NEW YORK STATE HOUSING TRUST FUND
HOME PROGRAM

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

PROGRAM NAME:	**Rebuilding Together Saratoga County 2013 HOME LPA**
SHARS NUMBER:	20133141
PROGRAM SPONSOR:	Rebuilding Together Saratoga County, Inc.
PRIMARY CONTACT: (NAME AND TITLE)	Michelle Larkin, Executive Director
ADDRESS:	267 Ballard Road Wilton, NY 12831
TELEPHONE: FAX: EMAIL:	(518) 587-3315 (518) 587-3314 michelle@rebuildingtogethersaratoga.org
RESPONSIBLE ENTITY:	New York State Housing Trust Fund Corporation (HTFC)
CERTIFYING OFFICER:	Director, Environmental Analysis Unit

PROGRAM LOCATION (OR TARGET AREA):

Eligible owner occupied residential homes located throughout Saratoga County, NY.

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).*

Rebuilding Together Saratoga County will utilize $300,000 in 2013 HOME Program funding to provide critical home repairs and renovations to approximately 25 existing owner occupied homes located within Saratoga County. All improvement projects will deal with in-kind repair or replacement of existing house components, and projects will incorporate the results of an Energy Audit into the work scope, including consideration of added insulation, Energy Star-rated appliances, light fixtures, and high-efficiency heating systems. All assisted housing units will have identified environmental and/or health and safety hazards addressed in the scope of work. No ground disturbance activities will be considered under this Program.

In addition, no subdivisions will be approved, and no land use or zoning changes will occur as a result of program activities. Existing properties will not be converted from nonresidential to residential use, and vacated or abandoned properties will not be rehabilitated for new residential use. Average rehabilitation costs are expected to be between $10,000 and $15,000 per eligible housing unit. The total program cost is $375,557.

ESTIMATED TOTAL PROJECT COSTS: $375,557
HTFC HOME AWARD AMOUNT: $300,000

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 selected project sites will be reviewed by Rebuilding Together Saratoga County, Inc. using appropriate FIRM Maps provided through the Federal Emergency Management Agency (FEMA) to verify their location within any floodways or special flood hazard areas. No sites within a Floodway will be eligible for HOME assistance. Any site within a 100-year flood zone will be required to maintain flood insurance in accordance with the HOME Grant Agreement and applicable HUD regulations.

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

Historic Properties: Rebuilding Together Saratoga County, Inc. will send a Historic Resource Inventory Form and photographs of each residential structure that is 50 years old or older or for projects that involve ground disturbance to the New York State Historic Preservation Office (SHPO) for an effect determination regarding architectural, cultural, or historic significance. If a property that the SHPO determines to be significant will be rehabilitated under this Program, the work scope and any additional requested project documentation will be sent to the SHPO for further review and consultation before any rehabilitation work can begin. See the SHPO correspondence attached to this ERR.

The Program does not involve ground disturbance at any project site, and therefore consultation with the Tribal Historic Preservation Office (TPHO) will not be required.

Floodplain Management: All selected rehabilitation sites will be reviewed by Rebuilding Together Saratoga County, Inc. using appropriate FIRM Maps provided through the Federal Emergency Management Agency (FEMA) to verify their location within any floodways or special flood hazard areas. No project sites within a Floodway will be approved for HOME assistance.

For any site located within a 100-year floodplain, Rebuilding Together Saratoga County, Inc. will complete the Floodplain Management Worksheet. If the project constitutes "substantial improvement" per that Worksheet, Rebuilding Together Saratoga County must contact the HTFC for additional instructions prior to the commitment of HOME funding.

Wild, Scenic, and Recreational Rivers (WSRR): Saratoga County does contain Wild, Scenic, and Recreational Rivers (WSRR), per the NYS DEC (a small segment of the Hudson River along the border of Saratoga and Warren County). Rebuilding Together Saratoga County, Inc. will review all project sites to determine their location with regard to any WSRRs. Rehabilitation activities are not expected to impact these Rivers, but Rebuilding Together will contact the HTFC Environmental Analysis Unit and the DEC if any sites are located within 100 feet of a Wild, Scenic, and Recreational River.

Noise Abatement and Control: Rebuilding Together Saratoga County, Inc. will evaluate each project's work scope and complete the Floodplain Management Worksheet to demonstrate moderate rehabilitation in terms of the value of the home to be rehabilitated, and Rebuilding Together Saratoga County will attach that Worksheet to the Tier 2 Site-Specific Statutory Checklist submitted to the HTFC.

If any project involves substantial rehabilitation, as determined through the Floodplain Management Worksheet, Rebuilding Together Saratoga County, Inc. will assess each project site for its location with regard to four-lane highways (within 1,000 feet), active railroad lines (3,000 feet), and major commercial or military airports (15 miles) and conduct a Noise Assessment using the appropriate HUD worksheet and submit the worksheet to the HTFC EAU for further assessment. Rebuilding Together Saratoga County, Inc. will consider noise mitigation measures as part of the project if existing noise levels are above 65db. Projects in which existing noise levels are above 75db will not be considered for HOME assistance.

