

NEW YORK STATE HOUSING TRUST FUND  
HOME PROGRAM

PROGRAMMATIC ENVIRONMENTAL REVIEW RECORD  
FOR LOCAL PROGRAM ADMINISTRATOR (LPA) PROGRAMS

PROGRAM NAME: 2013 Homeowner Rehabilitation

SHARS NUMBER: 20133140

PROGRAM SPONSOR: Otsego Rural Housing Assistance, Inc.

PRIMARY CONTACT: Anthony Scalici, Executive Director  
(NAME AND TITLE)

ADDRESS: P.O. Box 189, 50 W. Main Street  
Milford, NY 13807

TELEPHONE: 607-286-7244

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RESPONSIBLE ENTITY: New York State Housing Trust Fund Corporation (HTFC)

CERTIFYING OFFICER: Heather Spitzberg, Esq., Director, Environmental Analysis Unit

PROGRAM LOCATION (OR TARGET AREA): The program will serve eligible households within the boundaries of Otsego County, NY. The boundaries of the program service area are as follows:

(See Attachment 1 - Target Area Map)

1.0 PROGRAM ACTIVITIES *(Provide a complete description of the program. Include whether sites selected for the program may require a zone change, special use permit or subdivision approval and the number of units to be provided. Also determine any site disturbance will occur, including digging utility trenches and installing or improving wells or septic systems).*

Otsego Rural Housing Assistance, Inc. is proposes rehabilitation of 15 low income owner occupied homes in Otsego County. The project will focus on the rehabilitation of single family conventional and manufactured homes. Work will include repairs to major housing systems, removal of health and safety issues, and energy conservation improvements as identified in energy audits. Ground disturbance, incidental to the rehabilitation work (i.e., rehabilitation of foundations or exterior walls), may be included.

ESTIMATED TOTAL PROJECT COSTS: \$623,000  
HTFC HOME AWARD AMOUNT: \$264,000

2.0 PROGRAM CLASSIFICATION - NEPA (Check one)

- 2.1 – Exempt
- 2.2 – Categorically Excluded - subject only to regulations at 58.6
- 2.3 – Categorically Excluded - subject to 24 CFR 58.5 and 58.6
- 2.4 - Environmental Assessment Required

3.0 PROGRAM CLASSIFICATION - SEQR (Check one)

- 3.1 - Type II action.
- 3.2 - Unlisted action (*Contact HTFC environmental staff for further guidance*).

4.0 REGULATORY COMPLIANCE DOCUMENTATION

4.1 PROCEDURES TO COMPLY WITH RELATED LAWS AT 24 CFR 58.6  
(*Use additional pages if necessary*)

Flood Disaster Protection Act of 1973: All sites will be reviewed for their location on FIRM maps at <http://msc.fema.gov/portal>. Flood insurance must be obtained and maintained for any site that is located within the 100 year floodplain. Sites within the floodway are not eligible for funding.

4.2 PROCEDURES TO COMPLY WITH RELATED LAWS AT 24 CFR 58.5  
(*Use additional pages if necessary*)

Historic Properties: For all project that involve rehabilitation of buildings 50 years or older or ground disturbance, a Historic Resource Inventory Form must be completed and submitted to the State Historic Preservation Office (SHPO) for an effect determination. If SHPO determines that a proposed project will have “No Adverse Impact” with conditions, the rehabilitation plans will incorporate these conditions into the scope of work. When ground disturbance is proposed a request will also be submitted to the Tribal Historic Preservation Officer (THPO). The request package forwarded to SHPO will also be used for THPO. If THPO does not respond within 30 days, the THPO review process will be considered closed. An archeological survey will be completed if requested.

