



NEW YORK CITY EMERGENCY MANAGEMENT
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ZACH ISCOL
COMMISSIONER

July 5, 2024

Joseph Gillooly, Audit Manager
Office of the New York State Comptroller
59 Maiden Lane, 21st Floor
New York, NY 10038

RE: NYCEM Agency Response to OSC Follow-up Report 2023-F-38

Dear Mr. Gillooly:

New York City Emergency Management (NYCEM) has reviewed the Office of the New York State Comptroller's (OSC) follow-up report on the audit of NYCEM's monitoring and coordination with New York City agencies for natural hazard mitigation, evacuation, and continuity of operations dated May 8, 2024.

We thank OSC for the opportunity to provide additional information to address the unresolved issues discussed in OSC's Follow-up Determination for "2023-F-038 - NYCEM Hazard Mitigation and Coordination". While NYCEM finds points of disagreement with the report's findings, we understand that several of OSC's recommendations are best practices, and the agency is working to implement them. We continue to work with and enhance coordination efforts with other City agencies and appreciate OSC's feedback and work 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.

Status – Not Implemented

NYCEM Response:

The agency is in compliance with the Hazard Mitigation Plan (HMP) and the HMP Maintenance Protocol. The NYC HMP recently went through a formal review to determine if it met the requirements of the Disaster Mitigation Act of 2000. We are happy to share that the NYC HMP was “Approved Pending Adoption” by Federal Emergency Management Agency (FEMA) and New York State’s Division of Homeland Security and Emergency Services (NYS DHSES) on May 3, 2024. It was adopted by Mayor Adams through Executive Order 41 on May 28, 2024.

New York City’s obligation is to meet the requirements set forth by the Federal Emergency Management Agency (FEMA) and New York State’s Division of Homeland Security and Emergency Services (NYS DHSES) to keep the City eligible for billions of dollars in Hazard Mitigation Assistance grant funding that is used to make the City more resilient to future disasters. To meet this obligation, the mitigation actions database must be organized in a specific manner and include certain categories of information. It is not an effective use of limited resources to require all participating agencies to restructure their tracking, documentation, and accounting of their mitigation projects, or mitigation elements of their larger projects, if it is not required for HMP approval. Requesting supporting documentation from agencies as part of the HMP planning process would result in confusion for partners and the public, be duplicative of other City project and budget management processes and be substantially resource consuming without changing our FEMA eligibility for FEMA Hazard Mitigation Assistance (HMA) funding.

NYCEM maintains that it has met the legal and regulatory requirements set for and established by FEMA and NYS DHSES for the HMP and mitigations actions database. This is inclusive of the HMP Maintenance Protocol which was implemented throughout the HMP five-year update cycle by making frequent updates to the web-based plan. In the course of lengthy discussions throughout this audit, NYCEM has explained repeatedly that agency projects and supporting information are not perfectly aligned with FEMA requested categories nor does NYCEM have a mechanism to compel agencies to submit 100% complete data.

In addition, the City’s expense and capital budget programming is not designed around FEMA’s mitigation plan and therefore transposing information into the FEMA tracker is extremely labor intensive, and in some cases, not possible. There is not a perfect alignment between the mitigation actions in the HMP, agencies’ management of their projects, and New York City’s Office of Management and Budget’s (OMB) management of the City’s budget. The best path for supporting documentation on a project is a direct request for information to the lead agency or OMB for budgetary items.

It is our experience that requests for frequent updates and supporting documentation would lead to burn out or disengagement from agencies for future HMP updates. This goes against the spirit of the plan, which is to create a planning framework for hazard risk reduction. Even collecting mitigation actions with incomplete information is valuable for planning purposes, and future decision- making and project eligibility when grants become available. The information in the

database is not fixed but represents the best available data at the time of collection and meets all NYS DHSES and FEMA requirements. There are several reasons why the information in the database might change, including labor and material costs going up, more information is ascertained, or resources for implementation shift. Given the enormous scope of the NYC HMP, it would require many resources and staff to keep the database as accurate as possible and would be duplicative of the OMB capital project tracking process. The current process for soliciting updates to the mitigation actions database has led to meaningful participation from our partner agencies and meets state and federal requirements.

NYCEM will take the additional action of adding a disclaimer on the HMP website/mitigation actions database page to clarify that this information may be incomplete or not reflect the project's current status. This disclaimer will identify the date of the last update as provided by agency representatives and direct those seeking the latest project update to contact the Lead Agency directly.

Recommendation 2

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

Status – Partially Implemented

NYCEM Response:

NYCEM agreed that internal procedures to assess the status of plans are critical to the planning process. This is why NYCEM launched an Integrated Planning Process to reinforce the preparedness cycle with our planning, training, and exercise teams.

As mentioned in OSC's follow up report, NYCEM developed robust internal guidance and procedures including formal written policies and procedures, called the Integrated Planning Process, which were implemented as of June 2023 and used to facilitate an annual evaluation with the plan owners in early 2024. This process included a series of comprehensive discussion topics that were covered in every meeting to review the status of plans under each unit/owner. NYCEM utilized this process to review plan status which includes topics like last update, changes in capabilities or systems, lessons learned from recent events, and level of changes needed to content and formatting.

This comprehensive picture and series of discussions has been critical to NYCEM's mission of emergency planning and overseeing a large portfolio of emergency plans, including OSC's referenced citywide evacuation plans.

Fortunately, NYC has foundational emergency plans that outline capabilities and core competencies. This includes the Citywide Interagency Management System (CIMS) which has been made available to OSC. No matter the event, the City can leverage or modify existing

strategies and tools from our plans to quickly coordinate the response to an event to address incident-specific needs. Therefore, the age of a plan will not reflect on the City's ability to use the key tool and core capabilities to respond to an emergency.

