



NEW YORK CITY EMERGENCY MANAGEMENT

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ZACH ISCOL
COMMISSIONER

April 26, 2023

Kenrick Sifontes
Audit Director
Office of the New York State Comptroller
Division of State Government Accountability
59 Maiden Lane, 21st Floor
New York, NY 10038

Dear Audit Director Sifontes,

Please find below the steps that New York City Emergency Management (NYCEM) has taken to implement the Office of the State Comptroller's (OSC) Recommendations of New York City Emergency Management (NYCEM) Hazard Mitigation and Coordination Audit Report (Report 2021-N-8).

While NYCEM finds many points of disagreement with the Audit's findings, we understand that OSC's recommendations are best practices, and the Agency is working to implement them. We will continue to work with and enhance coordination efforts with other agencies. We appreciate OSC's feedback and its work in helping local government agencies manage their resources efficiently and effectively.

Recommendation 1: Comply with HMP Maintenance Protocol and the HMP, including requesting sufficient supporting documentation from the City agencies to ensure HMP mitigation action data is accurate, complete, and up to date.

NYCEM's Response:

While NYCEM agrees that Recommendation 1 is a best practice, and below, we list the set of actions we have implemented since the publication of the audit, NYCEM respectfully disagrees with the findings that served as the basis for Recommendation 1. We would like to reiterate that the Hazard Mitigation Plan (HMP) is governed by the Federal Emergency Management Agency (FEMA) and NYS Division of Homeland Security and Emergency Services (DHSES) requirements and policies that serve as mandatory guidelines for the HMP. And that our oversight agencies (FEMA and NYS DHSES), after subjecting the HMP to exhaustive state and federal review before adoption and approval, have found that the HMP has met or exceeded standard metrics for validating requirements. In addition, we need to rely on the expertise of New York City (City) agencies to monitor their projects. As the City agencies are the subject

matter experts responsible for implementation and oversight on their individual agency actions, they have had latitude on what information or data they share with us.

Actions Taken Since Audit

- The Risk Reduction and Recovery Division started conducting site visits of ongoing mitigation actions to check on status of implementation.
 - March 17, 2023 – Conducted an inter-agency tour of the Red Hook Interim Flood Protection Measures (IFPM).
 - March 31, 2023 – Conducted an inter-agency tour of the Bluebelt at New Creek in Staten Island.
 - April 3, 2023 – Ten IFPM sites have been inspected prior to the 2023 Coastal Storm Season, with an additional 11 sites to be inspected by May 15, 2023.
 - April 10, 2023 – Planned tour of the Metropolitan Hospital Mitigation Action Progress.
 - Q3-4 2023: Site visits are being planned to Seaport Coastal Resilience project, Hunts Point Food Resilience project, East Harlem Community Stormwater Resiliency project, and Corona Cloudburst project.
- The Recovery and Risk Unit is developing a strategy for collecting updates of the mitigation actions for the 2024 Hazard Mitigation Plan. This will consist of the following:
 - Coordinating with the NYC Mayor’s Office of Risk Management and Compliance to facilitate inter-agency compliance.
 - Working with the NYC Mayor's Office of Management and Budget (OMB) Environmental and Sustainability and Resiliency Task Force to leverage/strategize planning process for collecting updates on current and future mitigation actions.
 - Meeting with NYS DHSES to review mitigation actions database questions to check compliance with state/federal requirements and findings from the OSC Audit.
 - Hosting a webinar with the Mitigation Planning Council on the update process.
 - Scheduling follow-ups with members of the Mitigation Planning Council to corroborate submission of updates with all accurate, complete, and current status.

Recommendation 2: Establish time frames and implement formal written policies and procedures for updating citywide evacuation plans and conducting plan assessments.

NYCEM’s Response:

With respect to Recommendation 2, NYCEM agrees that this is a best practice. However, NYCEM would like to emphasize that during the Audit’s period of examination, NYCEM stated that we conduct annual meetings to review and discuss the evacuation plans with the unit responsible for maintaining and updating said plans. Although there may not have been major changes that qualified as updates for the evacuation plans, NYCEM had a process in place in which all evacuation plans were reviewed annually and, if updates were needed, any such updates would have been incorporated into those plans.