Floodplain Management: All sites will be reviewed for their location on FIRM maps at

<http://msc.fema.gov/portal>. Projects within the regulatory floodway are not eligible for HOME funding. For any site located in the 100 year flood plain, the Floodplain Management Worksheet, Appendix J of the LPA Manual, will be completed to determine if the project meets the floodplain definition of “moderate” or “substantial” rehab. The completed worksheet will be submitted as supporting documentation. If the project qualifies as moderate rehab, no further review is required. However a project that is determined to be substantial rehab must comply with HUD regulations at 24 CFR Part 55 and follow the 8-step public notice procedure.

Wetland Protection: Any site intrusive work, even on previously disturbed land, will be constructed so as to reduce, minimize, or otherwise avoid impacts within wetlands, or associated “buffers or check zones.” Maps of jurisdictional wetlands will be consulted for each site. In addition to consultation of wetlands maps, if the Sponsor or EAU suspects the potential presence of wetlands in the areas to be disturbed, a formal jurisdictional review of qualified biologist delineation may be required to confirm whether wetlands will be disturbed. This will be decided in further consultation with EAU. If a site is located on or in proximity to wetlands, the Sponsor will consult with the relevant regulator and obtain all necessary permits, after completing the Executive Order 11990 8-Step review process. If a site is located in any State associated buffers, the Sponsor will consult with NYSDEC and obtain all necessary permits.

Endangered Species: For every project requiring disturbance of previously undisturbed ground, the sponsor will: (1) contact the NYS Natural Heritage Program to determine the potential for impacts of the proposed action on any rare, threatened, or endangered species; and (2) follow the USFWS directions for project reviews at <http://www.fws.gov/northeast/nyfo/es/section7.htm>. If the USFWS directions reveal the possibility of an endangered species on the site, EAU will be contacted for further consultation with USFWS.

Wild Scenic, and Recreational Rivers: The Unadilla River is located within the target area. All sites will be reviewed to determine their location with regard to the WSRRs. No Program activities should impact the WSRR, but EAU and/or NYSDEC will be contacted with regard to any site within 100 feet of a WSRR to determine any permitting requirements.

Noise Abatement and Control: All projects must comply with HUD noise standards at 24 CFR 51(b). For each site, it must be determined if the project qualifies as moderate or substantial rehabilitation, using the floodplain definition and Floodplain Management Worksheet to demonstrate. For moderate rehab, HTFC encourages noise attenuation if it is apparent that excessive noise levels exist. For substantial rehab, it must be determined if the project site is located within critical distances of major noise sources. If a substantial rehab project is located within 3,000 feet of an active railroad, 1,000 feet of a major four-lane highway, or within 15 miles of a major commercial or military airport a noise assessment must be prepared according to HUD guidelines. The HTFC

environmental analyst can assist with the preparation of this noise assessment. The assessment will determine whether noise attenuation will be encouraged or required or if the site will not be eligible for HOME funding.

HUD Environmental Standards: Each site will be reviewed by an environmental professional, including a site visit, to determine that the site is not located on or near any hazardous materials or contamination. The site visit report will include a signed certification statement, that: "I, (Name, Title), certify that I am a qualified environmental professional as per ASTM 1527.

Environmental Justice: According to NYSDEC mapping at <http://www.dec.ny.gov/public/899.html>, the target area includes potential environmental justice areas. The Program is intended to serve an existing need for rehabilitation of affordable housing and is not expected to facilitate development which would result in adverse environmental justice impacts. The program activities are consistent with the objectives of Executive Order 12898.

Asbestos & Lead-Based Paint: Regarding asbestos containing materials (ACM), all project will comply with NYS Department of Labor Part 56 requirements including the need for surveys and clearance reports as required. A contractor will be involved in the project construction and will be instructed regarding the need for compliance with Part 56.

Regarding lead-based paint (LBP), in homes constructed prior to 1978, all work will be conducted according to the HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" and the EPA Renovation, Repair and Painting Rule (RRP rule).

All ACM and LBP must be properly disposed of at a properly licensed facility.

The LPA must maintain all compliance documentation for potential audit by EAU.

