

# Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development  
Office of Community Planning and Development

OMB No. 2506-0087  
(exp. 07/31/2017)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

## Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Community Development Block Grant - Disaster Recovery (CDBG-DR)	2. HUD/State Identification Number <b>B-13-DS-36-0001</b>	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity NYS Homes and Community Renewal 38-40 State Street Hampton Plaza Albany, NY 12207	
6. For information about this request, contact (name & phone number) <b>Daniel Greene (212) 480-4644</b>	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request HUD, Office of Block Grant Assistance Disaster Recovery and Special Issues Division 451 7th Street SW, Washington, D.C. 20410	<p><b>The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following</b></p>	
9. Program Activity(ies)/Project Name(s) New York State Homes & Community Renewal (HCR) and the Housing Trust Fund Corporation (HTFC) [RROF for HUD Community Development Block Grant Disaster Recovery (CDBG-DR) program in NYS].	10. Location (Street address, city, county, State) Binghamton Gateway Homes project, located at 249, 252, 254, 255, 257.5, 259, 267, 269, and 273-275 Front Street, 164-168 Clinton Street, 8 Meadow Street, and 20 Spring Forest Avenue, within New York State (Broome County)	

### 11. Program Activity/Project Description

The Governor's Office of Storm Recovery ("GOSR"), operating under the auspices of New York State Homes & Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of the Housing and Urban Development ("HUD") Community Development Block Grant – Disaster Recovery ("CDBG-DR") program in New York State. GOSR proposes to provide funding to carry out the proposed Binghamton Gateway Homes project, located at 249, 252, 254, 255, 257.5, 259, 267, 269, and 273-275 Front Street, 164-168 Clinton Street, 8 Meadow Street, and 20 Spring Forest Avenue, City of Binghamton, Broome County, New York.

The Binghamton Gateway Homes project would rehabilitate and reuse eleven existing buildings that were constructed between the late 1800s and early 1900s and construct one mixed-use building on an in-fill site made vacant by a recent fire. The First Ward Action Council, Inc. (FWAC) is the applicant and developer of the proposed project. The existing buildings to be rehabilitated are at 249, 252, 254, 255, 257.5, 259, 267, 269, and 273-275 Front Street, 8 Meadow Street, and 20 Spring Forest Avenue. The new mixed-use building would be constructed at 164-168 Clinton Street, the former site of the Lincoln Hotel, a local landmark destroyed by fire in 2013. The project will create 37 apartments; 27 in the rehabilitated buildings and 10 in the new three-story building. This is an increase of 25 units.

GOSR requests \$6,970,000 in CDBG-DR funds for the project.

**Part 2. Environmental Certification (to be completed by responsible entity)**

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did  did not  require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

Deputy General Counsel and Certifying Officer

Date signed

2/3/15

X  
Address of Certifying Officer

Governor's Office of Storm Recovery, 25 Beaver Street, New York, NY 10004

**Part 3. To be completed when the Recipient is not the Responsible Entity**

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)



**PUBLIC NOTICE**

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND  
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

**BINGHAMTON GATEWAY HOMES**

**January 16, 2015**

Governor's Office of Storm Recovery  
25 Beaver Street, Fifth Floor  
New York, NY 10004  
(212) 480-4644

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

**Name of Responsible Entity:** The New York State Governor's Office of Storm Recovery (GOSR), under the auspices of New York State Homes & Community Renewal (HCR) and the Housing Trust Fund Corporation (HTFC). Contact: Daniel Greene.

**Project Description:** GOSR, operating under the auspices of HCR and the HTFC is the responsible entity for direct administration of the HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide funding to carry out the proposed Binghamton Gateway Homes project, located at 249, 252, 254, 255, 257.5, 259, 267, 269, and 273-275 Front Street, 164-168 Clinton Street, 8 Meadow Street, and 20 Spring Forest Avenue, City of Binghamton, Broome County, New York.

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The proposed unit sizes range from studios to three-bedrooms, designed to meet the demand for quality affordable housing from individuals, small households, and families. All units would be available to tenants, with none reserved for superintendent use. Twelve of the units are targeted to households with incomes at or below 50 percent of the area median income (AMI), and 25 are targeted to households with incomes at or below 60 percent of the AMI. Eleven units would be available to persons with physical disabilities, and two other apartments would be adapted for persons with hearing or visual impairments. An admissions preference for persons displaced by Tropical Storm Lee would be in place as part of the Affirmative Fair Housing Marketing Plan.

