



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



October 6, 2014

Tennille S. Parker
Acting Director
Disaster Recovery and Special Issues Division
Office of Block Grant Assistance
U.S. Department of Housing & Urban Development
451 7th Street, SW, Room 7272
Washington, DC 20410

RE: RROF and Environmental Certification for CDBG-DR NY Rising Housing Program for Residential Properties with Five or More Units in Herkimer County, New York.

Dear Ms. Parker:

Attached is a Request for Release of Funds and Environmental Certification for the above-referenced program- NY Rising Housing Program for residential properties with five or more units in Herkimer County. Responses to comments from the Environmental Protection Agency have been incorporated into the Environmental Assessment.

Pursuant to 24 CFR Section 58.33, the combined Notice of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) were published on October 2, 2014 (see attached copy of public notice and affidavit of publication).

The funds are needed on an emergency basis due to declared disasters and as a result, in accordance with HUD policy and as stated in the FONSI/NOIRROF, the comment periods for the FONSI/NOIRROF were combined. The comment period will end on October 17, 2014. If you have any questions regarding this submission, please contact me at (518) 486-7512 or send me an email at Thomas.King@stormrecovery.ny.gov.

Sincerely,

Thomas J. King, Esq.
Certifying Officer
Governor's Office of Storm Recovery
Housing Trust Fund Corporation

Attachments

CC by e-mail:

Therese Fretwell, Regional Environmental Officer, Regions I & II, HUD
Jeffrey D'Agostino, Field Environmental Officer – Disaster Recovery, HUD
Heather M. Spitzberg, Certifying Officer, NYSHCR
James Rubin, Executive Director, GOSR
Latoya Murphy, Deputy Executive Director, GOSR
Betsy Mallow, Deputy Executive Director GOSR
Daniel Greene, Deputy General Counsel, GOSR
Lori A. Shirley, Community Developer – Environmental Services, GOSR
Joanna Oliver, Environmental Manager, DASNY

CC by overnight mail:

Rhoda M. Nicolson, Program Support Specialist, HUD

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. 10/31/2014)

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) New York State CDBG-DR Program	2. HUD/State Identification Number B-13-DS-36-0001	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity New York State Homes & Community Renewal Housing Trust Fund Corporation 38-20 State Street Albany, NY 12207	
6. For information about this request, contact (name & phone number) Thomas J. King, Esq. (518) 486-7512	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request Office of Block Grant Assistance - Disaster Recovery and Special Issues Division		

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

9. Program Activity(ies)/Project Name(s) NY Rising Housing Program, Five Plus Unit Residential Properties, Herkimer County, NY	10. Location (Street address, city, county, State) Scattered sites within Herkimer County, NY
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11. Program Activity/Project Description

The activities associated with the NY Rising Housing Program for residential properties with five or more units in Herkimer County described herein will address unmet recovery needs of qualified homeowners and tenants for which CDBG-DR funding shall be made available. NY Rising Housing Program for residential properties with five or more units will provide assistance to repair, rehabilitate and reconstruct residential structures damaged by a federally-declared disaster, replace non-luxury appliances, mitigate health hazards, complete structural, electrical, and/or mechanical elevation, secure fuel tanks, and other resiliency measures. The program may also provide reimbursements to eligible applicants that have started or completed storm-related work with personal resources, subject to restrictions in line with applicable laws, regulations, and program requirements.

This is the first tier of review in a two-tiered review process. The specific addresses of homes are not known at this time because the participating property owner identification process is ongoing. Therefore, under 24 CFR Part 58.15 (Tiering) and 24 CFR Part 58.32 (Project Aggregation), the NYS Housing Trust Fund Corporation will use a tiered approach, and once specific sites are determined, each site will be reviewed in compliance with the instructions established in the Tier 1 review.

CDBG-DR Funds: \$1,760,000.00

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

X 

Title of Certifying Officer

Certifying Officer

Date signed

10/6/2014

Address of Certifying Officer

99 Washington Avenue Suite 1010 Albany, New York 12231

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

X

Title of Authorized Officer

Date signed

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)



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



October 2, 2014

MEMORANDUM

RE: COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF) NY RISING HOUSING RECOVERY PROGRAM FOR 5+ UNIT RESIDENTIAL PROPERTIES: HERKIMER COUNTY, NY BY NEW YORK STATE HOUSING TRUST FUND CORPORATION

New York State Housing Trust Fund Corporation (HTFC)
38-40 State Street
Albany, NY 12207
(518) 486-7512

Name of Responsible Entity and Recipient: New York State Homes and Community Renewal (HCR) 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Thomas King.

This combined notice satisfies two separate procedural requirements for project activities to be undertaken.

Per 24 CFR Part 58.33, the combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) would be published simultaneously with the submission of the Request for Release of Funds (RROF). The funds are needed on an emergency basis due to a declared disaster resulting from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the FONSI/NOIRROF and the RROF have been combined.

Project Description: HTFC intends to undertake the following project, funded by United States Department of Housing & Urban Development's (HUD) 2013 Community Development Block Grant—Disaster Recovery (CDBG-DR) funds under the NY Rising Housing Recovery Program for 5+ Unit Residential Properties in Herkimer County.

