

# **NYS HOUSING TRUST FUND CORPORATION**

## **ACCESS TO HOME PROGRAM Environmental Compliance Checklist**

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### **Environmental Compliance Process: Step by Step**

Awards made under the New York State Access to Home Program are subject to the requirements of the State Environmental Quality Review Act (SEQR) at 6 NYCRR Part 617. All participants in the development process must comply including public or private nonprofit or for profit entities, or any of their contractors.

A Programmatic (or Generic) Environmental Compliance Checklist must be filled out for each Access to Home program. After the Programmatic Checklist is approved by the Environmental Analysis Unit (EAU), EAU will send an environmental clearance letter. As specific sites are chosen, a Site Specific Checklist must be prepared for each site. In certain instances, that Site Specific Checklist must be submitted to EAU. **Site altering activities cannot begin until an environmental clearance letter has been granted and a Site Specific Checklist has been prepared, and approved, as necessary.**

The Local Program Administrator (LPA) is responsible for carrying out the program-specific environmental review procedures for the individual projects it undertakes under the program. HTFC will review compliance with these procedures as part of annual monitoring.

The following is a step-by-step process to obtain environmental clearance and to develop an appropriate set of program-specific environmental review procedures

#### **STEP 1: OBTAIN ENVIRONMENTAL COMPLIANCE CHECKLIST FORM**

The ENVIRONMENTAL COMPLIANCE CHECKLIST FORM must be completed by all LPAs of awarded Access to Home programs. This form documents all of the measures that the Program will implement in order to comply with environmental regulations at all project sites as a requirement of the HTFC environmental clearance.

Forms are available on the NYS HCR website:  
<http://www.nyshcr.org/Forms/AccessToHome/>

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STEP 2: COMPLETE THE ENVIRONMENTAL COMPLIANCE CHECKLIST and  
SUBMIT TO THE ENVIRONMENTAL ANALYSIS UNIT (EAU)

Mail or e-mail a completed copy of the Environmental Compliance Checklist to:

*John Leahy*

*Environmental Analysis Unit*

*Division of Housing and Community Renewal*

*4th Floor, Hampton Plaza*

*38-40 Broadway*

*Albany, NY 12207*

*Phone: 518-474-6677*

*Fax: 518-473-7357*

*E-mail: EAU@nyshcr.org*

STEP 3: HTFC EAU ISSUES CLEARANCE LETTER TO PROGRAM ADMINISTRATOR

The HTFC clearance letter should be kept on file with the ENVIRONMENTAL COMPLIANCE CHECKLIST as well as all other documentation related to the environmental review, for subsequent HTFC monitoring.

STEP 4: WHEN SPECIFIC SITES ARE SUBSEQUENTLY CHOSEN A SITE SPECIFIC  
CHECKLIST MUST BE COMPLETED FOR EACH SITE

Individual site specific Environmental Compliance Checklists and associated supporting documentation must be submitted to the Office of Community Renewal (OCR) at the time of Project "Set-up" which is the formal commitment of program funds. Forms are available on the NYS HCR website:  
<http://www.nyshcr.org/Forms/AccessToHome/>

Please mail or email a completed copy of the Environmental Compliance Checklist to:

*Victoria Sharp*

*Office of Community Renewal*

*New York State Homes and Community Renewal*

*9th Floor, Hampton Plaza*

*38-40 Broadway*

*Albany, NY 12207*

*Phone: 518-474-2057*

*Fax: 518-474-5247*

*E-mail: vsharp@nyshcr.org*

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In Column “B” provide a description of how the particular site complies with procedure described in the Programmatic Checklist.

All program activities must be conducted in accordance with policies described in the Programmatic ENVIRONMENTAL COMPLIANCE CHECKLIST.

**Individual site specific checklists must be submitted to EAU prior to site altering work in circumstances such as:**

- **substantial improvement in a flood zone**
- **work on a building determined by SHPO to have historic or cultural significance**
- **ground disturbance**
- **zoning changes**
- **if the work constitutes a SEQR Unlisted action**

**Otherwise, documentation of individual sites does not need to be submitted to the EAU but must be submitted to the OCR and maintained on file for annual monitoring by the HTFC.**

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### COMPLETING THE ENVIRONMENTAL COMPLIANCE CHECKLIST

For programmatic review, the Environmental Compliance Checklist is intended to cover the program as a whole to determine which regulations may apply to one or more individual project sites, once identified, and those which will not be applicable under any circumstances. For each regulation that the LPA finds applicable, a written procedure to review individual project sites when they are identified must be described in the right hand column. Suggested statements appear in bold italics after a discussion of each environmental issue below:

#### HISTORIC RESOURCES

For all projects that involve rehabilitation of buildings 50 years old or older, State Historic Preservation Office (SHPO) online forms must be completed and submitted for an effect determination. SHPO must be consulted for a determination before any rehabilitation, demolition or new construction is started on any program site.