The new three-story building would contain two commercial storefronts at street level. The total proposed residential square footage is 31,023, and the proposed square footage of the two commercial storefronts is 1,084. The project would return the project site to productive use and provide much needed opportunities for affordable housing and commercial space in the historic First Ward neighborhood.

The project would be funded with up to \$6,970,000 from the CDBG-DR program and \$633,332 from other sources. The CDBG-DR funding will be structured as follows:

- \$4,970,000 as a 50-year, 0.5% interest only loan to Binghamton Gateway LLC
- \$2,000,000 as a grant to First Ward Action Council (FWAC), the project's not-for-profit sponsor, which FWAC will contribute to the project as Managing Member/GP Capital.

### **FINDING OF NO SIGNIFICANT IMPACT**

An Environmental Review Record (ERR) for the project has been prepared and is maintained on file. The ERR is incorporated by reference into this FONSI. Subject to public comments, no further review of the project is anticipated. A full copy of the ERR, including a completed National Environmental Policy Act of 1969 (NEPA) Environmental Assessment Checklist and area map, is available for public inspection during normal business hours in accordance with 24 CFR Part 58 at the office listed below and online at

<http://www.stormrecovery.ny.gov/environmental-docs>.

GOSR has determined that the ERR for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58, et al.

GOSR has also determined that the project, as proposed, will have no significant adverse environmental or socioeconomic impacts, either direct, indirect, or cumulative. There will be no significant impact on the human environment, and the project will not negatively impact the quality of the environment. Therefore, GOSR has determined that the project does not require the preparation of an environmental impact statement under NEPA.

**Public Review:** Public viewing of the ERR is available online at the website listed above and is also available in person Monday – Friday, 9:00 AM - 5:00 PM at the following addresses:

*Governor's Office of Storm Recovery  
25 Beaver Street, Fifth Floor  
New York, NY 10004  
Contact: Daniel Greene (212) 480-4644*

Further information may be requested at [NYSCDBG\\_DR\\_ER@nyshcr.org](mailto:NYSCDBG_DR_ER@nyshcr.org) or by calling GOSR at (212) 480-4644. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state, and federal agencies, the regional office of U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

**Public Comments on FONSI/Findings and NOIRROF:** Any individual, group, or agency may submit written comments on the Project. Those wishing to comment should specify in their comments which distinct parts of this Combined Notice they intend to address. Comments should be submitted via email, in the proper format, on or before Monday, February 2, 2015, at:

*NYSCDBG\_DR\_ER@nyshcr.org*. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before Monday, February 2, 2015:

*Daniel Greene, Certifying Officer  
Governor's Office of Storm Recovery  
25 Beaver Street, Fifth Floor  
New York, NY 10004*

Comments may be received by telephone at (212) 480-4644. All comments must be received on or before 5:00 PM on Monday, February 2, 2015, or they will not be considered.

If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

### **REQUEST FOR RELEASE OF FUNDS**

Written notice of environmental clearance will be required prior to the removal of any limitation on commitment of federal funds in accordance with regulations at 24 CFR Part 58.70.

On or about Tuesday, February 3, 2015, the GOSR Certifying Officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York State CDBG-DR program.

GOSR certifies to HUD that Daniel Greene, acting in capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process, decision-making, and action, and that these responsibilities have been satisfied. Moreover, GOSR certifies that an environmental review of the project described herein has been completed. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows GOSR to use CDBG-DR program funds.

**Objections to Release of Funds** - HUD will accept objections to the RROF and/or FONSI certification for a period of fifteen (15) days. The last day of the objection period is Wednesday, February 18, 2015. Potential objectors may contact HUD to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are:

- (a) Certification was not executed by the responsible entity's Certifying Officer;
- (b) The responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58;
- (c) The responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or
- (d) A federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to:

*Tennille Smith Parker  
Director, Disaster Recovery and Special Issues Division  
Office of Block Grant Assistance  
U.S. Department of Housing & Urban Development  
451 7th Street SW  
Washington, DC 20410  
Phone: (202) 402-4649*

Daniel Greene  
GOSR Certifying Officer  
January 16, 2015