas (30% of your projects) would count towards meeting the thirty-five (35) percent Law Enforcement Terrorism Prevention activity requirement.

FEMA Policy #207-22-002

Please note that on December 26, 2022, DHS/FEMA issued a policy and directive which outlined certain Prohibited or Controlled Equipment under FEMA awards, effective January 1, 2023. In general, many of the prohibited equipment items have always been unallowable under the SHSP program, however this policy outlined some additional requirements for controlled equipment and prohibited equipment with exceptions. For some controlled equipment that is allowable under SHSP, additional justifications, reviews, and approvals are required, including but not limited to proof of policies and procedures to safeguard individuals' privacy, civil rights, and civil liberties. You may not expend federal funding on these items until they are approved by FEMA, a process that will be coordinated with your Contract Representative. The summary of the policy can be found at: [FEMA Policy 207-22-0002: Prohibited or Controlled Equipment Under FEMA Awards](#). More information will be forthcoming, including how to submit for approvals.

FEMA Policy #405-143-1

Please note that effective August 13, 2020, DHS/FEMA issued a policy and directive which prohibited expending any FEMA Award funds for covered Telecommunications Equipment or Services provided through certain entities for national security reasons. Please be sure to be mindful as you develop your telecommunication equipment projects (e.g., communication, surveillance equipment – e.g., Unmanned Aerial Systems, etc.) As you procure your grant funded equipment, please ensure that you are mindful of this requirement. If you have any questions, please reach out to your Contract Representative for clarification.

The summary of the policy can be found at [Prohibition on Certain Telecommunications Equipment Services](#).

Interoperable Communications Reminder

Recipients (including subrecipients) who receive awards under HSGP that wholly or partially provide funding for emergency communication projects and related activities must comply with the SAFECOM Guidance on Emergency Communications Grants. Additional information can be accessed online at: <http://www.dhs.gov/safecom/funding>. In addition, recipients must describe how proposed communications investments align to needs identified in the Statewide Communication Interoperability Plan (SCIP), which can be found at: <http://www.dhses.ny.gov/oiec/plans-policies-guidelines/>, and coordinate the development of their communication investment with the Statewide Interoperability Coordinator (SWIC).

Additional Guidance for Cybersecurity Project Development

1. **Information Bulletin #429a:** In July of 2018, DHS/FEMA issued IB#429a outlining recommendations and resources to aid in the development of cybersecurity projects that recipients (including subrecipients) who receive awards under HSGP are encouraged to consider. In addition, specific examples with regards to types of projects (planning, organization, equipment, training, and exercise costs) that are allowable and encouraged can be found at the following link: [Information Bulletin #429a](#)
2. **Required participation in the Nationwide Cybersecurity Review (NCSR):** Recipients of FY2023 SHSP/SLETPP awards will be required to complete the 2023 Nationwide Cybersecurity Review. This process will enable agencies to benchmark and measure progress of improving their cybersecurity posture. The CIO or CISO or equivalent for each recipient should complete the NCSR. The NCSR will be open from October 2023 - February 2024. More detailed information can be found in Information Bulletin #439 – see link: [Information Bulletin #439](#). ***Please note that if you do not fulfill that requirement within the allotted timeframe your award will be at risk.***

Personnel Cap Reminder

Per the PRICE Act, there is a 50% cap on personnel-related costs associated with your FY2023 SHSP/SLETPP awards. Based on guidance from FEMA, the following costs count towards the 50% personnel cap:

- Organizational Costs:
 - Operational overtime, salaries and personnel costs.
 - Overtime to participate in information-sharing activities, as well as salaries and personnel costs for intelligence analysts.
- Salaries and personnel costs for planners, equipment managers, training coordinators, exercise coordinators, etc.
- Salaries and personnel costs (up to 5% of your award amount) for Management and Administrative (M&A) costs.
- Overtime/backfill to participate in approved training and/or exercise deliveries.
- Contractor/Consultant costs associated with performing the above duties. Note: A Contractor that is procured for a set period of time to produce a defined product or deliverable (i.e., the development of a HazMat Plan, installation of equipment items) does not count towards the personnel cap. However, if a Contractor is hired to do general support activities (i.e., a Training Director), then this expense would count towards the personnel cap.

