NEW YORK STATE HOUSING TRUST FUND
HOME PROGRAM

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

PROGRAM NAME:	Delaware County Housing Rehabiliation 2012
SHARS NUMBER:	20123148
PROGRAM SPONSOR:	Delaware Opportunities Inc.
PRIMARY CONTACT: (NAME AND TITLE)	John Eberhard, Executive Director
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RESPONSIBLE ENTITY: NYS Housing Trust Fund Corporation (HTFC)

CERTIFYING OFFICER: Director, Environmental Analysis Unit

PROGRAM LOCATION (OR TARGET AREA): Scattered sites in Delaware 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).*

Delaware Opportunities Inc. will utilize $400,000 in HOME funds for an owner-occupied housing moderate rehabilitation program to address the housing needs of low-income homeowners. Three units will be targeted to assist the frail elderly. The program will assist 15 owner-occupied homes, many of which were damaged by Hurricane Irene in 2011. Owners will be provided deferred payment loans of up to $40,000 per unit. The total program cost is budgeted at $432,000, to include $32,000 in Weatherization Assistance Program funds. Ground disturbance may occur in association with this program. No zone changes, special use permits or subdivision approvals will be required.

ESTIMATED TOTAL PROJECT COSTS: $432,000

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, Public Law 234. All proposed sites will be located on Flood Insurance Rate Maps to determine potential flood hazard. All projects will be reviewed according to Appendix J, Floodplain Management Guidelines for HOME LPA Programs. Any project sites located in a floodplain will comply with all state and federal floodplain regulations. The Floodplain Management Worksheet will be used to document compliance for each project, and will be submitted to HTFC with the site specific statutory checklist. Flood insurance will be purchased if any project is located in a floodplain zone. No projects located within a "regulatory floodway" are eligible for HOME rehabilitation funding.

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

HISTORIC PROPERTIES: Prior to commencement of any rehabilitation project, a Historic Resource Inventory Form will be completed for buildings 50 years or older, or for any project that will include ground disturbance, as described in the Statutory Checklist and, together with a series of photographs of the project site, principal structure(s) and surrounding area, submitted to the SHPO for an effect determination. Where the SHPO determines that a proposed project will have "No Adverse Impact" with conditions, rehabilitation will be conducted according to SHPO conditions. The LPA might be doing septics or wells (for an individual residence). When such ground distrubance is proposed a request will 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 archaeological survey will be completed if requested.

FLOODPLAIN MANAGEMENT: All proposed sites will be located on Flood Insurance Rate Maps to determine potential flood hazard. All projects will be reviewed according to Appendix J, Floodplain Management Guidelines for HOME LPA Programs. Any project sites located in a floodplain will comply with all state and federal floodplain regulations. The Floodplain Management Worksheet will be used to document compliance for each project, and will be submitted to HTFC with the site specific statutory checklist. If any project sites will involve substantial improvements as defined by federal and state floodplain regulations, the 8-step public notice procedure will be used prior to any commitment of funds for that project. HTFC will be notified prior to any use of the 8-step public notice procedure. Project sites in the SFHA that are classified as substantial improvements will be built according to regulations in 6NYCRR Part 502. No projects located within a "regulatory floodway" are eligible for HOME rehabilitation funding.

WETLAND PROTECTION: Any improvements to infrasturcture, such as septic, drainage, and so on, will be constructed so as not to impact any NYS DEC or U.S. Corps of Engineers identified wetlands. Maps of state-protected wetlands will be consulted prior to performing ground disturbance and/or regulated activities that may impact or be located in a state protected wetland or associated buffer or check zone. Maps of federal wetlands will also be consulted. The 8-step public notice procedure will be used pror to commitment of funds for that project, and HTFC will be notified prior to undertaking any such action. Any required permits will be received prior to construction activities as to avoid adverse impacts upon wetland. If federal or state regulated wetlands are mapped on, or in proximity of the proposed project location, a formal on-site wetlands investigation or delineation shall be performed by a qualified wetlands biologist or soil scientist to determine the specific location of any wetland boundaries and any applicable buffers thereof.

ENDANGERED SPECIES: Some sites may require well or septic repairs. If ground disturbance is conducted on previously undisturbed land, the LPA will consult with the NYS Natural Heritage Program office. Documentation of the consultation will be submitted to HTFC with the site specific statutory checklist. The LPA will also consult with the US Fish and Wildlife Service website: http://nyfo.fws.gov/es/section7.htm to determine whether any listed rare, threatened or endangered species exist on site. The website will be checked every 90 days after site selection up until time of site disturbance. If endangered species are found, no rehabilitation work will be performed using HOME funds.

HUD ENVIRONMENTAL STANDARDS: A qualified environmental professional will visit each site to determine that each site is not on or near any hazardous materials or contamination. The site visit report will include a signed certification statement as follows: "I (Name/Title) am a qualified environmental professional as per ASTM 1527".

ASBESTOS & LEAD BASED PAINT: Properties will be reviewed on a case by case basis to determine if interim controls or stabilization measures are required for lead based paint. Where lead based paint abatement will be required, this activity will be undertaken by a licensed professional in accordance with HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards and Housing" and the EPA Renovation, Repair and Painting Rule. All work

involving asbestos will be conducted by a licensed professional according to NYS DOL Part 56 requirements. Asbestos identification and survey will be conducted according to requirements in NYSDOL Part 56-5.1.

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: Chris Colletti Tectonic Engineering

Signature: _____

Date: 2/21/13

John M. Eberhard, Executive Director
John M. Eberhard
2/21/2013

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)].