



ANDREW M. CUOMO
Governor

NY Rising Housing Program

Understanding the Tier 2

September 27, 2017

NY Rising Housing Program (applies to all Programs)

The federal government requires that properties receiving CDBG-DR funds go through a comprehensive environmental review process to make sure that all rehabilitation activities comply with all applicable federal and state environmental laws. The “Tier 2 report” is an analysis of your property and proposed repair/reconstruction work. It outlines the steps that need to be taken, and the documents that need to be provided, in order to comply with applicable laws and successfully close out your project. Importantly, and as discussed further below, while the Tier 2 report appears lengthy, only certain Tier 2 items will apply to your property. This guidance will walk you through the Tier 2 document and highlight the most important sections to read and understand.

How to find your Tier 2 report:

The first step for understanding your Tier 2 is getting a copy. Your Tier 2 can be found in the Program Database. To find your Tier 2,

- Log on to Program Database (IntelliGrants)
- **Click on** the “Inspections” link
- Click open the document titled “[your app ID] ERR_Tier2 Checklist” or “[your app ID] ERR_Tier2 Checklist and Closeout”

How to read your Tier 2 Report:

Now that you have your Tier 2, the next step is to review it. If you have not started construction activities, you should review the Tier 2 report before you start. It is important to review the Tier 2 carefully because it will explain steps that you will need to take in your project and/or will also identify specific documents that you need to provide to your case manager at closeout. The Tier 2 document is divided into four basic sections:

- The first section contains information about your property.
- The second section lists relevant environmental issues and federal or state laws.
- The third section is the signature page; this page indicates that environmental review staff have reviewed and approved your Tier 2 document.
- The fourth section is entitled “closeout” and contains a full list of potential environmental conditions, and the steps and documents that **may** be needed in order for the project to comply with environmental rules. **IMPORTANTLY: ONLY CERTAIN ITEMS WILL APPLY TO YOU. THE NEXT SECTION WILL EXPLAIN HOW TO IDENTIFY THE ITEMS THAT APPLY TO YOUR PROPERTY.**



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How to find the closeout items for your property on the Tier 2

Turn to the signature page of the Tier 2 document. Beneath the signature, you will see the words "Closeout Items," followed by a list of numbers. These numbers correspond with the categories on the closeout list (the fourth section of the Tier 2).

**HCR CERTIFYING OFFICER OR OTHER APPROPRIATELY DESIGNATED HCR
OFFICIAL:**

This Site Specific Checklist is determined to be acceptable.

Signature:

Sample Signature

Printed Name: Sample Signature

Date: 6/6/2014

**Attachments:
Tier 2 Site Specific Checklist Additional Documents**

Closeout items (also discussed on the Tier 2 Site Specific Checklist Additional Documents):

1,4,6,7,8,9 and 10



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After you have found the "Closeout Items" on the signature page, turn to the closeout list. Depending on when your Tier 2 document was created, the beginning of the closeout list might look like this:

TIER 2 SITE SPECIFIC CHECKLIST
Page 7 of 8

Application#: 123-HA-45678-2013 Project Address: 123 Main Street, Long Beach, NY 11561

Closeout Items

Prior to site-altering activities:

- 1) The site is within a floodplain. Program must determine whether the scope of work constitutes substantial improvement or rehabilitation. Program also must indicate that the current floodplain data was used in the design of the project. If the scope of project work constitutes substantial improvement or rehabilitation, the project must be designed in accordance with the floodplain development regulations, as further described in the Final Floodplain Management Document for this program.
- 2) This site is within the 100-foot buffer of a NYSDEC wetland and must have a buffer permit from NYSDEC and/or based upon wetland delineation jurisdictional wetlands may occur on or contiguous to the site and work plans must be developed and field measures taken and inspected to ensure that no physical work is performed in and there is no impact made to wetlands, including discharge of fill or contaminated water. If, upon further field-work, the original determination of

Or like this:

TIER 2 DOCUMENTATION AND CLOSEOUT

Application#: 123-HA-45678-2013 Project Address: 123 Main Street, Long Beach, NY 11561

The following is a general list of closeout items. The documentation necessary for each of these closeout items is listed above.

Closeout #	Closeout Item	Documentation Necessary
Closeout items which must be completed PRIOR to site altering activities		
1	The site is within a floodplain. Program must indicate that current floodplain data was used in the design of the project. If the scope of project work constitutes substantial improvement or rehabilitation, the project must be designed in accordance with the floodplain development regulations, as further described in the Final Floodplain Management Plan for this Program.	<ol style="list-style-type: none"> 1) Substantial damage letter. This must be included with Tier 2. 2) Current floodplain map. This must be included with Tier 2. 3) Design professional certification that the project meets the standards described in the Final Floodplain Management Plan <ol style="list-style-type: none"> a) For reimbursements (activities which have been completed at the time of the inspection), this must be included with Tier 2 b) For repair (activities which have not been



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The next step is to carefully go through the closeout list and find the closeout items that apply to you. We recommend printing the document and using a highlighter or pen to mark the items that apply to you to help narrow your focus. **Again, you don't need to worry about the item numbers that are NOT listed on the signature page.** It may be helpful to cross inapplicable items out so that you can remember to focus only on the items applicable to you.