Maintenance and Sustainment Reminder

The use of FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and users' fees are allowable under all active and future grant awards, unless otherwise noted. With the exception of maintenance plans purchased incidental to the original purchase of the equipment, the period covered by a maintenance or warranty plan must not exceed the period of performance of the specific grant funds used to purchase the plan or warranty.

As outlined in Information Bulletin #379, FEMA allows preparedness grant funds to be used to sustain and maintain equipment that has previously been purchased with both federal grant funding and other funding sources.

Subrecipients still need to ensure that eligible costs for maintenance and sustainment be an allowable expenditure under applicable grant programs and their associated period of performance.

Differentiating maintenance and sustainment costs (vs. new costs) in your budget for FY2023 SHSP/SLETPP funding is important (as FEMA requires different information depending on what type of project is being funded). As you are completing your application for FY2023 SHSP/SLETPP funding (in the Excel template provided), please keep the following guidelines in mind (please refer to **Appendix A** for additional instructions and guidance on completing the federal programmatic reporting requirements collected in your application):

Planning

Planning activities are central to the FY2023 SHSP/SLETPP grants. Funding can be used for a variety of allowable costs related to planning, including hiring part or full-time consultants and/or staff to develop and maintain critical homeland security plans.

Organizational – SHSP/SLETPP

Under the SHSP/SLETPP grant, up to 50% of your award may be spent on allowable organizational activities (outlined below). Please keep in mind that all organizational activities, count towards the 50% personnel cap.

1. **Overtime Costs:** Overtime costs are allowable for personnel to participate in information, investigative, and intelligence sharing activities specifically related to homeland security and specifically requested by a federal Agency. Allowable costs are limited to overtime associated with federally requested participation in eligible fusion activities, including Anti-Terrorism Task Forces, Joint Terrorism Task Forces, Area Maritime Security Committees, DHSES Border Enforcement Security Task Forces, and Integrated Border Enforcement Teams. Grant funding can only be used in proportion to the federal man-hour estimate, and only after funding for these activities from other federal sources (e.g., FBI JTTF payments to State and local agencies) have been exhausted. **Under no circumstances should FEMA grant funding be used to pay for costs already supported by funding from another federal source.**
2. **Intelligence Analysts:** SHSP/SLETPP funds may be used to hire new staff and/or contractor positions to serve as Intelligence Analysts to enable information/intelligence-sharing capabilities, as well as to support existing Intelligence Analysts funded with previous years' SHSP/SLETPP funding. In order to be hired as an Intelligence Analyst, staff and/or contract personnel must meet at least one of the following criteria:
 - a. Successfully complete training to ensure baseline proficiency in intelligence analysis and production within six months of being hired; and/or
 - b. Previously served as an Intelligence Analyst for a minimum of two years either in a federal Intelligence Agency, the Military, or a State or Local Law Enforcement Intelligence Unit.

All fusion center analytic personnel must demonstrate qualifications that meet or exceed competencies identified in the *Common Competencies for State, Local, and Tribal Intelligence Analysts*, which outlines the minimum categories of training needed for intelligence analysts. **A certificate of completion of such training must be kept on file and made available to FEMA upon request.**

3. **Operational Overtime:** Operational overtime costs are allowable for increased security measures at critical infrastructure sites or other high-risk locations and to enhance public safety during mass gatherings and high-profile events. In that regard, SHSP recipients are urged to consider using grant funding to support soft target preparedness activities and other counter-terrorism activities with a link to domestic violent extremism. This is one of the project types that is listed under both the Enhancing the Protection at Soft Target/Crowded Places and Combating Domestic Violent Extremism National Priorities and can be counted towards meeting the 3% spending requirement within those required categories. **Important Note:** Prior approval in writing from the FEMA Administrator is required for all Operational Overtime requested other than those that are security measures in response to the threat level under the National Terrorism Advisory System (NTAS) in an “elevated” or “imminent” alert status. Additionally, please be mindful of the 50% personnel cap in your calculations.

