

NEW YORK STATE HOUSING TRUST FUND
HOME PROGRAM

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

PROGRAM NAME: 2014 Chenango County MH Replacement Initiative

SHARS NUMBER: 20133156

PROGRAM SPONSOR: Opportunities For Chenango, Inc.

PRIMARY CONTACT: Michelle Cole, ~~Interim Housing Director~~
(NAME AND TITLE) Executive Assistant m.c.

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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 2014 Chenango County Mobile Home Replacement Initiative will occur in Chenango County. 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).*

Opportunities for Chenango, Inc. is proposing a \$400,000 HOME funded program to provide replacement manufactured housing to approximately 10 low-income homeowners in Chenango County. All 10 of the dilapidated mobile homes will be replaced with ENERGY STAR qualified manufactured homes. This program will also include \$400,000 of funding from the 2014 Chenango County Mobile Home Rehabilitation Program from the County of Chenango. Additionally, the County will be providing \$100,000 from their CDBG recaptured funds as a

low-interest loan. These additional funds will allow the replacement program to upgrade electric or repair/replace well and/or septic systems and place the new manufactured home on a cement pad as well as add funding toward the manufactured home. This funding will also assist 12 mobile home owners will moderate rehabilitation to their dwelling. This project will assist a total of 22 households at or below 80% of median income.

Ground disturbance, incidental to the replacement work (i.e., rehabilitation of foundations, pads), may be included.

ESTIMATED TOTAL PROJECT COSTS: \$900,000
HTFC HOME AWARD AMOUNT: \$400,000

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.

Thermal/Explosive Hazards: The program will not include increase of unit density, conversion of non-residential to residential or restoration of abandoned or vacant structures. If a site does result in mobile home replacement that is either outside of the original footprint or is more than 122% larger than the original, an assessment must be performed to determine the acceptable separation distance (ASD) from stationary above ground storage facilities of flammable or explosive materials. The HCR environmental analyst will assist the LPA in this determination.

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 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.

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.

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).*

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

LPA Signature: _____

Michelle L. Cole

Date: _____

4/6/15

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: 20133156
 LPA Name: 2014 Chenango County MH Replacement Initiative
 Program Name: Opportunities For Chenango, Inc.

*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. |
|--|-------------------------------------|-------------------------------------|--|
| Section 4.1 | | | |
| 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: https://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. |
| 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 (development) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | No designated primary or commercial service airports exist within Chenango County as defined in 24 CFR Subpart D. No further Tier 2 review is required. |
| Section 4.2 | | | |
| 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. |

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| Floodplain Management | <input type="checkbox"/> | <input checked="" type="checkbox"/> | All sites will be reviewed for their location on FIRM maps at: https://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 | <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 is 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 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 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. |

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| 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 type="checkbox"/> | <input checked="" type="checkbox"/> | The program will not include increase of unit density, conversion of non-residential to residential or restoration of abandoned or vacant structures. If a site does result in mobile home replacement that is either outside of the original footprint or is more than 122% larger than the original, an assessment must be performed to determine the acceptable separation distance (ASD) from stationary above ground storage facilities of flammable or explosive materials. The HCR environmental analyst will assist the LPA in this determination. |
| 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 (notification) | <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 Chenango County. No further Tier 2 review is required. |
| Environmental Justice | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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. |

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| 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: Michelle L. Cole

Name: Michelle Cole

Title: ~~Interim Housing Director~~ Executive Assistant m.c.

Group: Opportunities For Chenango, Inc.

Date: 4/6/15

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

Consultant Signature & Date: ~~James~~ M. Wallace, SVP.
4-2-15