NEW YORK STATE HOUSING TRUST FUND
HOME PROGRAM

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

PROGRAM NAME:	Niagara Falls Collaborative
SHARS NUMBER:	20133163
PROGRAM SPONSOR:	Center City Neighborhood Development Corporation
PRIMARY CONTACT: (NAME AND TITLE)	Mr. John Drake, Executive Director
ADDRESS:	1824 Main Street Niagara Falls, NY 14305 Niagara County
TELEPHONE:	716-282-3738
FAX:	716-282-9607
EMAIL:	centercity@pce.net
RESPONSIBLE ENTITY:	New York State Homes & Community Renewal
CERTIFYING OFFICER:	Director, Environmental Analysis Unit

PROGRAM LOCATION (OR TARGET AREA): City of Niagara Falls, NY West of Hyde Park Avenue

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).*

The Niagara Falls Collaborative will provide rehabilitation services in Niagara Falls West of Hyde Park Boulevard. The program is designed to assist owner-occupied households by offering a combination of City and State HOME funds to make needed improvements to their homes located in the Collaborative area. The total program will serve around twenty-nine (29) one to four (1-4) unit structures. The program will not address mixed-use buildings and these are excluded from the program.

Program Activities include correcting lead based paint hazards, correction of code violations, HQS issues and prolonging the useful life of the structure and energy efficiency. Improvements

included in the program include: Roof repair or replacement, electrical upgrades, plumbing upgrades, replacing energy inefficient windows, porch repair, and foundation, hard wired smoke detectors, carbon monoxide detectors moisture issues and chimney repair. Major internal code violations are the 1st priority.

Minor site disturbance may occur as part of foundation repairs, replacing utility lines, or small excavation to prepare foundations for access ramps.

ESTIMATED TOTAL PROJECT COSTS: $800,000
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 to determine their flood zone status: http://msc.fema.gov/portal

No sites within a floodway will be chosen. Any site within a 100-year floodzone will be required to maintain flood insurance.

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

Historic Properties:
For all projects 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.
For all projects that involve ground disturbance, evidence that a review was requested from the Tribal Historic Preservation Officer (THPO) will be submitted with the Tier 2 checklist. The request for review must be made with adequate lead time as a 30-day response time is required.

Floodplain Management:
All sites will be reviewed to determine their flood zone status: http://msc.fema.gov/portal
If a site is located outside of the 100-year-floodplain, no further action is required. If a site is within the 100-year-floodplain , the Floodplain Management Worksheet will be completed (Appendix J of the NYSHCR HOME LPA Manual). If the project does not constitute "substantial improvement," no further action is needed. If it does, EAU must be contacted for further instruction. Projects that involve substantial rehab within the 100 year floodplain must comply with DEC floodplain management regulations at 6 NYCRR Part 502 and the decision making process outlined in 24 CFR Part 55. The LPA will contact the HTFC Environmental Analysis Unit (EAU) for substantial rehab projects in the 100 year floodplain.

Coastal Zone Management:
The target area contains NYS Coastal Zones according to the NYS Coastal Zone Atlas (attached). Each project site will be checked for its location with regard to a Coastal Zone. If a site is within a Coastal Zone, the sponsor must contact EAU and EAU will need to coordinate a submission of the project to New York State Department of State (DOS) prior to completion of the Tier 2 checklist for that site.

Noise Abatement and Control:
The HUD Noise requirements at 24 CFR Part 51 must be complied with for all substantial rehabilitation projects. For each site the Sponsor must submit either a statement that the project constitutes moderate rehabilitation or the necessary noise assessment documents.
To demonstrate moderate rehabilitation, the Sponsor will review the scope of work and value of the home using the Flood Management Worksheet in Appendix J of the HOME LPA Manual and attach it to each Tier 2.

Or, if the project is substantial rehabilitation, the sponsor must demonstrate that the project falls within the acceptable noise guidelines as described in the HOME LPA Manual. All sites must be assessed for their location with regard to major four-lane highways within 1,000 feet, active railroad lines within 3,000 feet and major commercial or military airports within 15 miles and provide the required information on the relevant noise worksheet if a noise source is located within one of those limiting distances. The noise worksheets will be submitted to EAU for further assessment. If the noise level is determined to be over 65dB, noise mitigation will be required and if the noise level is over 75 dB the site will normally not be acceptable 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 does include potential environmental justice areas. 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. All substantial rehabilitation projects will be reviewed to determine whether they are within an acceptable noise level area. If applicable, there will not be unmitigated thermal explosive hazards in close proximity to the sites. Each site will be reviewed for compliance with HUD Environmental Standards.

