***PUBLIC NOTICE***

# COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF) RECREATE NY HOME 1-4 UNIT REHABILITATION: ULSTER COUNTY, NY BY NEW YORK STATE HOUSING TRUST FUND CORPORATION OCTOBER 22, 2013

*New York State Housing Trust Fund Corporation (HTFC)*
*38-40 State Street*
*Albany, NY 12207*
*(518) 473-4732*

**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: Amy Zamenick.

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) will 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 Hurricane 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 Recreate NY Home 1-4 Unit Rehabilitation Program for Ulster County.

The activities associated with the Recreate NY Home 1-4 Unit Rehabilitation Program for Ulster County described herein will address unmet housing recovery needs of homeowners and tenants of rental properties, for which CDBG-DR funding shall be made available to Ulster County residents who qualify. The Recreate New York Home Project 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 homeowners of 1-4 unit buildings that have started or completed Hurricane Sandy-related rehabilitation work with personal resources, subject to restrictions in line with applicable laws, regulations, and the requirements of the Recreate NY 1-4 Unit Rehabilitation Program.

This is the first tier of review in a 2-tiered 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), HTFC 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. No physical work will 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 Work Sheet, 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.HCR.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, 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 action will not negatively impact the quality of the environment. Therefore, HTFC has determined that the project, as proposed, is not an action that will 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 - 5:00 PM at the following addresses:

*New York State Housing Trust Fund Corporation*
*Care of Office of Community Renewal*
*NYS Department of Homes and Community Renewal*
*38-40 State Street*
*Albany, NY 12207*
*Contact: Amy Zamenick (518) 473-4732*

&

*Ulster County Planning Department*
*244 Fair Street*
*Kingston, NY 12402*
*Contact: Ulster County Planning Department (845) 340-3340*

Further information may be requested at *NYSCDBG_DR_ER@HCR.org* or by calling HTFC at (518) 473-4732. 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 Wednesday, November 6, 2013 at: *NYSCDBG_DR_ER@HCR.org.* Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before Wednesday, November 6, 2013:

*Ms. Amy Zamenick, Certifying Officer*
*Office of Community Renewal*
*New York State Department of Homes & Community Renewal*

*38-40 State Street*
*Hampton Plaza*
*Albany, NY 12207*

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 Tuesday, October 22, 2013, the HCR Certifying Officer will 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 Ms. Amy Zamenick, 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 will 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 will consider objections to the RROF and/or FONSI certification for a period of fifteen (15) 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*

Amy L. Zamenick

Amy Zamenick
HCR Certifying Officer
October 22, 2013