SHPO's Project Review Cover Form and additional forms with contact information, can be found at:

<http://nysparks.com/shpo/environmental-review/>

- If all structures proposed for rehabilitation have been identified and are less than 50 years old, check column "A". A statement in the right column might be:

***"No project structure in this program is older than 50 years."***

- If a proposed project may involve rehabilitation of buildings 50 years or older, check column "B". A description of "Compliance Procedures" might be:

***"If any building included in the program is older than 50 years, a Building Structure and Inventory Report and SHPO Transmittal Letter will be completed and submitted to SHPO along with photographs for an impact determination which will ensure compliance with the New York State Parks, Recreation and Historic Preservation Law. No site activity will occur until SHPO responds with a determination."***

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### FLOODPLAIN MANAGEMENT:

The Local Program Administrator must consider 6 NYCRR Part 502, Floodplain Management Criteria for State Projects if any projects are located in a Special Flood Hazard Area (SFHA). All sites in the Program must be reviewed for their location with regards to floodplains. Source documentation for these determinations can include a copy of a FIRM map, with the Panel Number and Effective Date, or communication from the local Code Enforcement Officer responsible for a community's participation in the National Flood Insurance Program.

- If the program will not involve any buildings within an SFHA check column "A." A statement in the right column might be:

***"No buildings are within a SFHA. A copy of the FIRM map, with the Panel Number and Effective Date will be kept in the program file."***

- If the program may involve any buildings within a SFHA, it must be determined if the proposed scope of work for that building can be classified as "substantial improvement." Substantial Improvement is defined as "any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the replacement value of the structure," per 6 NYCRR Part 502.2(bb)(1), Floodplain Management Criteria for State Projects. Check column "B." A statement in the right column might be:

***"Upon determination that specific buildings are within the 100 year floodplain, documentation with applicable FIRM panel number and date will be submitted to EAU."***

FIRM maps are available from local or county environmental or planning agencies, the New York State Department of Environmental Conservation (DEC), or the Federal Emergency Management Agency (FEMA), at the FEMA Map Service Center (800-358-9616), or on-line at [http://www.floodsmart.gov/floodsmart/pages/flooding\\_flood\\_risks/understanding\\_flood\\_maps.jsp](http://www.floodsmart.gov/floodsmart/pages/flooding_flood_risks/understanding_flood_maps.jsp)

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### **ZONING CHANGES/SPECIAL USE PERMIT:**

All sites in the Program must be reviewed for their location with regards to their zoning classification. Project sites must conform to the relevant local land use plans and must receive all necessary zoning and site plan approvals and permits. If a zoning change is required, the project becomes an Unlisted action under the State Environmental Quality Review act. Submit documentation of these determinations to EAU with a letter, affidavit, or written statement from the local municipality stating the existing zoning classification of the project site and if a variance request or special permits will be required for issuance of a building permit.

- If the program will involve only sites that comply with existing zoning classification, check column “A.” A statement in the right column might be:

*“No projects in the Program will require zoning modifications.”*

- If the program may involve any sites that will require existing zoning modifications, check column “B.” A statement in the right column might be:

*“Documentation for any program activities that will require local approvals, variances, special permits or any other modifications to the existing zoning classification of each project will be submitted to the Environmental Analysis Unit.”*

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### LEAD BASED PAINT:

All Access to Home activities in dwelling units that were constructed prior to 1978 must be evaluated for hazards posed by lead-based paint. In all units, the extent of disturbance must be considered by conducting a visual evaluation and a calculation of the total amount of surrounding square footage that will be affected by the activity.

HTFC uses the EPA Renovation, Repair and Painting Rule (RRP) and the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (HUD Guidelines) as reference standards for conducting activities that will disturb areas with lead based paint.

Further information can be accessed at:

<http://www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm>

<http://www.epa.gov/lead/rrp/index.html>

Compliance with the RRP Rule is always required, however, with regard to the HUD Guidelines, in cases where the Access to Home activities will impact a very small area of lead painted surfaces, refer to Section 35.1350 of 24 CFR Part 35:

Sec. 35.1350 Safe work practices.

(d) *De minimis levels*. Safe work practices are not required when maintenance or hazard reduction activities do not disturb painted surfaces that total more than:

- (1) 20 square feet (2 square meters) on exterior surfaces;
- (2) 2 square feet (0.2 square meters) in any one interior room or space; or
- (3) 10 percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include windowsills, baseboards, and trim.

- If the program will not involve any buildings where lead based paint is present, check column "A." A statement in the right column might be:

***"The Program will not involve any buildings where lead-based paint is present."***

*or*

***"All buildings in the Program were constructed after 1978."***

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- If the program may involve any buildings constructed prior to 1978, check column “B.” A statement in the right column might be:

*“All projects will comply with the ‘EPA Renovation, Repair and Painting Rule’ (RRP rule). Any projects that will involve the disturbance of lead based paint surfaces that exceed “de minimis” levels will be conducted in accordance with ‘HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.’”*

### ASBESTOS CONTAINING MATERIALS:

If asbestos-containing materials (ACM) will be disturbed as part of program activities, they must be handled and disposed of according to NYS Department of Labor requirements at 12 NYCRR Part 56, Check column “B.” A statement in the right column might be:

*“Asbestos Containing Materials (ACM) that will be disturbed as part of program activities will be handled and disposed of according to NYS Department of Labor requirements at 12 NYCRR Part 56 and local regulations.”*