

NEW YORK STATE HOUSING TRUST FUND
HOME PROGRAM

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

PROGRAM NAME: HOME Down Payment Assistance
SHARS NUMBER: 20123183
PROGRAM SPONSOR: Albany County Rural Housing Alliance, Inc.
PRIMARY CONTACT: Judith A. Eisgruber
(NAME AND TITLE)
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Voorheesville, NY 12186
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RESPONSIBLE ENTITY: New York State Housing Trust Fund Corporation

CERTIFYING OFFICER: Director, Environmental Analysis Unit

PROGRAM LOCATION (OR TARGET AREA): Albany County

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 Albany County Rural Housing Alliance, Inc. (ACHRA) will utilize \$200,000 in HOME funds to address the housing needs of 8 low and moderate income, first-time homebuyers. Homebuyers will be provided deferred payment loans of up to \$23,000 for downpayment assistance.

The total project cost is budgeted at \$1,783,858, to include \$120,00 in AHC funds; \$1,286,000 in private lending funds; \$48,800 in Weatherization Assistance Program funds; \$75,058 in ACHRA funds; \$12,000 in funds from friends or family members; \$12,000 in funds from Homebuyers and \$30,000 in Federal Home Loan Bank funds. This is a home buyers program that uses

HOME funds for downpayment assistance that may include purchase of properties AND rehabilitation of the property after the sale with potential for ground disturbance

ESTIMATED TOTAL PROJECT COSTS: \$1,783,858
HTFC HOME AWARD AMOUNT: \$200,000

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 -

FIRM maps for selected properties will be reviewed to determine if they are located in the flood plain. Any project sites located in the flood plain will comply with all state and federal flood plain regulations. Projects located within a "regulatory flood way" are not eligible for HOME funding. If any project sites are in the SFHA it will be required that flood insurance be purchased and maintained. A floodplain management worksheet will be completed to insure regulatory compliance. The worksheet will be maintained in each project file.

Runway Clear Zones (notification) -

If a property is in the proximity to an airport, the prospective buyer will be advised that the property is located in a Runway Clear Zone and therefore includes safety risks and the potential of being acquired by the airport operator at a later date. The buyer will be required to sign a statement acknowledging receipt of this information.

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

Historic Properties

For properties with ground disturbance or if a structure is more than 50 yrs. old, a Building Structure Inventory Form will be submitted to SHPO to determine historic significance. If ground disturbance is anticipated, documentation will be submitted for THPO review.

Floodplain Management -

FIRM maps for all selected properties will be reviewed to determine if they are located in a flood plain. Any project sites located in a flood plain will comply with all State and Federal flood plain regulations. For any property known to be in the SFHA there will be a completed flood plain management worksheet in the file and we will follow the 8 step procedure. We will also fully comply with 6NYCRR part 502 and Executive Order 11988 and the Residential Building Code with finished floor elevations of at least 2 feet above BFE.

Wetland Protection

For any site with ground disturbance in a non-urban area, NYS DEC and US Fish and Wildlife maps of jurisdictional wetlands will be consulted. If a site is located on or in proximity of wetlands or associated buffers or check zones one of two actions may be taken: 1) a formal jurisdictional review will be requested from ACOE, DEC or local authority depending on which type of wetland is in close proximity or 2) a qualified biologist will be consulted to determine if a formal on-site wetlands investigation or delineation is required

Coastal Zone Management

The coastal mapping atlas will be checked for each site and if the site is within the regulated coastal zone the EAU will be contacted. The LPA will also contact the municipality to determine if it has a Local Waterfront Revitalization Program and whether this will impact the project.

Noise Abatement and Control -

For any project within 1000 feet of a major 4 lane highway, 3000 feet of an active railroad line or 15 miles from a major commercial or military airport, HUD Noise Assessment Guidelines will be followed. If the value of project improvements are 50% or higher than the current market value of the structure before rehabilitation, a noise assessment worksheet will be prepared according to procedures described in "The Noise Guidebook", HUD 953-CPD as updated June 5, 2002, and noise guidelines will be followed

HUD Environmental Standards -

A qualified environmental professional will conduct a site visit and provide a certification that will be put into each file that they are certified as per ASTM 1527 that a site visit was conducted and that the site is not located on or near hazardous materials or contamination

Asbestos & Lead Based Paint

The presence of asbestos will be determined according to DOL Part 56-5.1 / All work involving asbestos will be conducted in accordance with DOL regulations at 12 NYCRR Part 56. All work requiring lead based paint 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)

- 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:

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

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: 20123183
 LPA Name: Albany County Rural Housing Alliance, Inc
 Program Name: HOME Down Payment Assistance Program ONLY