In addition, NYCEM is discussing its larger approach to emergency planning with a goal to simplify and leverage core documents. Available resources, competing priorities including emergency responses/activations, and a changing threat landscape all affect the plan update process.

Recommendation 3

Explore the feasibility of obtaining access to local evacuation plans.

Status – Not Implemented

NYCEM Response:

NYCEM would like to re-emphasize that we serve the city as a whole, which in and of itself is a local community. The City of New York and all departments' authority identified under the City Charter operate at a citywide jurisdictional level. In addition, emergency plans must be scalable and flexible as disasters can happen anywhere. Therefore, the City manages emergency evacuation plans to support citywide coordination and operations. These strategies can be applied at a local level – but the City does not create standalone plans for different sub-geographies within its jurisdiction. This would be a redundant and inefficient use of resources. NYCEM utilizes the Citywide Incident Management System (CIMS), adopted by executive order in 2005, to define agency roles and responsibilities in accordance with their core competencies. For instance, the NYC Fire Department is responsible for fire suppression and fire related emergencies. Similarly, under CIMS, NYPD is responsible for traffic management and public safety and conducts localized evacuation planning and operations in accordance with that responsibility. Their role is defined at the appropriate and necessary level in the NYC Citywide plan and their work in the area of one of their core competencies does not require NYCEM's involvement or oversight.

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.

Status – Partially Implemented

NYCEM Response:

NYCEM followed OSC's recommendation to formalize policies and procedures for following up with City agencies that are delinquent in attesting to/submitting COOP plans and completing

COOP plan exercises via the COOP Program Follow-up Standard Operating Procedures (SOP). Please see below for actions NYCEM has implemented within the City's COOP program following the audit:

- Re-issued COOP program requirements from NYCEM Commissioner Iscol to agency heads.
- Re-issued COOP program requirements from NYCEM COOP Unit to participating agency COOP teams.
- Increased monitoring of exercise requirements, moving from annual to monthly monitoring of COOP exercise completion.
- Added a requirement for City agencies to submit their COOP plans on a quarterly basis.
- Mandated City agencies on NYCEM's emergency mass notification contract to participate in a yearly drill to test communications (previously, participation was highly encouraged).
- ***NEW: Exploring mechanisms for city leadership involvement in the city's COOP program.***

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.

Status – Partially Implemented

NYCEM Response:

We agree that this recommendation reflects best practices. NYCEM will be procuring new COOP software that will be more user friendly to assist with tracking/monitoring measures with agencies. In addition, NYCEM reiterates that it has formalized policies and procedures for following up with City agencies that are delinquent in attesting to/submitted COOP plans and completing COOP plan exercises via:

- Re-issuing COOP plan requirements to agencies requiring them to submit COOP plans quarterly;
- Moving from annual to monthly monitoring of COOP exercise tracking; and
- Creating the COOP Program Follow-up Standard Operating Procedures (SOP) that reflects enhanced communications and standardized timelines for follow-up action (to be implemented in 2024).

Recommendation 6

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

Status – Not Implemented

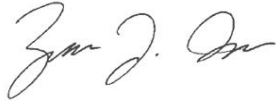
NYCEM Response:

While NYCEM remains committed to working with agency partners to develop the most effective COOP plans possible, NYCEM does not have the specific agency subject matter expertise to independently review and sign off on other City agency COOP plans. Nor is NYCEM sufficiently staffed to provide this level of technical review and support across the 46 participating agencies. However, NYCEM maintains that this recommendation status is “Partially Implemented” given the actions NYCEM has taken to help City agencies ensure their plans are accurate, up to date, and complete:

- **Continuity Assessment Support:** NYCEM developed a Continuity Assessment Tool (CAT) and reviewed four separate agency COOP plans, in addition to NYCEM’s own COOP plan. NYCEM validated findings with each agency and discussed the identified gaps in CAT workshops from 2022-2023.
- **Citywide Essential Service Review:** Through the CAT workshops, NYCEM found that participating agencies universally wished to adjust their essential services, validating NYCEM’s efforts to develop and launch the 2023 Citywide Essential Service Review. Through this initiative, NYCEM engaged with the 46 participating City agencies, hosted working sessions, and provided feedback to support them in refining their lists and baselining essential services citywide.
- **COOP Software Procurement / Program Updates:** NYCEM is currently engaged in a procurement to update the City’s COOP software. NYCEM is creating an updated COOP plan template and associated guidance to help agencies streamline their COOP plans and focus on critical elements.
 - As discussed above, in reviewing COOP plan content, NYCEM intends to remove Point of Contact (POC) information. To clarify, agencies have employee directories with contact information, with most also utilizing mass notification tools (e.g., Everbridge, Rave Alert, Send Word Now) to communicate alerts and notifications to staff. NYCEM will direct agencies to reference employee directories in their COOP plans as an essential record / include mass notification tools as essential assets, where appropriate, in lieu of entering employee contact information within the plan. Notably, the COOP plan is not designed to be opened during an emergency to facilitate communications. Rather, it is intended to be a planning tool to help agencies identify what essential services and essential assets should be prioritized during emergencies.

NYCEM thanks OSC for this opportunity. We will continue to enhance our coordination efforts with other City agencies and appreciate OSC's feedback. If you have any questions or comments, please contact Christopher Blanco, Chief Financial Officer, at (718) 422-3048.

Sincerely,

A handwritten signature in black ink, appearing to read "Zach Iscol". The signature is fluid and cursive, with the first name "Zach" being more prominent than the last name "Iscol".

Zach Iscol

Commissioner, NYC Emergency Management