Complying with your specific closeout items

After you have identified the specific closeout items that apply to you, the next step is to compile the documentation that you will need to demonstrate compliance with each specific closeout item. Failure to submit necessary closeout items applicable to your property will delay your final payment; and may result in potential recapture of your award. The following section will provide a basic list of documentation necessary for each closeout items. This list is provided merely as an aide and you should refer to your Tier 2 for a more detailed explanation of closeout requirements.

Once you have gathered the documents needed, based on your specific closeout items, please submit copies of everything to your Customer Representative. If you are missing any documents, please inform your Customer Representative, so that he/she can note this in your file. If there are documents that you have not submitted, that are needed to close out your Tier 2, a Program representative will get in touch with you.

What do I need to submit for Closeout Item #1? (floodplains)

If your home was determined to be substantially damaged and it is in the 100-year floodplain, you are required by FEMA floodplain regulations and the State building code to elevate your home to two feet above Base Flood Elevation. If you were required to elevate, or if you optionally elevated and received Program funds for this purpose, you will need to submit the following documentation if Closeout Item #1 applies to you.

- A Certificate of Occupancy from your town's building department;
- For properties substantially damaged by the storm:
 - A letter from an appropriate governmental entity demonstrating that your property was substantially damaged by the storm.
 - A post-construction elevation certificate.

More information concerning closeout item #1 (floodplains) can be found in the attached fact sheet, *Floodplain Guidance*, which is also available on the Storm Recovery website at <http://stormrecovery.ny.gov/housing-forms-and-resources>.



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What do I need to submit for Closeout Item #2? (wetlands)

Homes located a certain distance from state wetlands may need permits from the Dept of Environmental Conservation (DEC) before commencing certain types of construction work. If Closeout Item #2 applies to you, you must submit:

- A State DEC wetlands permit: OR
- A letter from DEC stating that a permit is not required.

More information concerning closeout item #2 (wetlands) can be found in the fact sheets titled *Guidance for Freshwater Wetland Adjacent Areas* and *Guidance for Tidal Wetland Adjacent Areas* on the Storm Recovery website at <http://stormrecovery.ny.gov/housing-forms-and-resources>.

What do I need to submit for Closeout Item #3? (wetlands – reimbursement)

Homes located a certain distance from state wetlands may need permits from DEC before commencing certain types of construction work. If Closeout Item #3 applies to you, you must submit:

- A State DEC wetlands permit; OR
- A letter from DEC stating that a permit is not required; OR
- A report prepared by an environmental professional demonstrating that no wetlands were impacted by your repair/rehabilitation project.

More information concerning closeout item #3 (wetlands - reimbursement) can be found in the fact sheets titled *Guidance for Freshwater Wetland Adjacent Areas* and *Guidance for Tidal Wetland Adjacent Areas* on the Storm Recovery website at <http://stormrecovery.ny.gov/housing-forms-and-resources>.

What do I need to submit for Closeout Item #4? (pre-1978 homes, pre-construction asbestos/lead based paint survey)

Closeout Item # 4 requires pre-construction surveys to identify any asbestos containing materials and/or lead-based paint. This closeout item only applies to homes constructed prior to 1978. Importantly, the Program, upon request, will assist you in complying with this Closeout Item. The Program will perform this survey, upon request, at no cost to you, or you may hire your own environmental testing firm to perform this work, and the Program will adjust you award to cover the cost. If Closeout Item #4 applies to you and you elected to hire your own firm, you must submit:

- A pre-construction asbestos/lead-based paint survey performed by a qualified environmental professional
- If you do not have a pre-construction survey, please refer to Closeout Items #8 and #9.



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More information concerning closeout item #4 can be found in the attached fact sheet, *Understanding Environmental Testing*, which is also available at on the Storm Recovery website at <http://stormrecovery.ny.gov/housing-forms-and-resources>.

What do I need to submit for Closeout Item #5? (post-1978 homes, pre-construction asbestos survey)

Closeout Item # 5 requires a pre-construction survey to identify any asbestos containing materials. Importantly, the Program, upon request, will assist you in complying with this Closeout Item. The Program will perform this survey, upon request, at no cost to you, or you may hire your own environmental testing firm to perform this work, and the Program will adjust your award to cover the cost. If Closeout Item #4 applies to you, and you elected to hire your own testing firm, you must submit:

- A pre-construction asbestos survey performed by a qualified environmental professional;
- If you do not have a pre-construction survey, please refer to Closeout Item #8.