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5.0 ENVIRONMENTAL ASSESSMENT *(This section to be completed only for programs which require an EA according to Section 2.4).*

N/A

5.1 MITIGATION MEASURES NEEDED *(This section to be completed only for programs which require an EA according to Section 2.4).*

N/A

5.2 ALTERNATIVES TO THE PROPOSED ACTION *(This section to be completed only for programs which require an EA according to Section 2.4).*

No Action:

N/A

Other alternatives:

N/A

Preferred alternative:

N/A

5.3 ENVIRONMENTAL FINDING: *(This section to be completed only for programs which require an EA according to Section 2.4 - Check one)*

Finding of No Significant Impact (FONSI)

Finding of Significant Impact (FOSI)

6.0 PUBLIC NOTICES (Check one)

6.1 No public notice is required in connection with this program (for program classifications 2.1 and 2.2, above).

6.2 A Notice of Intent to Request Release of Funds (NOIRROF) will be published and distributed in connection with this program *(for program classification 2.3, above)*.

6.3 A combined Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOIRROF) will be published and distributed in connection with this program *(for program classification 2.4, above)*.

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Prepared by: D&B Engineers & Architects, P.C.

LPA Signature: \_\_\_\_\_

Date: \_\_\_\_\_

ERR ATTACHMENT 2.1  
EXEMPT ACTIVITIES (24 CFR 58.34, you may check more than one)

- Environmental and other studies, resource identification and development of plans and strategies [58.34(a)(1)].
- Information and financial services [58.34(a)(2)].
- Administration and management activities [58.34(a)(3)].
- Public services that will not have a physical impact or result in physical changes, such as services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs [58.34(a)(4)].
- Inspections and testing of properties for hazards or defects [58.34(a)(5)].
- Purchase of insurance [58.34(a)(6)].
- Purchase of tools [58.34(a)(7)].
- Engineering or design costs [58.34(a)(8)].
- Technical assistance and training [58.34(a)(9)].
- Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from physical disasters, imminent threats or physical deterioration [58.34(a)(10)].
- Payment of principal and interest on loans made or obligations guaranteed by HUD [58.34(a)(11)].
- Any of the categorical exclusions listed in 58.35(a), provided that there are no circumstances which require compliance with any other federal laws and authorities cited in 58.5 [58.34(a)(12)].

ERR ATTACHMENT 2.2  
CATEGORICALLY EXCLUDED ACTIVITIES [58.35(b)]

*Activities in this section require compliance with related laws and authorities at 58.6, but not 58.5.\* you may check more than one.*

- Tenant-based rental assistance [58.35(b)(1)].
- Supportive services including, but not limited to health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, state and federal government benefits and services [58.35(b)(2)].
- Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs [58.35(b)(3)].
- Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations [58.35(b)(4)].
- Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction\*\*, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title [58.35(b)(5)].
- Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact [58.35(b)(6)].
- Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under Sec. 58.47 [58.35(b)(7)].

\* If a responsible entity determines that an activity or project identified above, because of extraordinary circumstances or conditions at or affecting the location of the activity or project, may have a significant environmental effect, an environmental assessment must be prepared and a determination of significance made.

\*\* **This exclusion applies only to financial assistance for purchase of existing for-sale homes or homes under construction. Homebuyer assistance for units not already under construction is classified as Categorically Excluded according to Section 2.3 of the ERR form, or an activity requiring Environmental Assessment according to Section 2.4 of the ERR form. In all cases, for this exclusion to apply, the prospective buyer must have discretion regarding selection of properties within the target area.**

ERR ATTACHMENT 2.3  
CATEGORICALLY EXCLUDED ACTIVITIES [58.35(a)]

*Activities in this section require compliance with related laws and authorities at 58.5 and 58.6, you may check more than one.*

- Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent. Examples of this type of activity include replacement of water and sewer lines, reconstruction of curbs and sidewalks, street repaving [58.35(a)(1)].
- Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons [58.35(a)(2)].
- Rehabilitation of buildings and improvements for residential use (with one to four units), where the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland [58.35(a)(3)(i)].
- Rehabilitation of multifamily residential buildings (with five or more units), when the following conditions are met: a) unit density is not changed more than 20 percent, b) the project does not involve changes in land use from residential to non-residential, and c) the estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation [58.35(a)(3)(ii)].
- Rehabilitation of non-residential structures, including commercial, industrial, and public buildings when the following conditions are met: a) the facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent, and b) the activity does not involve a change in land use, such as from non-residential to residential, or from one industrial use to another [58.35(a)(3)(iii)].
- An individual action on up to four dwelling units (not including rehabilitation - see 58.35(a)(3)(i) above) where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between [58.35(a)(4)(i)].
- An individual action on a project of five or more housing units (not including rehabilitation - see 58.35(a)(3)(i) above) developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site [58.35(a)(4)(ii)].
- Acquisition or disposition of an existing structure or acquisition of vacant land provided that the structure or land acquired or disposed will be retained for the same use [58.35(a)(5)].
- Any combination of the above activities [58.35(a)(6)].

**Attachment 1**  
**Target Area Map**



**Attachment 2**  
**Tier I Statutory Checklist – Programmatic Review**

## Statutory Checklist – PROGRAMMATIC REVIEW

SHARS No: 2033140  
 LPA Name: Otsego Rural Housing Assistance, Inc.  
 Program Name: 2013 Homeowner Rehabilitation

\*A - Not Applicable to this Project  
 B - Consultation, Permit and/or Mitigation Required.

Area of Statutory -Regulatory Compliance	A*	B	Provide compliance documentation Additional material may be attached.
<b>Section 4.1</b>			
Flood Disaster Protection Act of 1973	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All sites will be reviewed for their location on FIRM maps at: <a href="https://msc.fema.gov/portal">https://msc.fema.gov/portal</a> . Flood insurance must be obtained and maintained for any site that is located within the 100 year floodplain. Sites within the floodway are not eligible for funding.
Coastal Barrier Resources Act	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No Coastal Barrier Resource Areas exist in the target area. No further Tier 2 review is required.
Runway Clear Zones (notification)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No designated primary or commercial service airports exist within Otsego County as defined in 24 CFR Subpart D. No further Tier 2 review is required.
<b>Section 4.2</b>			
Historic Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	For all project that involve rehabilitation of buildings 50 years or older or ground disturbance, a Historic Resource Inventory Form must be completed and submitted to the State Historic Preservation Office (SHPO) for an effect determination. If SHPO determines that a proposed project will have “No Adverse Impact” with conditions, the rehabilitation plans will incorporate these conditions into the scope of work. When ground disturbance is proposed a request will also be submitted to the Tribal Historic Preservation Officer (THPO). The request package forwarded to SHPO will also be used for THPO. If THPO does not respond within 30 days, the THPO review process will be considered closed. An archeological survey will be completed if requested.