FY2023 SHSP/SLETPP funds may be used to support select operational expenses associated with increased security the following authorized categories (note this list is not exhaustive – DHS/FEMA retains the discretion to approve):

- a. National Security Special Event (NSSE) as deemed by DHS.
- b. Special Event Assessment Rating (SEAR) Level 1 through Level 4 event
- c. States of Emergency declared by the Governor associated with a terrorism-related threat or incident (excludes Presidentially declared major disasters or emergencies).
- d. National Critical Infrastructure Prioritization Program (NCIPP) – Protection of Level 1 and Level 2 facilities as defined by the NCIPP.
- e. Directed Transit Patrols – Targeted security patrols in airports and major transit hubs based on a terrorism-related threat to transportation systems.
- f. Other Related Personnel Overtime Costs – Overtime costs may be authorized for personnel assigned to support any of the security relating to the above categories.
- g. Operational Support to a federal Agency - Overtime costs are allowable for personnel to participate in information, investigative, and intelligence sharing activities related to homeland security/terrorism preparedness and specifically requested by a federal agency.

Additional details with regards to these authorized categories can be found in the FEMA Preparedness Grants Manual on (A-4-A-6) at the following link: [Preparedness Grants Manual](#).

Important Reminders for Operational Overtime Requests: Requests for Operational Overtime must be completed in advance and must include the following details:

1. Written requests must clearly explain how the request meets the criteria of one or more of the authorized categories (listed above) with relevant details.
2. Request must be within the award’s period of performance. FEMA will consider requests for special events up to one year in advance.
3. Under no circumstances may SHSP/SLETPP funding be used to pay for costs already supported by funding from another federal source.
4. FEMA will consult and coordinate with appropriate DHS components as necessary to verify information used to support operational overtime requests. Start the process as soon as practical, especially for planned events.

Equipment

FY2023 SHSP funds may be used for equipment acquisition from the 21 equipment categories lists on the Authorized Equipment List (AEL). For more information on the AEL, please visit FEMA's website at: <http://www.fema.gov/authorized-equipment-list>. Please note that activities eligible for use of LETPA focused funds are outlined in the [National Prevention Framework](#) (and where capabilities are shared with the protection mission area, the National Protection Framework). **Reminder on ALL vehicle purchases: All types of vehicles must be pre-approved by DHSES.**

Training

To support training activities, FY2023 SHSP/SLETPP funds can be used for OT/Backfill costs, for travel costs, and for the hiring of full-time or part-time staff or consultants to support training activities. Any non-DHS training course to be supported with SHSP/SLETPP funds must be submitted in advance to DHSES for written approval. Attendance at Conferences, Workshops, and/or Out-of-State travel for training opportunities will also require DHSES prior approval. Any training gaps should be identified in the AAR/IP and addressed in the State or Urban Area's training cycle. All training and exercises conducted with SHSP/SLETPP funds should support the development and testing of the jurisdiction's Emergency Operations Plan (EOP), or specific annexes, where applicable.

The DHSES OEM Training and Exercise Section is available to provide training assistance to jurisdictions. Please contact the Training and Exercise Section at DHSES's Office of Emergency Management (OEM) at OEM.Training@dhses.ny.gov or call 518-292-2351.

Exercises

All exercises conducted using SHSP/SLETPP funds are recommended to be designed in accordance with the Homeland Security Exercise and Evaluation Program (HSEEP) guidance. HSEEP highlights include:

- **Basic Guidelines:** HSEEP policy and guidance can be obtained online at the following link:
<https://www.fema.gov/media-library/assets/documents/32326>
- **HSEEP Courses:**
 - **Mobile Courses:** HSEEP mobile courses are scheduled periodically, as requested, throughout the State to help increase understanding of HSEEP guidelines. For more information, please refer to DHSES's Training Calendar: <https://www.dhses.ny.gov/oem-training-calendar>
 - FEMA's Emergency Management Institute (EMI) also offers *Course # K0146 – Homeland Security Exercise Evaluation Program (HSEEP) Basic Course*, a distance learning (on-line) course.
- **Exercise Notification:** All planned exercises must be submitted for review to the DHSES Office of Emergency Management (OEM) Training and Exercise Section, using the method prescribed by DHSES OEM, **sixty (60) days** prior to the start of each exercise supported with SHSP/SLETPP funds, including any exercise supported by the county through a sub-allocation of its award. DHSES will place exercise information on the National Exercise Schedule, in accordance with HSEEP guidelines.