More information concerning closeout item #5 can be found in the attached fact sheet, *Understanding Environmental Testing*, which is also available at on the Storm Recovery website at <http://stormrecovery.ny.gov/housing-forms-and-resources>.

What do I need to submit for Closeout Item #6? (contaminated materials disposal plan/health and safety plan)

Closeout Item #6 ensures that your contractor is properly disposing of waste materials and has a health and safety plan for the project. If closeout #6 applies to you, you must submit:

- Copies of these documents from your contractor, if available.

What do I need to submit for Closeout Item #7? (floodplain – flood insurance)

Properties located within the 100-year floodplain must have flood insurance. If Closeout Item #7 applies to you, you must submit the following:

- Proof of current flood insurance, showing the policy number and a future expiration date;
- If your homes was elevated, a post construction elevation certificate.

More information concerning closeout item #7 (floodplain – flood insurance) can be found in the attached fact sheet, *Floodplain Guidance*, which is also available on the Storm Recovery website at <http://stormrecovery.ny.gov/housing-forms-and-resources>.



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What do I need to submit for Closeout Item #8? (post-construction asbestos clearance)

All applicants must have an asbestos inspection and clearance report once construction is complete. The Program will perform post-construction clearance inspections at no cost to you; or, if you prefer, you may hire an environmental testing firm of your choice and the Program will adjust your award to cover the cost. More information concerning closeout item #8 can be found in the attached fact sheet, *Understanding Environmental Testing*, which is also available at on the Storm Recovery website at <http://stormrecovery.ny.gov/housing-forms-and-resources>.

Closeout Item #8 applies to all homes within the program. At closeout, if you have elected to hire your own testing firm, you must submit:

- An asbestos clearance report from a qualified environmental professional.

What do I need to submit for Closeout Item #9? (for pre-1978 homes, post construction lead-based paint clearance)?

All applicants with homes pre-dating 1978 must have a lead-based paint inspection and clearance report once construction is complete. The Program will perform post-construction clearance inspections at no cost to you; or, if you prefer, you may hire an environmental testing firm of your choice and the Program will adjust your award to cover the cost. More information concerning closeout item #9 can be found in the attached fact sheet, *Understanding Environmental Testing*, which is also available at on the Storm Recovery website at <http://stormrecovery.ny.gov/housing-forms-and-resources>.

Closeout Item #9 applies to all homes within the program constructed prior to 1978. At closeout, if you have elected to hire your own testing firm, you must submit:

- A lead-based paint clearance report from a qualified environmental professional:

What do I need to submit for Closeout Item #10 (final engineering reports)?

Any applicant that performed an oil tank removal and/or soil or groundwater remediation work as part of their renovation project must submit, at closeout:

- Documentation showing that the tank removal or remedial work was performed appropriately.

If you need to comply with Closeout Item #10 and did not need to do oil tank removal and/or soil or groundwater remediation; or if you did undertake such work but do not have the required documentation, please let your case manager know.



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What do I need to submit for Closeout Item #11 (radon testing clearance)?

This closeout item applies to all applicants living in counties with high risk for radon, and involves a test for radon. The Program will perform post-construction clearance inspections at no cost to you; or, if you prefer, you may hire an environmental testing firm of your choice and the Program will adjust your award to cover the cost. At closeout, if you elect to hire your own testing firm, you must submit:

- Results of radon test performed by a qualified testing firm.

More information concerning closeout item #11 can be found in the attached fact sheet, *Understanding Environmental Testing*, which is also available at on the Storm Recovery website at <http://stormrecovery.ny.gov/housing-forms-and-resources>.

What do I need to submit for Closeout Item #12 (radon mitigation measures)?

If the radon level revealed by the test described in Closeout Item #11 exceeds certain federal standards, the home will require installation of a radon mitigation system, with an active fan and alarm system. If this applies to your home, you will need to demonstrate that this system has been installed prior to closeout. The program will fund necessary radon mitigation to affected homes. If this Closeout Item applies to you, at closeout, you will need to provide:

- A final report indicating installation of a radon mitigation system
- A radon testing following installation to demonstrate the system has corrected the radon issue.

More information concerning closeout item #12 can be found in the attached fact sheet, *Understanding Environmental Testing*, which is also available at on the Storm Recovery website at <http://stormrecovery.ny.gov/housing-forms-and-resources>.

What do I need to submit for Closeout Item #13 (catchall provision)?

There may potentially, though not likely, be unique closeout items item associated with your home. If that is the case, Closeout Item #13 shall specify what additional closeout items you need to submit.

Conclusion:

Completing the Tier 2 process is an essential step in obtaining closeout of your grant award and receiving final payment. Your case manager will assist you compile the necessary documentation. We recommend starting this process as soon as possible to move expeditiously through the Tier 2 process.