



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Director



September 12, 2014

Tennille S. Parker
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 and NYC Build it Back Acquisition for Redevelopment Program for Richmond County, New York.

Dear Ms. Parker:

Attached is a Request for Release of Funds (RROFs) and Environmental Certification for the above-referenced program- NY Rising and NYC Build it Back Acquisition for Redevelopment Program (the Program) for Richmond County, New York. The Program is a joint effort between two CDBG-DR grantees, New York State and New York City. Although environmental review processes were combined, each grantee will submit separate RROFs.

On August 28, 2014 the Program received comments from the United States Environmental Protection Agency. These comments were addressed in a response to comment dated September 9, 2014 which has been appended to 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) was published on August 22, 2014 (see attached copy of public notice and affidavits of publication). The funds are needed on an emergency basis due 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. 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,

A handwritten signature in black ink that reads "Thomas J. King".

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
Rebecca Sinclair, Director of Buyouts and Acquisitions, 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. Nicholson, 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 38-40 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 - NYC Build it Back Acquisition for Redevelopment Program, Richmond County, NY | 10. Location (Street address, city, county, State) Scattered sites within Richmond County, NY |
|---|---|

11. Program Activity/Project Description

The activities associated with the NY Rising - NYC Build it Back Acquisition for Redevelopment Program in Richmond County described herein will address unmet recovery needs of qualified applicants for which CDBG-DR funding shall be made available. Under the Acquisition for Redevelopment Program, NYC would complete an applicant intake process through its BIB program and complete appraisals for the applicant properties. Eligible applicants from the BIB program would have established substantial property damage. Once NYC makes the eligibility determination, the applicant would be referred to NYS. Applicants would then go through the NY Rising application and eligibility determination process. The program would then complete a Tier 2 site-specific environmental assessment and Phase I ESAs for all properties that are determined to be eligible for the Acquisition for Redevelopment Program. NYS would purchase the property, and the program would complete all Phase II environmental testing and soil remediation as necessary for the project site. NYS would transfer the property to NYC's designated nonprofit agent for demolition, including any asbestos and hazardous materials survey and abatement. After the State has acquired the site, the program would secure the site in such a manner that the site would not adversely impact adjacent properties or property owners. This RROF does not cover any funds associated with re-development activities.

This is the first tier of review in a two-tiered reviewed process. The specific addresses of home 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: \$16,000,000.00

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

9/12/2014

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)