- **Exercise Evaluation:** HSEEP requires all exercises to be evaluated. Within **sixty (60) days** of the completion of an exercise, a jurisdiction must submit an After-Action Report/Improvement Plan (AAR/IP) to the DHSES OEM Training and Exercise Section for review and identification and initiation of any necessary state-level activity. Subrecipients must submit the AARs/IPs through NY Responds.
- **Exercise Assistance:** The DHSES OEM Training and Exercise Section is available to provide exercise assistance to jurisdictions. Please contact the OEM Training and Exercise Branch at Exercises@dhses.ny.gov or at 518-292-2351 if you are interested in conducting an exercise using FY2023 SHSP/SLETPP funds.

Management and Administration (M&A)

Up to 5% of the award amount may be used to support Management and Administrative costs associated with the implementation of the grant award. Examples of allowable M&A costs include:

- Hiring of full or part time staff to administer grants
- Travel costs
- Meeting related expenses
- Authorized office equipment
- Leasing or renting of space for newly hired personnel during the period of performance for the grant program

Environmental Planning and Historic Preservation (EHP) Compliance

As a federal agency, DHS/FEMA is required to consider the effects of its actions on the environment and/or historic properties to ensure that all activities and programs funded by the agency, including grant-funded projects, comply with federal EHP regulations, laws and Executive Orders as applicable. Recipients and subrecipients proposing projects that have the potential to impact the environment, including but not limited to construction of communication towers, modification or renovation of existing buildings, structures and facilities, or new construction including replacement of facilities, must participate in the DHS/FEMA EHP review process. The EHP review process involves the submission of a detailed project description that explains the goals and objectives of the proposed project along with supporting documentation so that DHS/FEMA may determine whether the proposed project has the potential to impact environmental resources and/or historic properties. In some cases, DHS/FEMA is also required to consult with other regulatory agencies and the public in order to complete the review process. The EHP review process must be completed before funds are released to carry out the proposed project. DHS/FEMA will not fund projects that are initiated without the required EHP review.

Additionally, all recipients are required to comply with DHS/FEMA EHP Policy Guidance. This EHP Policy Guidance can be found in FP 108-023-1, [Environmental Planning and Historic Preservation Policy Guidance](#) and FP 108.24.4, [Environmental Planning and Historical Preservation Policy](#).

Projects that were initiated or completed before an EHP review was concluded are unallowable for reimbursement using SHSP and SLETPP funds. For more information on FEMA's EHP requirements, subrecipients should refer to FEMA's Information Bulletin #329 "Environmental Planning and Historical Preservation Requirements for Grants" available online at: <http://www.fema.gov/pdf/government/grant/bulletins/info329.pdf>

Construction and Renovation

Use of FY2023 HSGP funds for construction and renovation is generally prohibited except as outlined below. For construction costs to be allowed, they must be specifically approved by DHS/FEMA in writing prior to the use of any program funds for construction or renovation. Additionally, subrecipients are required to submit a SF-424C Budget and Budget detail citing the project costs.

Project construction and renovation not exceeding \$1,000,000 or 15% of the grant award is allowable, as deemed necessary. For the purposes of the limitations on funding levels, communications towers are not considered construction.

Written approval must be provided by FEMA prior to the use of any HSGP funds for construction or renovation. When applying for construction funds, including communications towers, at the time of application, recipients must submit evidence of approved zoning ordinances, architectural plans, any other locally required planning permits, and a notice of federal interest.

When applying for funds to construct communications towers, recipients and subrecipients must submit evidence that the FCC's Section 106 review process has been completed and submit all documentation resulting from that review to GPD using the guidelines in EHP Supplement prior to submitting materials for EHP review.