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).*

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

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:

Other alternatives:

Preferred alternative:

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: Mr. John Drake

Signature:

Date: March 24, 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 – PROGRAMMATIC REVIEW

SHARS No: 20133163
LPA Name: Center City Neighborhood Development Corporation
Program Name: Niagara Falls Collaborative

*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	☐	☒	All sites will be reviewed to determine their flood zone status: http://msc.fema.gov/portal No sites within a floodway will be chosen. Any site within a 100-year floodzone will be required to maintain flood insurance.
Coastal Barrier Resources Act	☒	☐	No Coastal Barrier Resource Areas exist in the target area. No Further Tier 2 review required. Source: http://www.fws.gov/habitatconservation/coastal_barrier.html.
Runway Clear Zones (development)	☒	☐	No designated primary or commercial service airports exist within or near to the target area. No Further Tier 2 review required. Source: NEPAAssist US Environmental Protection Agency; http://nepassisttool.epa.gov/nepassist/analysis.aspx 5 March 2015.
Section 4.2			
Historic Properties	☐	☒	For all projects 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. For all projects that involve ground disturbance, evidence that a review was requested from the Tribal Historic Preservation Officer (THPO) will be submitted with the Tier 2 checklist. The request for review must be made with adequate lead time as a 30-day response time is required.

Floodplain Management	☐	☒	All sites will be reviewed to determine their flood zone status: http://msc.fema.gov/portal If a site is located outside of the 100-year-floodplain, no further action is required. If a site is within the 100-year-floodplain, the Floodplain Management Worksheet will be completed (Appendix J of the NYSHCR HOME LPA Manual). If the project does not constitute "substantial improvement," no further action is needed. If it does, EAU must be contacted for further instruction. Projects that involve substantial rehab within the 100 year floodplain must comply with DEC floodplain management regulations at 6 NYCRR Part 502 and the decision making process outlined in 24 CFR Part 55. The LPA will contact the HTFC Environmental Analysis Unit (EAU) for substantial rehab projects in the 100 year floodplain.
Wetland Protection	☒	☐	The target area is entirely within an urban built-up area and contains no National Wetlands Inventory Sites or NYS DEC Wetlands. No Tier 2 review required. Sources: NEPA Assist US Environmental Protection Agency; <http://nepassisttool.epa.gov/nepassist/analysis.aspx> 5 March 2015. Environmental Resource Mapper, NYS Department of Environmental Conservation; <http://www.dec.ny.gov/imsmaps/ERM/viewer.htm> (13 March 2015).
Coastal Zone Management	☐	☒	The target area contains NYS Coastal Zones according to the NYS Coastal Zone Atlas at http://www.dos.ny.gov/opd/atlas/ (attached). Each project site will be checked for its location with regard to a Coastal Zone. If a site is within a Coastal Zone, the sponsor must contact EAU and EAU will need to coordinate a submission of the project to New York State Department of State (DOS) prior to completion of the Tier 2 checklist for that site.
Sole Source Aquifers	☒	☐	The target area does not contain any SSAs. No Tier 2 review required. Source: NEPAAssist US Environmental Protection Agency; http://nepassisttool.epa.gov/nepassist/analysis.aspx 5 March 2015.
Endangered Species	☒	☐	The target area is entirely within an urban built-up area. No Tier 2 review required.
Wild and Scenic Rivers	☒	☐	The target area does not contain any state or federal Wild, Scenic and Recreational Rivers. No Tier 2 review required. Source: NEPAAssist US Environmental Protection Agency; http://nepassisttool.epa.gov/nepassist/analysis.aspx 5 March 2015.

Air Quality	☒	☐	The Program is for rehabilitation of owner-occupied housing, a categorically excluded activity. The proposed work is not of a size or scope that contributes to air pollution or is expected to violate the State Implementation Plan.
Farmlands Protection	☒	☐	The Program is for rehabilitation of owner-occupied housing only. It will not convert farmland to nonagricultural use.
Noise Abatement and Control	☐	☒	The HUD Noise requirements at 24 CFR Part 51 must be complied with for all substantial rehabilitation projects. For each site the Sponsor must submit either a statement that the project constitutes moderate rehabilitation or the necessary noise assessment documents. To demonstrate moderate rehabilitation, the Sponsor will review the scope of work and value of the home using the Flood Management Worksheet in Appendix J of the HOME LPA Manual and attach it to each Tier 2. Or, if the project is substantial rehabilitation, the sponsor must demonstrate that the project falls within the acceptable noise guidelines as described in the HOME LPA Manual. All sites must be assessed for their location with regard to major four-lane highways within 1,000 feet, active railroad lines within 3,000 feet and major commercial or military airports within 15 miles and provide the required information on the relevant noise worksheet if a noise source is located within one of those limiting distances. The noise worksheets will be submitted to EAU for further assessment. If the noise level is determined to be over 65dB, noise mitigation will be required and if the noise level is over 75 dB the site will normally not be acceptable for HOME funding.
Thermal/Explosive Hazards	☒	☐	The Program will not allow for new construction, conversion of non- residential to residential use, increase in unit density, or restoration of an abandoned or vacant property. No Tier 2 review required.
Runway Clear Zones (development)	☒	☐	No civil or military service airports exist within or near to the target area. No further Tier 2 review required.
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 does include potential environmental justice areas. 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. All substantial rehabilitation projects will be reviewed to determine whether they are within an acceptable noise level area. If applicable, there will not be unmitigated thermal explosive hazards in close proximity to the sites. Each site will be reviewed for compliance with HUD Environmental Standards.

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.

"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: _____

Name: Mr. John Drake

Title: Executive Director

Group: Center City Neighborhood Development Corporation

Date: March 24, 2015

Prepared by: Rebecca R. Francisco

Consultant Signature & Date: _____ March 24, 2015