HUD Environmental Standards: Rebuilding Together Saratoga County, Inc. will conduct a site visit by a qualified environmental professional to determine that each site is not located on or near such areas as known dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous materials or contamination. The site visit report will include a signed certification statement: "I (name and title), certify that I am a qualified environmental professional as per ASTM 1527."

Environmental Justice: According to mapping provided by the DEC at http://www.dec.ny.gov/public/899.html, Saratoga County includes potential environmental justice area(s) within the City of Saratoga Springs. The Program 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 within this area. All substantial rehabilitation projects will be reviewed by Rebuilding Together Saratoga County, Inc. to determine whether they are within an acceptable noise level area. If applicable to those projects, there will not be unmitigated thermal explosive hazards in close proximity to those sites. Each site will also be reviewed by Rebuilding Together Saratoga County, Inc. for compliance with HUD Environmental Standards (see above).

Asbestos & Lead-Based Paint: Rehabilitation projects may involve the removal of asbestos containing materials (ACM). All project work dealing with ACM will comply with NYS Department of Labor Part 56 requirements including the need for any site surveys or clearance reports, as applicable. Contractors involved in the rehabilitation work will be instructed by Rebuilding Together Saratoga County, Inc. regarding the need for compliance with Part 56.

For all homes constructed before 1978, Rebuilding Together Saratoga County, Inc. will conduct the appropriate lead-based paint evaluation (including a Risk Assessment, if applicable), and all rehabilitation work will be conducted by contractors who have been trained and/or certified in accordance with the HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," and the EPA Renovation, Repair, and Painting (RRP) Rule.

For all projects, contractors hired by home owners must dispose of all waste, including ACM and Lead-Based Paint, in an approved manner at a properly-licensed facility consistent with the Resource Conservation and Recovery Act (RCRA) and all applicable disposal regulations.

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

Not applicable to this HOME program.

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

Not applicable to this HOME program.

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).*

Prepared by: Jim Thatcher, C.T. MALE ASSOCIATES

Signature: Michelle Jankun

Rebuilding Together Saratoga County, Inc.

Date: March 26, 2015

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)].

Statutory Checklist – TIER 1 PROGRAMMATIC REVIEW

SHARS No: 20133141
LPA Name: Rebuilding Together Saratoga County, Inc.
Program Name: Rebuilding Together Saratoga County 2013 HOME LPA
Program Description: Scattered site rehabilitation of one-to-four family owner occupied homes
Target Area: Saratoga County, NY

*A - Not Applicable to this Program (No Tier 2 required for this criteria)
B - Consultation, Permit and/or Mitigation Required (Tier 2 IS required for this criteria)

Area of Statutory -Regulatory Compliance	A*	B	Provide compliance documentation or Tier 2 review instructions Additional supporting material must be attached.
24 CFR 58.6 Criteria			
Flood Disaster Protection Act of 1973	☐	☒	All selected project sites will be reviewed by Rebuilding Together Saratoga County, Inc. using appropriate FIRM Maps provided through the Federal Emergency Management Agency (FEMA) to verify their location within any floodways or special flood hazard areas. No sites within a Floodway will be eligible for HOME assistance. Any site within a 100-year flood zone will be required to maintain flood insurance in accordance with the HOME Grant Agreement and applicable HUD regulations.
Coastal Barrier Resources Act	☒	☐	No Coastal Barrier Resource Areas exist within Saratoga County per the U.S. Fish and Wildlife Service. No further Tier 2 review is required.
Runway Clear Zones (notification)	☒	☐	The Program only provides for rehabilitation, not home buyer assistance. No further Tier 2 review is required.

24 CFR 58.5 Criteria			
Historic Properties	☐	☒	Rebuilding Together Saratoga County, Inc. will send a Historic Resource Inventory Form and photographs of each residential structure that is 50 years old or older, or for any projects that involve ground disturbance, to the New York State Historic Preservation Office (SHPO) for an effect determination regarding architectural, cultural, or historic significance. If a property that the SHPO determines to be significant will be rehabilitated under this Program, the work scope and any additional requested project documentation will be sent to the SHPO for further review and consultation before any rehabilitation work can begin. See the SHPO correspondence attached to the ERR Form. The Program does not involve ground disturbance at any project site, and therefore Tribal Historic Preservation Office (TPHO) consultation will not be required.
Floodplain Management	☐	☒	All selected rehabilitation sites will be reviewed by Rebuilding Together Saratoga County, Inc. using appropriate FIRM Maps provided through the Federal Emergency Management Agency (FEMA) to verify their location within any floodways or special flood hazard areas. No sites within a Floodway will be approved for HOME assistance. For any site located within a 100-year floodplain, Rebuilding Together Saratoga County, Inc. will complete the Floodplain Management Worksheet. If the project constitutes "substantial improvement" per that Worksheet, Rebuilding Together Saratoga County, Inc. must contact the HTFC for additional instructions prior to the commitment of HOME funding.
Wetland Protection	☒	☐	The Program does not allow for ground disturbance. No further Tier 2 review is required.
Coastal Zone Management	☒	☐	Saratoga County does not contain areas located within New York's Coastal Zone. No further Tier 2 review is required. See the Coastal Atlas in the ERR.
Sole Source Aquifers	☒	☐	Saratoga County consists of part of the Schenectady-Niskayuna SSA. See the EPA Map in the ERR. Project activities include only rehabilitation of 1 to 4 family residential units. No further Tier 2 review is required.
Endangered Species	☒	☐	The Program does not allow for ground disturbance of previously undisturbed ground using HOME funding. No further Tier 2 review is required.
Wild and Scenic Rivers	☐	☒	Saratoga County does contain Wild, Scenic, and Recreational Rivers (WSRR), per the NYS DEC (a small segment of the