Actions Taken Since Audit

- NYCEM’s Transportation and Infrastructure Unit is actively reviewing evacuations plans for needed updates. NYCEM has received funding as a result of Post Tropical Cyclone Ida to undertake projects related to targeted analysis of evacuation strategies and to inform new planning assumptions.
- NYCEM will participate in the US Army Corp’s of Engineers Hurricane Evacuation Study update for New York State, focused on a demographic analysis in the short term.
- NYCEM’s Plan Management Unit has developed detailed plan review, maintenance, and assessment guidance to codify and enhance the guidance that previously had not been formally documented. Furthermore, Plan Management will continue to conduct annual Internal Integrated Preparedness Planning (IPP) meetings with each plan owner. These meetings are scheduled for the months of August and September (Q3).
- Previously, the final deliverable (Plan Catalog) was live edited during the IPP meetings. The new guidance will require each unit to complete a written assessment of each document they own ahead of the meeting. This written assessment will be reviewed and discussed during the annual IPP meeting. All decisions made during the meeting will be formally documented, including justifications for why a document will or will not be updated in a given year.

Recommendation 3: Explore the feasibility of obtaining access to local evacuation plans.

NYCEM’s Response:

We disagree with this recommendation. NYCEM’s citywide evacuation plans are flexible and scalable to serve and function at the local community level and we respectfully disagree with Recommendation 3. Further, NYPD conducts its own more localized evacuation planning. We recommend that OSC contact NYPD to inquire about the area traffic management plans for evacuation operations.

Recommendation 4: Create formal policies and procedures for following up with City agencies that are delinquent in attesting to/submitting COOP plans and completing COOP plan exercises.

NYCEM’s Response:

With respect to Recommendation 4, NYCEM agrees that this is a best practice.

Actions Taken Since Audit

- NYCEM developed and implemented the NYCEM COOP Program Follow-up Standard Operating Procedure (SOP) in 2023 to promote coordinated agency outreach, streamline communications, and codify internal NYCEM escalation procedures that already existed. This SOP is designed to enhance our program administration with the goal of improving agency COOP plan update and exercise completion rates.
- NYCEM reissued COOP plan and exercise requirements, as outlined in Executive Order 107 and expanded on over time, to check that agencies are aware of expectations.
- NYCEM introduced a new request for agencies to submit updated COOP plans on a quarterly basis.

Planned Future Actions

- Review the NYCEM-issued COOP plan template to confirm government and business continuity best practices are reflected. Streamline agency inputs to improve compliance and make documents more impactful.
- Update and reissue NYCEM COOP guidance, delineating essential vs. optional elements.

Recommendation 5: Enhance monitoring and follow-up efforts with City agencies when they do not attest to/submit COOP plans or complete COOP plan exercises in a timely manner.

NYCEM’s Response:

We agree that this recommendation reflects best practices. However, we would like to reiterate that NYCEM already conducts repeated outreach and engages with agency COOP teams regularly. We also post citywide dashboards to highlight compliance and non-compliance status to monitor and follow up with COOP agencies for COOP plan maintenance and COOP exercise conduct. However, in alignment with Recommendation 5, see below:

Actions Taken Since Audit

- Implemented the NYCEM COOP Program Follow-up SOP, see Recommendation 4 above for more details.

Recommendation 6: Review COOP plans submitted by City agencies to check, to the extent possible, that the plans are accurate, up to date, and complete.

NYCEM’s Response:

We disagree with this recommendation to the extent it suggests that NYCEM review the entirety of agencies’ COOP Plans that are not submitted to NYCEM. As we have explained to OSC, it is important to note that some City agencies prefer to not include all sections in their COOP Plans and are not required to do so. For example, NYPD may choose to withhold certain sections for confidentiality and security purposes, while other agencies may choose to withhold certain sections of their COOP Plans at their own discretion. However, we agree with this recommendation to the extent it concerns the portions of COOP Plans submitted to NYCEM. Further, OSC is correct in noting that the COOP Planning Guide required certain COOP Plan sections / items. Accordingly, NYCEM is in the process of updating the Guide, to include the following language “According to the Guide and template, COOP plans are recommended to include certain details...”

Actions Taken Since Audit

- NYCEM developed a custom Continuity Assessment Tool (CAT) to evaluate agency COOP plans. We conducted a pilot program to begin reviewing agency COOP plans.

Future Actions

- Conduct a citywide Essential Services Review in 2023, providing agencies the guidance, tools, and training to update their essential services in line with government and business continuity best practices. The Essential Services Review will provide the basis to prioritize additional COOP plan assessments.

- Update the COOP Planning Guide to reflect that COOP Plan sections / items are recommended as opposed to required.

Sincerely,

Zach Iscol



Commissioner