Floodplain Management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All sites will be reviewed for their location on FIRM maps at: <a href="https://msc.fema.gov/portal">https://msc.fema.gov/portal</a> . Projects within the regulatory floodway are not eligible for HOME funding. For any site located in the 100 year flood plain, the Floodplain Management Worksheet, Appendix J of the LPA Manual, will be completed to determine if the project meets the floodplain definition of “moderate” or “substantial” rehab. The completed worksheet will be submitted as supporting documentation. If the project qualifies as moderate rehab, no further review is required. However a project that is determined to be substantial rehab must comply with HUD regulations at 24 CFR Part 55 and follow the 8-step public notice procedure.
Wetland Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any site intrusive work, even on previously disturbed land, will be constructed so as to reduce, minimize, or otherwise avoid impacts within wetlands, or associated “buffers or check zones.” Maps of jurisdictional wetlands will be consulted for each site. In addition to consultation of wetlands maps, if the Sponsor or EAU suspects the potential presence of wetlands in the areas to be disturbed, a formal jurisdictional review of qualified biologist delineation may be required to confirm whether wetlands will be disturbed. This will be decided in further consultation with EAU. If a site is located on or in proximity to wetlands, the Sponsor will consult with the relevant regulator and obtain all necessary permits, after completing the Executive Order 11990 8-Step review process. If a site is located in any State associated buffers, the Sponsor will consult with NYSDEC and obtain all necessary permits.
Coastal Zone Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The target area does not contain areas in the NYS Coastal Zone. No further Tier 2 review is required.
Sole Source Aquifers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The target area does not contain any SSAs. No further Tier 2 review required.
Endangered Species	<input type="checkbox"/>	<input checked="" type="checkbox"/>	For every project requiring disturbance of previously undisturbed ground, the sponsor will: (1) contact the NYS Natural Heritage Program to determine the potential for impacts of the proposed action on any rare, threatened, or endangered species; and (2) follow the USFWS directions for project reviews at <a href="http://www.fws.gov/northeast/nyfo/es/section7.htm">http://www.fws.gov/northeast/nyfo/es/section7.htm</a> . If the USFWS directions reveal the possibility of an endangered species on the site, EAU will be contacted for further consultation with USFWS.
Wild and Scenic Rivers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Unadilla River is located within the target area. All sites will be reviewed to determine their location with regard to the WSRRs. No Program activities should impact the WSRR, but EAU and/or NYSDEC will be contacted with regard to any site within 100 feet of a WSRR to determine any permitting requirements.

Air Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Program is for rehabilitation of residential units, a categorically excluded activity. The proposed work is not of a size of scope that contributes to air pollution or is expected to violate the State Implementation Plan SIP. No Tier 2 review is required.
Farmlands Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Program is for rehabilitation of residential units, a categorically excluded activity. It will not convert farmland to a non-agricultural use. No Tier 2 review is required.
Noise Abatement and Control	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All projects must comply with HUD noise standards at 24 CFR 51(b). For each site, it must be determined if the project qualifies as moderate or substantial rehabilitation, using the floodplain definition and Floodplain Management Worksheet to demonstrate. For moderate rehab, HTFC encourages noise attenuation if it is apparent that excessive noise levels exist. For substantial rehab, it must be determined if the project site is located within critical distances of major noise sources. If a substantial rehab project is located within 3,000 feet of an active railroad, 1,000 feet of a major four-lane highway, or within 15 miles of a major commercial or military airport a noise assessment must be prepared according to HUD guidelines. The HTFC environmental analyst can assist with the preparation of this noise assessment. The assessment will determine whether noise attenuation will be encouraged or required or if the site will not be eligible for HOME funding.
Thermal/Explosive Hazards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The program will not include new construction, increase of unit density, conversion of non-residential to residential or restoration of abandoned or vacant structures.
HUD Environmental Standards	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Each site will be reviewed by an environmental professional, including a site visit, to determine that the site is not located on or near any hazardous materials or contamination. The site visit report will include a signed certification statement, that: "I, (Name, Title), certify that I am a qualified environmental professional as per ASTM 1527.
Runway Clear Zones (development)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no civilian commercial service or military service airports as defined in 24 CFR Subpart D in Otsego County. No further Tier 2 review is required.
Environmental Justice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	According to NYSDEC mapping at <a href="http://www.dec.ny.gov/public/899.html">http://www.dec.ny.gov/public/899.html</a> , the target area includes potential environmental justice areas. The Program is intended to serve an existing need for rehabilitation of affordable housing and is not expected to facilitate development which would result in adverse environmental justice impacts. The program activities are consistent with the objectives of Executive Order 12898.

Asbestos & Lead-Based Paint	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Regarding asbestos containing materials (ACM), all project work will comply with NYS Department of Labor Part 56 requirements including the need for surveys and clearance reports as required. A contractor will be involved in the project construction and will be instructed regarding the need for compliance with Part 56.</p> <p>Regarding lead-based paint (LBP), in homes constructed prior to 1978, all work will be conducted according to the HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" and the EPA Renovation, Repair and Painting Rule (RRP rule).</p> <p>All ACM and LBP must be properly disposed of at a properly licensed facility.</p> <p>The LPA must maintain all compliance documentation for potential audit by EAU.</p>
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"I am the authorized signatory for the HTFC HOME LPA award to the entity named below. I have read the Programmatic Environmental Review Record and Statutory Checklist and by signing these documents agree with the statements made therein and agree that all site specific reviews will be conducted in conformance with the described procedures."

