



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



MEMORANDUM

To: CDBG-DR NY Rising 1-4 Unit Housing Rehab Program - ERR File

From: Thomas J. King, Certifying Officer
Governor's Office of Storm Recovery 

Date: August 6, 2014

Subject: Second Re-evaluation of Environmental Assessment under 24 CFR 58.47-
NY Rising 1-4 Unit Housing Rehab Program

The NY Rising 1-4 Unit Housing Rehab Program (“the Program”) provides financial assistance (for repair, rehabilitation, reconstruction and mitigation) to homeowners whose residences were damaged by Hurricane Irene, Superstorm Sandy, and Tropical Storm Lee. The Program is administered by the Governor’s Office of Storm Recovery (GOSR), operating under the auspices of New York State’s Office of Homes and Community Renewal’s Housing Trust Fund Corporation which serves as the responsible entity for direct administration of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program.

Tier 1 Programmatic Environmental Assessments (PEAs) were conducted for the Program in accordance with HUD regulations 24 CFR Part 58, and combined *Findings of No Significant Impact* (FONSI) and *Notices of Intent to Request Release of Funds* (NOIRROFs) were issued for each county¹ in which the Program provides assistance.

After the publication of the FONSI/NOIRROFs, GOSR identified the need to clarify Program procedures with respect to manufactured homes and hereby sets forth the following clarifications:

MANUFACTURED HOMES

As noted in all Tier 1 PEAs, all development within Special Flood Hazard Areas (SFHAs) is subject to floodplain development regulations. More specifically, 6 NYCRR Part 502 requires that when existing residential structures, including manufactured homes, receive substantial improvements, the lowest floor of each building in flood hazard areas must be constructed at least one (1) foot above the Base Flood Elevation (“BFE”). Additionally, the New York State Residential Building Code requires the

¹ The counties include: Albany, Broome, Chemung, Chenango, Clinton, Columbia, Delaware, Dutchess, Essex, Fulton, Greene, Herkimer, Montgomery, Nassau, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Warren, Washington, and Westchester.

lowest floor of a dwelling, including a manufactured home, to be elevated to or above the BFE plus at least two feet of freeboard. Finally, each participating community has a local regulation for flood damage prevention that contains specific standards for any development in SFHAs. Where no BFE exists, the lowest floor of a manufactured home must be at least three (3) feet above the highest adjacent grade.

Manufactured homes must also be constructed and installed in accordance with Appendix E of the 2010 Residential Code of New York State, 6 NYCRR Part 502, and applicable local floodplain management rules set forth in accordance with 44 CFR 60.3. At a minimum, manufactured homes must be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors, adequate surface drainage, and be located on lots that are large enough to permit steps from the ground into the mobile home and ready access for a hauler. Manufactured homes may not be located in the floodway or coastal high hazard area. As with all other activities under the NY Rising 1-4 Unit Housing Rehab Program, any program activities related to manufactured homes would be subject to the same conditions for approval outlined in the Tier 1 PEAs and subsequent re-evaluations under 24 CFR 58.47. Although these requirements, specific to manufactured homes were incorporated by reference into the original NY Rising 1-4 Unit Housing Rehab Program Tier 1 PEAs, HCR had not expressly established its policy with regard to manufactured homes.

By way of this re-evaluation memo, HCR hereby clarifies that all program applicants to the NY Rising 1-4 Unit Housing Rehab Program seeking assistance to rehabilitate or replace a storm-damaged manufactured home must adhere to the standards for manufactured home construction, installation and placement found in the 2010 Residential Code of New York State, 6 NYCRR Part 502, and applicable local floodplain management rules. In response to the abovementioned clarification and pursuant to 24 CFR 58.47 “Re-evaluation of environmental assessments and other environmental findings,” the CDBG-DR Certifying Officer has conducted a re-evaluation of the findings associated with the original NY Rising 1-4 Unit Housing Rehab Program Tier 1 PEAs. The original findings remain valid, and, accordingly, new FONSI and RROFs are not necessary.²

² 24 CFR § 58.47(b)(1) “If the original findings are still valid but the data or conditions upon which they were based have changed, the responsible entity must affirm the original findings and update its ERR by including this reevaluation and its determination based on its findings. Under these circumstances, if a FONSI notice has already been published, no further publication of a FONSI notice is required.”