*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"/> | X | <p>FIRM maps for selected properties will be reviewed to determine if they are located in the flood plain. Any project sites located in the flood plain will comply with all state and federal flood plain regulations. Projects located within a "regulatory flood way" are not eligible for HOME funding.</p> <p>If any project sites are in the SFHA it will be required that flood insurance be purchased and maintained. A floodplain management worksheet will be completed to insure regulatory compliance. The worksheet will be maintained in each project file.</p> |
| Coastal Barrier Resources Act | X | <input type="checkbox"/> | There are no coastal barrier resources in program area |
| Runway Clear Zones (notification) | <input type="checkbox"/> | X | If a property is in the proximity to an airport, the prospective buyer will be advised that the property is located in a Runway Clear Zone and therefore includes safety risks and the potential of being acquired by the airport operator at a later date. The buyer will be required to sign a statement acknowledging receipt of this information. |
| Section 4.2 | | | |
| Historic Properties | <input type="checkbox"/> | X | For properties with ground disturbance or if a structure is more than 50 yrs. old, a Building Structure Inventory Form will be submitted to SHPO to determine historic significance. If ground disturbance is anticipated, documentation will be submitted for THPO review. |

| | | | |
|-----------------------------|--------------------------|--------------------------|---|
| Floodplain Management | <input type="checkbox"/> | X | FIRM maps for all selected properties will be reviewed to determine if they are located in a flood plain. Any project sites located in a flood plain will comply with all State and Federal flood plain regulations. For any property known to be in the SFHA there will be a completed flood plain management worksheet in the file and we will follow the 8 step procedure. We will also fully comply with 6NYCRR part 502 and Executive Order 11988 and the Residential Building Code with finished floor elevations of at least 2 feet above BFE. |
| Wetland Protection | <input type="checkbox"/> | X | For any site with ground disturbance in a non-urban area, NYS DEC and US Fish and Wildlife maps of jurisdictional wetlands will be consulted. If a site is located on or in proximity of wetlands or associated buffers or check zones one of two actions may be taken: 1) a formal jurisdictional review will be requested from ACOE, DEC or local authority depending on which type of wetland is in close proximity or 2) a qualified biologist will be consulted to determine if a formal on-site wetlands investigation or delineation is required |
| Coastal Zone Management | <input type="checkbox"/> | X | The coastal mapping atlas will be checked for each site and if the site is within the regulated coastal zone the EAU will be contacted. The LPA will also contact the municipality to determine if it has a Local Waterfront Revitalization Program and whether this will impact the project |
| Sole Source Aquifers | X | <input type="checkbox"/> | Purchase and rehabilitation activities of this program are exempt activities. |
| Endangered Species | X | <input type="checkbox"/> | There will be no site disturbance of previously undisturbed soil |
| Wild and Scenic Rivers | X | <input type="checkbox"/> | There are no rivers classified as wild and scenic in Albany County |
| Air Quality | X | <input type="checkbox"/> | Program activities are not of a size or scope that contribute to air pollution |
| Farmlands Protection | X | <input type="checkbox"/> | The program will not involve any activities with potential to convert farmland to nonagricultural use |
| Noise Abatement and Control | <input type="checkbox"/> | X | For any project within 1000 feet of a major 4 lane highway, 3000 feet of an active railroad line or 15 miles from a major commercial or military airport, HUD Noise Assessment Guidelines will be followed. If the value of project improvements are 50% or higher than the current market value of the structure before rehabilitation, a noise assessment worksheet will be prepared according to procedures described in "The Noise Guidebook", HUD 953-CPD as updated June 5, 2002, and noise guidelines will be followed |

| | | | |
|----------------------------------|--------------------------|--------------------------|--|
| Thermal/Explosive Hazards | X | | The program will not involve new construction, conversion of non residential buildings to residential use, rehabilitation of residential properties that increase the number of units or restoration of abandoned or vacant buildings to habitable conditions |
| Runway Clear Zones (development) | X | <input type="checkbox"/> | This program does not include development activities in close proximity to runway clear zones in major commercial or military airports |
| HUD Environmental Standards | <input type="checkbox"/> | X | A qualified environmental professional will conduct a site visit and provide a certification that will be put into each file that they are certified as per ASTM 1527 that a site visit was conducted and that the site is not located on or near hazardous materials or contamination |
| Environmental Justice | X | <input type="checkbox"/> | The program is consistent with Executive Order 12898 |
| Asbestos & Lead-Based Paint | <input type="checkbox"/> | X | The presence of asbestos will be determined according to DOL Part 56-5.1 All work involving asbestos will be conducted in accordance with DOL regulations at 12 NYCRR Part 56. All work requiring lead based paint 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) |

"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: Judith A. Eisgruber

Title: Executive Director

Group: Albany County Rural Housing Alliance, Inc.

Date: February 14, 2013

Prepared by:

Consultant Signature & Date

MBT
2/14/13