The activities associated with the NY Rising Housing Recovery Program for 5+ Unit Residential Properties in Herkimer County described herein would address unmet housing recovery needs of homeowners and tenants of rental properties, for which CDBG-DR funding shall be made available to Herkimer County residents who qualify. NY Rising Housing Recovery Program for 5+ Unit Residential Properties activities to be funded by CDBG-DR have been designed to provide assistance for repairing property, reconstructing homes, and mitigating properties for future resilience. This program is anticipated to provide permanent, sustainable housing solutions that allow these residents to return to their neighborhoods, where possible.

The program may also provide reimbursements for owners of five or more unit buildings and owners and renters of individual units in five or more unit buildings that have started or completed storm-related rehabilitation work with personal resources, subject to restrictions in line with applicable laws, regulations, and the program requirements.

This is the first tier of review in a 2-tiered process. The specific addresses of 5+ unit residential properties are not known at this time because the participating property owner identification process is ongoing. Therefore, under 24 CFR Part 58.15 (Tiering) and 24 CFR Part 58.32 (Project Aggregation), HTFC would use a tiered approach and once specific sites are determined, each site would be reviewed in compliance with the instructions established in the Tier 1 Review. No physical work would begin on properties until all levels of environmental review are complete and found to be in compliance. Tier 1 review addresses specific environmental factors for which compliance has been documented, regardless of specific site locations. It prevents repeating the same compliance factors on a Tier 2 site-specific basis, once all participating homeowners are known.

FINDING OF NO SIGNIFICANT IMPACT

A Tier 1 Environmental Review Record (ERR) was established and is maintained on file. The ERR is incorporated by reference into this FONSI. A full copy of the ERR, including a completed National Environmental Policy Act of 1969 (NEPA) Environmental Assessment Checklist, an Environmental Assessment Worksheet, and area map, is available for public inspection during normal business hours in accordance with 24 CFR Part 58 at the offices listed below or at <http://www.nyshcr.org/Programs/NYS-CDBG-DR/EnvironmentalReview.htm>.

HTFC 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.

HTFC has also determined that the project described herein, as proposed, would have no significant adverse environmental or socioeconomic impacts, either direct, indirect, or cumulative. There would be no significant impact on the human environment, and the action would not negatively impact the quality of the environment. Therefore, HTFC has determined that the project, as proposed, is not an action that would result in a significant impact on the quality of the human environment. Moreover, the project does not require an Environmental Impact Statement under NEPA.

Public Review: Public viewing of the ERR is available on the internet and is also available in person Monday – Friday, 9:00 AM – 4:30 PM at the following addresses:

*New York State Housing Trust Fund Corporation
NYS Department of Homes and Community Renewal
38-40 State Street
Albany, NY 12207
Contact: Thomas King (518) 486-7512*

&

*Herkimer County Industrial Development Agency
320 North Prospect Street
Herkimer, NY 13350
Contact: Herkimer County Industrial Development Agency (315) 867-1373*

Further information may be requested at NYSCDBG_DR_ER@nyshcr.org or by calling HTFC at (518) 486-7512. 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 newspapers of general circulation in the affected community.

Public Comments on FONSI/Findings and NOIRROF

Any individual, group, or agency may submit written comments on this project. Those wishing to comment should specify in their comments which distinct part(s) of this Combined Notice they intend their comments to address. Comments should be submitted via email, in the proper format, on or before October 17, 2014 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 October 17, 2014.

Thomas J. King, Esq.
Certifying Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1010
Albany, NY 12231

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

REQUEST FOR RELEASE OF FUNDS

Written notice of environmental clearance would 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 October 2, 2014, the HCR Certifying Officer would submit this 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.

HCR certifies to HUD that Thomas King, 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 reviews, decision-making, and action, and that these responsibilities have been satisfied. Moreover, HCR certifies that a Tier 1 environmental review for the project described herein has been completed and that additional Tier 2 site-specific review would occur once the specific sites are identified. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows HTFC/HCR to use CDBG-DR funds.

Objections to Release of Funds - HUD would consider objections to the RROF and/or FONSI certification for a period of fifteen days following the submission date or its actual receipt of the request (whichever is later). 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 or failed to make a step, 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) Another 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 writing in accordance with the required procedures and format (24 CFR Part 58) and shall be addressed to:

*Tennille Smith Parker
Acting Director/Assistant 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*

A handwritten signature in black ink, appearing to read "Thomas J. King". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas King
HCR Certifying Officer
October 2, 2014

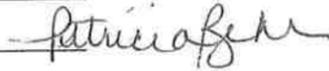
STATE OF NEW YORK
)ss
County of Oneida)

Patricia Zehr

of the City of Utica, in said

county, being duly sworn, says she is the Principal Clerk of the Utica Observer-Dispatch the Publishers of (The Telegram/The Times), a daily newspaper printed and published in the city of Utica, County and State aforesaid, and that an advertisement of which the attached is a copy, cut from the columns of said paper has been regularly published in said paper on each of the following dates:

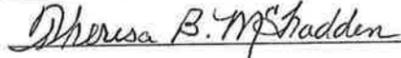
10/2/14



Sworn to before me this

THERESA B MCFADDEN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MC6303520
Qualified in Madison County
My Commission Expires May 12, 2018

2 day of OCT 2014



NOTARY PUBLIC ONEIDA CO., N.Y.

LEGAL NOTICE
COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF)
NY RISING HOUSING RECOVERY PROGRAM
FOR 5+ UNIT RESIDENTIAL PROPERTIES: HERKIMER COUNTY, NY
BY NEW YORK STATE HOUSING TRUST FUND CORPORATION
October 2, 2014

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