Signed: Anthony Scalici

Name: Anthony Scalici

Title: Executive Director

Group: Otsego Rural Housing Assistance, Inc.

Date: April 8, 2015

Prepared by: D&B Engineers & Architects, P.C.

Consultant Signature & Date: Thomas M. Walker, SVP  
4-2-15

**Attachment 3**  
**Tier 2 Site Specific Statutory Checklist**

**NYS HOUSING TRUST FUND CORPORATION**  
**HOME LPA PROGRAM**  
**Tier 2 Site Specific Statutory Checklist**  
**Attachment to Tier 1 Programmatic ERR**

**APPROVED FOR:**

SHARS No: 2033140  
LPA Name: Otsego Rural Housing Assistance, Inc.  
Program Name: 2013 Homeowner Rehabilitation  
Program Activities: Rehabilitation of Single Family (1-2 units) owner-occupied homes  
Target Area: Otsego County

**TIER 2 SITE SPECIFIC INFORMATION:** (to be filled in by LPA upon choosing site)

1. Site Address:
2. Number of units:
3. Project description (this project description must fit within the "Program Activities" described above):

Otsego Rural Housing Assistance, Inc. is proposes rehabilitation of a \_-story building for [families, persons 55 or older], with \_\_ residential units at [address] in the [Village or Town or City] of \_\_\_\_\_, Otsego County. The rehabilitation work includes \_\_\_\_\_. Public water and sewer [are or are not] available at the site. [An existing [structure] will be demolished on the site.] Site work will include [installation or repair of water supply system or septic system, clearing, grading and excavation, construction of driveways, parking areas and sidewalks, finish grading and landscaping]. There (will be/will not be) ground disturbance involved.

4. Ground disturbance:
5. If project involves rehabilitation, has work or site altering activities begun on the site (if yes, stop and contact EAU and Program, this site may not be eligible for funding):
6. If project involves acquisition, has acquisition already occurred site (if yes, stop and contact EAU and Program, this site may not be eligible for funding):

Directions: Use this form to create a template Tier 2 Site Specific Checklist. It should include the instructions that were developed during the Tier 1 review and language options for the Tier 2 review. For each Tier 2 site specific review, choose the most appropriate language option.

Area of Statutory -Regulatory Compliance	Provide description of compliance for all issues not resolved at the Tier 1 programmatic level <b>Additional supporting material must be attached.</b>
Flood Disaster Protection Act of 1973	<p>According to FIRM No. , dated (attached), this site is not located in a floodway or a 100-year floodzone. OR</p> <p>According to FIRM No. _____, dated ____ (attached), this site is not located in a floodway, but is located in a 100- year floodzone. Flood insurance will be purchased and maintained for this site, in compliance with the HOME Award Agreement.</p>
Coastal Barrier Resources Act	Resolved during Tier 1 review.
Runway Clear Zones (notification)	Resolved during Tier I review.
Historic Properties	<p>According to a ____ letter from OPRHP, there is no effect on historic or cultural resources. OR</p> <p>The structure is not more than 50 years old (attachment demonstrating age of house) and no ground disturbance will be conducted so OPRHP was not contacted. AND</p> <p>THPO was not contacted because no ground disturbance will be conducted. OR</p> <p>THPO was contacted on ____ and no response was received. OR</p> <p>THPO was contacted on ____ (attached) and a ____ response letter states: (attached).</p>
Floodplain Management	<p>According to FIRM No. _____, dated _____ (attached), this site is not located in a floodway or a 100-year flood zone. No further action is needed. OR</p>
	<p>According to FIRM No. _____, dated _____ (attached), this site is not located in a floodway, but is located in a 100-year flood zone. The Floodplain Management Worksheet has been completed (attached) and this project does not constitute “substantial improvement,” no further action is needed.</p>
Wetland Protection	<p>Project does not include any ground disturbance, OR</p> <p>State and Federal Wetland maps were checked and the project site work is not in or adjacent to a federal or state wetland area or a state wetland buffer (attachment). AND</p> <p>The site in the vicinity of project work does not contain indications of the presence of wetlands (attachment). OR</p> <p>Site work will disturb a wetland (contact EAU to proceed). OR</p>

