



## **REPORT ON NPCR'S Summit Roundtable:**

### ***Revising, Reforming & Strengthening the BOA Program***

December 2, 2015 4:30 – 6:00 p.m.

Facilitated by: Kevin Healy, Esq., Bryan Cave, LLP

#### **Introduction**

Over 50 people participated in NPCR's December 2, 2015 Roundtable: "*Revising, Reforming & Strengthening the BOA Program*," including community representatives, State and municipal officials, developers, consultants, planners, and BOA practitioners. The discussion took place in the context of the Summit's larger theme: Facing the Challenges of Implementing a Community Plan.

The Roundtable began with the facilitator, Kevin Healy, introducing three panelists. Michael Brady from the South Bronx Overall Economic Development Corporation (SoBRO), a BOA program participant; Phil Bousquet of Bousquet Holstein PLLC, a tax attorney with special expertise with the State's Brownfield programs; and Mark Gregor, Manager of Environmental Quality for the City of Rochester. All three offered their views on the BOA program and needed changes. Kevin Healy then managed a lively discussion among and between the panelists and the many Summit participants at the Roundtable.

#### **Consensus Conclusions**

The most emphatic point of agreement was that the BOA program is an unquestionable success, but is not acknowledged as such. While the BOA program is working to transform neighborhoods that otherwise would be left behind by other programs, including the Brownfield Cleanup program and its tax credits, BOAs benefits and achievements are not publicized. As result, the BOA program does not get the credit and funding that is both badly needed and well deserved. Roundtable participants made it clear that they are looking to NPCR to help correct this problem by developing metrics with which to objectively assess the program, and finding ways to tell the BOA story.

Another clear message from the discussion was that the BOA process is burdened with unnecessary steps and damaging delays. Roundtable participants are supportive of the streamlining and other changes proposed in proposed reform legislation (S.5143/Avella A.7970/Brindisi), but believe that the bill should go further by adding more pre-development and implementation support, such as bridge loans for Phase 2 assessments, development of clean-up plans and site remediation.

### **Observations and Ideas for Reform**

In the order that the discussion evolved, participants offered the following thoughts:

- “Steps” in the BOA program need to be more focused on pre-development and implementation.
- There should be a “fast track” to designation for communities with advanced plans that conform to BOA program parameters and goals; municipal planning commissioners could be allowed to designate, with DOS approval.
- To reduce risk to developers, there should be up-front assessment assistance; perhaps with costs ultimately deducted from earned BCP tax credits.
- BOA funding needs to be more predictable; uncertainty jeopardizes investments and reduces the effectiveness of the program.
- BOA consultants need to be paid on time; many cannot afford to wait for payment and, therefore, do not engage in the BOA process.
- More developers would get involved if up-front funding was available as an advance on anticipated tax credits; the BOA program could be a loan facilitator.
- Assessment money needs to be available earlier in the process.
- A big issue is site control; cannot do assessment or real planning without the cooperation of the site owner.
- The BOA program needs to be rebranded as an action program, as a program that is about creating something.
- BOA suffers from a lack of understanding on the part of the public and lawmakers; it requires a public relations campaign to clearly present the program and tout its successes in the context of the burden brownfields place on communities - their environmental, social, health and economic costs.
- While designation is a good metric for measuring *program* progress and compliance, we need to be able to tell the stories of how the BOA-supported *projects* have helped catalyze community-based development - before or after designation. BOA planning has been a critical part of great projects, but the role it plays must be made better known – not just to investors, but to the Governor and the Legislature.
- There needs to be an online repository for BOA studies, analyses, images, plans and marketing documents.
- The BOA program should produce an annual report showing BOA successes.
- The BOA program should be coordinated with the Regional Economic Development Councils (REDC) process developed by the Governor, with projects in designated areas being given priority by the REDCs.
- In making the case for BOA, there are key pieces to the story:
  - voices from the communities that are being transformed,
  - demonstrations that the work being done in the BOA program is in line with State priorities,
  - examples of how revitalizing blighted neighborhoods is key to the survival of NY's cities, and
  - statistics showing economic impact from BOA-supported development projects.