HSGP subrecipients using funds for construction projects must comply with the Davis-Bacon Act (40 U.S.C. § 3141 et seq.). Recipients must ensure that their contractors or subcontractors for construction projects pay workers no less than the prevailing wages for laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the state in which the work is to be performed. Additional information regarding compliance with the Davis-Bacon Act, including Department of Labor (DOL) wage determinations, is available from the following website <http://www.dol.gov/whd/govcontracts/dbra.htm>.

Additionally, any construction projects that are being funded through HSGP funding, must also comply with the Build America, Buy America Act (BABAA). The BABAA requires that no financial assistance for "infrastructure" projects is provided "unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States. Information with regards to this policy and its impact are available at: https://www.fema.gov/sites/default/files/documents/fema_build-america-buy-america-act-policy.pdf

Finally, projects that were initiated or completed before an EHP review was concluded are unallowable for reimbursement using SHSP and SLETPP funds. For more information on FEMA's EHP requirements, subrecipients should refer to FEMA's Information Bulletin #329 "Environmental Planning and Historical Preservation Requirements for Grants" available online at: <http://www.fema.gov/pdf/government/grant/bulletins/info329.pdf>

Supplanting

Grant funds will be used to supplement existing funds and will not replace (supplant) funds that have been appropriated for the same purpose.

Grant Contracting Process

Any resulting contract or agreement is contingent upon the continued availability of funding and will be effective only upon approval by the New York State Office of the Comptroller and the Office of the Attorney General.

Subrecipients must agree to DHSES terms and conditions included in DHSES grant contracts. Sample grant contract language, including but not limited to Appendices A-1 and C are available for review on the DHSES website at: <https://www.dhses.ny.gov/e-grants>

Minority and Women-Owned Businesses

Pursuant to New York State Executive Law Article 15-A, the New York State Division of Homeland Security and Emergency Services recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority and women-owned business enterprises and the employment of minority group members and women in the performance of New York State Division of Homeland Security and Emergency Services contracts. Minority and women-owned business enterprises can be readily identified on the directory of certified businesses at: <https://ny.newnycontracts.com/>.

All qualified applicants shall be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Consistent with 2 CFR §200.321, non-federal contracting entities must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

For purposes of this solicitation, applicants and subcontractors are hereby notified the State of New York has set an overall goal of **30% for MWBE participation** or more, **15% for Minority-Owned Business Enterprises ("MBE")** participation and **15% for Women-Owned Business Enterprises ("WBE")** participation, based on the current availability of qualified MBEs and WBEs for your project needs.

An applicant on any contract resulting from this procurement ("Contract") must incorporate the affirmative steps above into its grant management policies and procedures.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and federal statutory and constitutional non-discrimination provisions, the applicant and subrecipients will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Uniform Administrative Requirements, Costs Principles, and Audit Requirements

The U.S. Department of Homeland Security adopted 2 C.F.R. Part 200. Now that DHS has adopted 2 C.F.R. Part 200, these regulations will apply to all new Federal Emergency Management Agency (FEMA) grant awards that are made on or after December 26, 2014. These regulations will supersede 44 C.F.R. Part 13, and the Office of Management and Budget (OMB) Circulars A-21, A-87, A-89, A-102, A-110, A-122, A-133, and sections of A-50 for all FEMA awards made on or after December 26, 2014. This means that recipients of HSGP funding must follow new administrative requirements and Cost Principles codified in 2 C.F.R. Part 200 instead of the previous regulations in 44 C.F.R. Part 13.

Appendix A

Federal Programmatic Reporting Requirements “Instructions and Guidance”

Instructions: The following provides some summary background on the federal programmatic reporting requirements on which grant recipients are required to report in order for DHSES to satisfy its reporting obligations to DHS. Please refer to the associated instructions to appropriately complete the requirements throughout the application process.

NIMS Resource Typing

NIMS Resource Typing: For all projects that support a NIMS Resource, recipients must identify the typed asset being supported through the investment. At this point, only one typed asset can be identified in the BSIR; therefore, if multiple typed assets are being supported, please identify the asset with the largest budget.

