



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

October 10, 2013

HOUSING
TRUST FUND
CORPORATION

VIA ELECTRONIC MAIL

STATE OF
NEW YORK MORTGAGE
AGENCY

Ms. Tennille Smith Parker

Acting Director/Assistant Director, Disaster Recovery and Special Issues Division
Office of Block Grant Assistance

NEW YORK STATE
HOUSING FINANCE
AGENCY

U.S. Department of Housing & Urban Development

451 7th Street, SW

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

Washington, DC 20410

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

RE: RROF and Environmental Certification
CDBG-DR Recreate NY Home 1-4 Unit Rehabilitation Program
Westchester County

TOBACCO SETTLEMENT
FINANCING
CORPORATION

Dear Ms. Parker:

Attached is a Request for Release of Funds and Environmental Certification for the above-referenced program, rehabilitation of 1-4 unit residences in Westchester County, New York.

This action does not meet criteria for Categorical Exclusion according to HUD environmental review regulations. 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) was published on September 24, 2013. Copies of the published notices and affidavits of publication are attached.

HCR received no comments on the FONSI/NOIRROF.

The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, in accordance with HUD policy and as stated in the FONSI/NOIRROF, the comment periods for the FONSI/NOIRROF and the RROF are combined and HCR estimates that the final date for comments to HUD was October 9, 2013.

If you have any questions regarding this submission, you may call me at (518) 486-3379 or send me an email at hspitzberg@nyshr.org.

Sincerely,



Director, Environmental Analysis Unit

Attachments

cc: Seth Diamond, HCR
Sarah Hovde, HCR
Robin Keegan, HCR
Lori Shirley, HCR

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 Office of Community Renewal 38-40 State Street Albany, NY 12207	
6. For information about this request, contact (name & phone number) Heather Spitzberg, Esq. (518) 486-3379	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) Recreate NY Home 1-4 Unit Rehabilitation Westchester County	10. Location (Street address, city, county, State) Scattered sites within Westchester County, New York
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11. Program Activity/Project Description

The activities associated with the Recreate NY Home 1-4 Unit Rehabilitation Program for Westchester 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 Westchester 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.

CDBG-DR Funds: \$ 600,000

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

Director, Environmental Analysis Unit

Date signed

10/10/2013

Address of Certifying Officer

New York State Housing Trust Fund Corporation 38-40 State Street, Albany, NY 12207

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)

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: WESTCHESTER COUNTY, NY
BY NEW YORK STATE HOUSING TRUST FUND CORPORATION
September 24, 2013**

*New York State Housing Trust Fund Corporation (HTFC)
38-40 State Street
Albany, NY 12207
(518) 486-3379*

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: Heather Spitzberg.

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 Westchester County.

The activities associated with the Recreate NY Home 1-4 Unit Rehabilitation Program for Westchester 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 Westchester 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: Heather Spitzberg (518) 486-3379*

&

*Westchester County Department of Planning
148 Martine Avenue, Room 414
White Plains, NY 10601
Contact: Norma Drummond (914) 995-2427*

Further information may be requested at NYSCDBG_DR_ER@HCR.org or by calling HTFC at (518) 486-3379. 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, October 9, 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, October 9, 2013:

*Ms. Heather Spitzberg, 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, September 24, 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. Heather Spitzberg, 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*

Heather Spitzberg
HCR Certifying Officer
September 24, 2013

AFFIDAVIT OF PUBLICATION

FROM

The Journal News

lohud.com

CECILIA HERNANDEZ

being duly sworn says that he/she is the principal clerk of The Journal News, a newspaper published in the County of Westchester and State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date(s) below:

Note: the code to the left of the run dates indicates the zone(s) that the ad was published. (See legend below)

ZONE

DATE

GW

SEP-24-2013

Signed

Cecilia Hernandez

Sworn to before me

This

24th

day of

SEPTEMBER 20 13

Notary Public

Jessie L Araujo D'Souza

JESSIE L ARAUJO DSOUZA
Notary Public, State of New York
No. 01AR6083528
Qualified in Westchester County
Commission Expires November 18, 2014

Legend:

Northern Area (AN):

Armswalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Cross River, Croton Falls, Croton on Hudson, Coldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolndale, Millwood, Mohogah Lake, Montrose, Mount Kisco, North Salem, Ossining, Peekskill, Pound Ridge, Purdys, Shenorock, Shrub Oak, Somers, South Salem, Verplanck, Waccabuc, Yorktown Heights, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Mahopac Falls, Putnam Valley, Patterson

Central Area (AC):

Ardley, Ardsley on Hudson, Dobbs Ferry, Elmsford, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Larchmont, Mamaroneck, Pleasantville, Port Chester, Purchase, Rye, Scarsdale, Tarrytown, Thornwood, Valhalla, White Plains

Southern Area (AS):

Bronxville, Eastchester, Mount Vernon, New Rochelle, Pelham, Tuckahoe, Yonkers
Greater Westchester (GW or LGW):

Includes Northern area, Southern area and Central area. (See details below each area)

Westchester Rockland (WR):

Includes Greater Westchester area and Rockland area.

Rockland Area (AS, AR and RK):

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Moneey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Express (XPWR):

Armswalk, Ardsley, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Cortlandt Manor, Cross River, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Golden Bridge, Granite Springs, Harrison, Hartsdale, Hastings, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Mahopac, Mamaroneck, Millwood, Mohogah Lake, Montrose, Mount Kisco, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdy's, Putnam Valley, Rye, Scarsdale, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Waccabuc, White Plains, Yorktown Heights, Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Moneey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack, Mt. Vernon, Yonkers

DO # 3528581

**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
WESTCHESTER COUNTY, NY
BY NEW YORK STATE
HOUSING TRUST FUND
CORPORATION
September 24, 2013**

New York State Housing
Trust Fund Corporation
(HTFC)
38-40 State Street
Albany, NY 12207
(518) 486-3379

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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.

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- 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: Heather Spitzberg (518) 486-3379 & Westchester County Department of Planning 148 Martine Avenue, Room 414 White Plains, NY 10601 Contact: Norma Drummond (914) 995-2427

Further information may be requested at NYS-CDBG-DR.ERA@HCR.org or by calling HTFC at (518) 486-3379. This combined notice is being sent to individuals and groups known to be interested in these activities, to 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.

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Ms. Heather Spitzberg,
Certifying Officer
Office of Community
Renewal,
New York State Department
of Homes & Community
Renewal
38-40 State Street
Hampton Plaza
Albany, NY 12207

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Acting Director/Assistant
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and Special Issues Division
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451 7th Street, SW
Washington, DC 20410
Phone: (202) 402-4649

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September 24, 2013