	Site work will disturb a State wetland buffer and a copy of the necessary permit is attached.
Coastal Zone Management	Resolved during Tier 1 review.
Sole Source Aquifers	Resolved during Tier 1 review.
Endangered Species	<p>The Project does not include any disturbance of any previously undisturbed ground. OR</p> <p>The project involves ground disturbance of previously undisturbed ground. A _____ letter from the NYS Natural Heritage Program states that there are no known occurrences of rare, threatened or endangered species on the project site. A review in accordance with the directions at the USFWS website indicated that there are no endangered species or habitat of concern at the site.</p>
Wild and Scenic Rivers	<p>The project is not in close proximity to a wild, scenic or recreational river. OR</p> <p>The project is in close proximity to the _____, a WSRR. Upon further consultation with _____, it was determined that</p>
Air Quality	Resolved during Tier 1 review.
Farmlands Protection	Resolved during Tier 1 review.
Noise Abatement and Control	<p>The project is moderate rehabilitation (see attached). OR</p> <p>The project is not within 1,000 feet of a major highway, 3,000 feet of an active railroad or 15 miles of a commercial or military airport. OR</p> <p>The project is substantial rehabilitation and is within 1,000 feet of a major highway, 3,000 feet of an active railroad or 15 miles of a commercial or military airport. The pertinent noise worksheets were prepared and forwarded to EAU, which determined that the noise levels are ____, which are acceptable.</p>
Thermal/Explosive Hazards	Resolved during Tier 1 review.
Runway Clear Zones (development)	Resolved during Tier 1 review.
HUD Environmental Standards	<p>The site was visited by ____ on ____ and determined to be free from any hazardous materials or contamination (see attached report). OR</p> <p>The site was visited by ____ on ____ and determined to have the following contamination concerns: (describe resolution).</p>
Environmental Justice	The proposed project site is not located in an Environmental Justice Area according to NYSDEC mapping. OR

	<p>The proposed project site is located in an Environmental Justice Area according to NYSDEC mapping. The project is intended to serve an existing need for affordable housing and is not expected to facilitate development which would result in adverse environmental justice impacts. It is within an acceptable noise area. There are no thermal explosive hazards in close proximity to the proposed project site. There are adequate services in the area for the residents.</p>
<p>Asbestos &amp; Lead-Based Paint</p>	<p>Regarding asbestos-containing materials (ACM), all project work will comply with NYS Department of Labor Part 56 requirements including the need for surveys and clearance reports, as required. A contractor will be involved in the project construction and will be instructed regarding the needs for compliance with part 56.</p> <p>Regarding lead-based paint (LBP), in homes constructed prior to 1978, all work will be conducted according to the HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" and the EPA Renovation, Repair and Painting Rule (RRP rule).</p> <p>All ACM and LBP must be properly disposed of at a properly licensed facility.</p> <p>The LPA must maintain all compliance documentation for potential audit by EAU.</p>

"I am the authorized signatory for the HTFC HOME LPA award to the entity named below. I have read this Tier 2 Site Specific Statutory Checklist and by signing this document agree with the statements made herein and agree that this Tier 2 site specific review was conducted in conformance with the Tier 1 programmatic review procedures."

**Prepared by:**

**Date:**

**Title:**

**Email Address:**

**Preparer's Signature:**

**Phone Number:**

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