Project Support to Previously Awarded Investment and Project Milestones

I. Sustain vs. Build: As you complete your application, it is important to distinguish the type of investment you are making. DHS has identified two project types:

1) Sustain Capabilities - Refers to activities that maintain a capability at its current level (this includes replacing and/or upgrading outdated equipment),

2) Build Capabilities - Refers to activities that start a new capability or increase a capability.

If your project is both sustaining and building capabilities, please select the project type that best represents the majority of your project.

Sustain	Applicants who are utilizing a resource to sustain a capability previously developed through homeland security grant funding or local revenues should select "Sustain" from the drop-down menu. An example would be purchasing Personal Protective Equipment (PPE) to replace PPE that was purchased several years ago and is no longer safe to use at an incident.
Build	Increase a Current Capability: Applicants who are utilizing a resource to increase a capability previously developed through homeland security grant funding or local revenues should select "Build" from the drop-down menu. An example of increasing a current capability would be the purchase of communications equipment for first responders, in order for them to communicate using an interoperable communications system previously developed by the subrecipient.
	Build a New Capability: Applicants who are utilizing a resource to build a new capability should select "Build" from the drop-down menu. An example of building a new capability would be a subrecipient developing an explosive detection canine team to enhance explosive device response operations capabilities in their jurisdiction, where they presently have no ability to perform this capability and/or currently rely on regional or state partners to perform the capability in their jurisdiction.

II. Previously Supported Fiscal Year: DHS requires that for any current project investment which supports a previously awarded investment, that the most recent fiscal year of that prior investment be identified. Presently, this goes back 4 years from the current fiscal year (i.e., for FY2023, please identify the most recent fiscal year supported between FY2019-FY2022).

III. Last Completed Milestone for Previously Awarded Investment: DHS requires that the recipient identify the last completed milestone of the previously awarded investment that is being supported through the current fiscal year. These milestones align with the federal POETE criteria (Planning, Organizational, Equipment, Training and Exercises) and follow the performance metrics utilized in your E-Grants workplan.

IV. Anticipated Project Completion Date: For each project, DHS requires the anticipated completion date. Please select which quarter you anticipate completing the proposed project within the period of performance.

Project Details

I. Construction, Renovation and Retrofits to Existing Structures: DHS requires prior approval, and often EHP review, of any project that will involve construction, renovation, retrofits and modifications to existing structures. If this project requires any such activity, please select "Yes."

II. Deployability of Capabilities: DHS is seeking more information on whether capabilities supported through this grant opportunity are either deployable or sharable outside of the host jurisdiction. When assessing the deployability of the capabilities supported through this project, please assess this at the "core capability" level (e.g., HazMat Team capability or mass sheltering capability) rather than at the individual budget item level. For example, if you are making an investment to support the ability of your HazMat Team to perform its core functions, please determine if these core functions are by and large deployable and/or sharable.

Deployable

Is the core capability supported by this project deployable to other jurisdictions? DHS identifies a deployable asset as any capability that is physically mobile and can be used anywhere in the United States. Examples include response teams (e.g., HazMat, Tactical or CERT), mobile radios, CBRNE detection equipment, sheltering supplies, etc.

Sharable

Is the core capability supported by this project sharable (if it cannot be physically deployed) with other jurisdictions? DHS identifies a sharable asset as any non-deployable capability that can be utilized to augment and sustain reinforced response at the regional, state or national level. Examples include a fusion center, emergency operations center, etc.

Appendix B:

NYS Critical Capabilities List and DHS/FEMA Core Capabilities Crosswalk

Common Capabilities (5)

Planning: *The ability to develop, validate, and maintain plans to address identified threats and hazards.*

Interoperable and Emergency Communications: *The ability to ensure public safety agencies and other community partners can communicate with one another on demand, in real time, when needed, and when authorized.*

Public Information and Warning: *The ability to deliver coordinated, prompt, and actionable information to the public through the use of clear, consistent approaches and leveraging multiple delivery methods.*

Citizen Awareness and Preparedness: *The ability to ensure citizens are fully aware, trained, and practiced on how to prevent, protect, prepare for, respond to, and recover from any threat or hazard.*