			Hudson River along the border of Saratoga and Warren County). Rebuilding Together Saratoga County, Inc. will review all project sites to determine their location with regard to any WSRRs. Rehabilitation activities are not expected to impact these Rivers, but Rebuilding Together will contact the HTFC Environmental Analysis Unit and the DEC if any sites are located within 100 feet of a Wild, Scenic, and Recreational River.
Air Quality	☒	☐	The Program is for rehabilitation of existing dwellings, a categorically excluded activity. Proposed project work is not of a size or scope that contributes to air pollution or is expected to violate the State Implementation Plan. No further Tier 2 review is required.
Farmlands Protection	☒	☐	The Program is for rehabilitation of existing dwellings, and project activities will not convert any farmland to nonagricultural uses. No Tier 2 review is required.
Noise Abatement and Control	☐	☒	Rebuilding Together Saratoga County, Inc. will evaluate each project's work scope and complete the Floodplain Management Worksheet to demonstrate moderate rehabilitation in terms of the value of the home to be rehabilitated, and Rebuilding Together Saratoga County, Inc. will attach that Worksheet to the Tier 2 Site-Specific Statutory Checklist submitted to the HTFC. If any project involves substantial rehabilitation, as determined through the Floodplain Management Worksheet, Rebuilding Together Saratoga County, Inc. will assess each project site for its location with regard to four-lane highways (within 1,000 feet), active railroad lines (3,000 feet), and major commercial or military airports (15 miles) and conduct a Noise Assessment using the appropriate HUD worksheet and submit the worksheet to the HTFC EAU for further assessment. Rebuilding Together Saratoga County, Inc. will consider noise mitigation measures as part of the project if existing noise levels are above 65db. Projects in which existing noise levels are above 75db will not be considered for HOME assistance.
Thermal/Explosive Hazards	☒	☐	The Program will not allow new construction, rehabilitation that increases the number or density of housing units, conversion of non-residential buildings to residential use, or rehabilitation of vacated or abandoned buildings. No further Tier 2 review is required.
Runway Clear Zones (development)	☒	☐	Saratoga County Airport is not considered a civil or commercial service airport according to information provided by the FAA. No further Tier 2 review is required.
HUD Environmental Standards	☐	☒	Rebuilding Together Saratoga County, Inc. will conduct a site visit by a qualified environmental professional to determine that each site is not located on or near such areas as known dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous materials or contamination. The site visit report will include a signed

			certification statement: "I (name and title), certify that I am a qualified environmental professional as per ASTM 1527."
Environmental Justice	☐	☒	According to mapping provided by the DEC at http://www.dec.ny.gov/public/899.html, Saratoga County includes potential environmental justice area(s) within the City of Saratoga Springs. The Program 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 within this area. All substantial rehabilitation projects will be reviewed by Rebuilding Together Saratoga County, Inc. to determine whether they are within an acceptable noise level area. If applicable to those projects, there will not be unmitigated thermal explosive hazards in close proximity to those sites. Each site will also be reviewed by Rebuilding Together Saratoga County, Inc. for compliance with HUD Environmental Standards.
Asbestos & Lead-Based Paint	☐	☒	All project work dealing with ACM will comply with NYS Department of Labor Part 56 requirements including the need for any site surveys or clearance reports, as applicable. Contractors involved in the rehabilitation work will be instructed by Rebuilding Together Saratoga County, Inc. regarding the need for compliance with Part 56. For all homes constructed before 1978, Rebuilding Together Saratoga County, Inc. will conduct the appropriate lead-based paint evaluation (including a Risk Assessment, if applicable), and all rehabilitation work will be conducted by contractors who have been trained and/or certified in accordance with the HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing," and the EPA Renovation, Repair, and Painting (RRP) Rule. For all projects, contractors hired by home owners to complete approved rehabilitation work must dispose of all waste, including ACM and Lead-Based Paint, in an approved manner at a properly-licensed facility consistent with the Resource Conservation and Recovery Act (RCRA) and all applicable disposal regulations.

"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 Michelle Larkin

Name Michelle Larkin

Title	Executive Director
Group	Rebuilding Together Saratoga County, Inc.
Date	March 26, 2015

Prepared by: C.T. Male Associates

Consultant Signature & Date _____ Date: 3/26/15