Private Sector/Non-Governmental Organizations (NGO): *The ability to coordinate with the private sector and other non-governmental organizations to leverage their resources and subject-matter expertise.*

Prevention and Protection Capabilities (5)

Information-Sharing and Intelligence Analysis: *The ability to receive, analyze and distribute accurate, timely, and actionable information and intelligence to agencies and key stakeholders, including the private sector.*

Critical Infrastructure/Key Resources Protection: *The ability to identify and protect critical infrastructure and key resource sites through risk management and by improving protections against all threats and hazards.*

Cybersecurity: *The ability to protect cyber networks and services from damage, unauthorized use, and exploitation and restore systems that are compromised.*

CBRNE Detection and Interdiction: *The ability to detect and interdict CBRNE materials at points of manufacture, transport, and use.*

Law Enforcement Counter-Terrorism Operations: *The ability to support the range of activities taken by law enforcement to detect, investigate, and conduct operations related to potential terrorist activities.*

Response Capabilities (12)

EOC Management: *The ability to establish and operate an Emergency Operations Center to support onsite incident management activities during an event.*

Onsite Incident Management: *The ability to establish a unified and coordinated operational structure at the scene of an incident.*

CBRNE Response and Decontamination: *The ability to assess and manage the consequences of a hazardous materials release, either accidental or intentional.*

Search and Rescue Operations: *The ability to deliver search and rescue capabilities and assets to affected communities, with the goal of saving the greatest number of endangered lives in the shortest time possible.*

Law Enforcement Response Operations: *The ability to leverage law enforcement assets and specialty teams (e.g., Bomb Squads, SWAT Teams, Dive Teams) to support site security and response to terrorist attacks and other hazards.*

Firefighting Support and Operations: *The ability to coordinate and implement fire suppression operations and support mutual aid within the fire service.*

Mass Care and Sheltering: *The ability to provide life-sustaining services to communities in need, with a focus on evacuating, sheltering, hydrating, and feeding the individuals most impacted during an event, including special needs populations.*

Transportation: *The ability to prioritize transportation infrastructure restoration to provide for the efficient movement of citizens, responders, and goods into and out of areas impacted during an event through the utilization of various transportation systems and routes.*

Health Emergency Preparedness: *The ability to support health emergency preparedness by developing and maintaining the ability to identify public health threats, provide medical countermeasures, and surge the hospital system to manage large numbers of sick or injured during any incident.*

Emergency Medical Services (EMS) Operations: *The ability to appropriately dispatch EMS and provide suitable pre-hospital treatment and support to healthcare facilities.*

Fatality Management: *The ability to provide effective, efficient mass fatality services to communities in need, including body recovery and victim identification, the development of temporary mortuary solutions, and coordination with victims' families.*

Logistics and Resource Management: *The ability to identify, inventory, mobilize, and dispatch available critical resources (including those obtained via mutual aid and donations) and human capital throughout the duration of an incident.*

Disaster Recovery/Mitigation Capabilities (6)

Continuity of Operations/Continuity of Government (COOP/COG): *The ability to develop and implement plans and programs to maintain essential operations and government services during an emergency.*

Damage Assessment: *The ability to conduct damage assessments in conjunction with partners at multiple levels of government to help inform resources needed to ensure an efficient recovery from an incident.*

Restoration of Infrastructure and Critical Services: *The ability to initiate and sustain the restoration of critical services to affected communities, including drinking water, wastewater, electricity, transportation services, and economic services through effective planning and other related efforts.*

Debris Management: *The ability to develop and maintain debris management plans to restore public services and ensure public health and safety in the aftermath of a disaster.*

Recovery: *The ability to provide ongoing support to communities after a major incident occurs to help re-build affected areas and to increase their resiliency to face future incidents to include long-term housing and infrastructure replacement.*

Mitigation: *The ability to, through traditional mitigation programs and other efforts build and sustain resilient systems, communities, and infrastructure to reduce their vulnerability to any threat or hazard.*

Core Capabilities

[illegible]