

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF)

March 26, 2025

New York State Homes & Community Renewal
New York State Housing Trust Fund Corporation (HTFC)
38-40 State Street
Albany, New York 12207
(518) 474-6677

REQUEST FOR RELEASE OF FUNDS

On or about April 3, 2025, the New York State Homes & Community Renewal (HCR), through the New York State Housing Trust Fund Corporation (HTFC), will submit a request to U. S. Department of Housing and Urban Development (HUD) for the release of \$600,000 in HOME funds under Title II of the Cranston-Gonzalez National Affordable Housing Act (NAHA) of 1990, in accordance with section 288 (42 U.S.C. 12838), to authorize Better Community Neighborhoods, Inc. to undertake a project known as BCNI City of Schenectady FY2024 Homeowner Rehab, for purposes of rehabilitation to 15 households on scattered sites within Schenectady County with an estimated total project cost of \$600,000.

The activities proposed are Categorically Excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act requirements.

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), HCR will use a tiered approach and Tier 2 site specific reviews will be completed for those laws and authorities not addressed in the Tier 1 broad review for each address under this program when addresses become known. 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.

An Environmental Review Record (ERR) that documents the environmental determinations for this project can be obtained by accessing <https://hcr.ny.gov/hcr-environmental-review>.

Tier 2 Site Specific Review: The site specific reviews will cover all the laws and authorities not resolved in the broad Tier 1 review as discussed in the ERR that is available for public inspection.

Mitigation Measures/Conditions/Permits (if any): Template Tier 2 forms are included in the ERR that is available for public inspection. The Templates include the mitigation measures, conditions and/or permits that will be complied with, if applicable, at each project site that is chosen.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to Cody Sargood, either by mail to Environmental Analysis Unit, NYS Housing Trust Fund Corporation, 38-40 State Street, Albany, New York, 12207 or by Email to environmental.comments@hcr.ny.gov. All comments received by April 2, 2025, will be considered by HCR prior to authorizing submission of a request for release of funds. Comments should specify which part of this Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

HCR certifies to HUD that Cody Sargood, in his capacity as Certifying Officer consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HCR's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows Better Community Neighborhoods, Inc. to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and HCR's certification received by April 18, 2025 or for a period of fifteen days following its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of HCR; (b) HCR has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds, incurred costs, or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; 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 accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed and sent via email to

CPDRROFNYC@hud.gov

Potential objectors should contact HUD to verify the actual last day of the objection period.

Cody Sargood

Certifying Officer
March 26, 2025



U.S. Department of Housing and Urban
Development
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov
espanol.hud.gov

**Tiered Environment Review
for Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Project Information

Project Name: 20243096---BCNI-City-of-Schenectady-FY2024-Homeowner-Rehab

HEROS Number: 900000010451324

Start Date: 02/04/2025

State / Local Identifier: 20243096

Project Location: Schenectady County, NY

Additional Location Information:

The project includes scattered sites within Schenectady County.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Better Community Neighborhoods, Inc. proposes to utilize \$600,000 in HOME funds to provide rehabilitation to 15 households in the City of Schenectady, Schenectady County. Improved insulation, Energy Star rated appliances, light fixtures, and heating systems will be incorporated into project activities. The program will target homeowners at or below 80% of Area Median Income. The total project cost is \$600,000.

Level of Environment Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: 58.35(a)(3)

Funding Information

Grant Number	HUD Program	Program Name	Funding Amount
M-24-SG-360100	Community Planning and Development (CPD)	HOME Program	\$600,000.00


Estimated Total HUD Funded Amount: \$600,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$600,000.00

Mitigation Measures and Conditions [40 CFR 1505.2(c)]: Consult the completed environmental review record for information on the mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified.

Determination:

- Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA) ; OR
- There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

Preparer Signature:  Date: 3/26/25

Name / Title/ Organization: Sara George / / NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL

Responsible Entity Agency Official Signature:  Date: 3/26/2025

Name/ Title: Cody Sargood/Supervisory Environmental Analyst/Certifying Analyst

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environment Review Record (ERR) for the activity / project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).



**U.S. Department of Housing and Urban
Development**
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**Tiered Environment Review
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Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)**

Project Information

Project Name: 20243096---BCNI-City-of-Schenectady-FY2024-Homeowner-Rehab

HEROS Number: 900000010451324

Start Date: 02/04/2025

Responsible Entity (RE): NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY
RENEWAL, HAMPTON PLAZA ALBANY NY, 12207

State / Local Identifier: 20243096

RE Preparer: Sara George

Certifying Officer: Cody Sargood

Grant Recipient (if different than Responsible Entity): Better Community Neighborhoods, Inc.

Point of Contact: Tracy Conley

Consultant (if applicable):

Point of Contact:

40 CFR 1506.5(b)(4): The lead agency or, where appropriate, a cooperating agency shall prepare a disclosure statement for the contractor's execution specifying that the contractor has no financial or other interest in the outcome of the action. Such statement need not include privileged or confidential trade secrets or other confidential business information.

- By checking this box, I attest that as a preparer, I have no financial or other interest in the outcome of the undertaking assessed in this environmental review.

Additional Location Information:

The project includes scattered sites within Schenectady County.

Direct Comments to: Email environmental.comments@hcr.ny.gov.

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

Better Community Neighborhoods, Inc. proposes to utilize \$600,000 in HOME funds to provide rehabilitation to 15 households on scattered sites within Schenectady County. Improved insulation, Energy Star rated appliances, light fixtures, and heating systems will be incorporated into project activities. The program will target homeowners at or below 80% of Area Median Income. The total project cost is \$600,000.

Maps, photographs, and other documentation of project location and description:

[Site Map.png](#)

Approximate size of the project area: more than 1 square mile

Length of time covered by this review: 2 Years

Maximum number of dwelling units or lots addressed by this tiered review:

15

Level of Environmental Review Determination:

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: 58.35(a)(3)

Determination:

	Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR
✓	There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

Approval Documents:

[Signature Page.pdf](#)

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount

M-24-SG-360100	Community Planning and Development (CPD)	HOME Program	\$600,000.00
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Estimated Total HUD Funded Amount: \$600,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$600,000.00

Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Was compliance achieved at the broad level of review?	Describe here compliance determinations made at the broad level and source documentation.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Coastal Barrier Resources Act	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	No Coastal Barrier Resource Areas exist in the target area. No further Tier 2 review required.
Flood Insurance	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5		
Air Quality	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The Program is for rehabilitation, a categorically excluded activity. The proposed project work is not of a size or scope that contributes to air pollution or is expected to violate the State Implementation Plan (SIP). No Tier 2 review required.
Coastal Zone Management Act	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The target area does not contain areas in the NYS Coastal Zone. No Tier 2 review required.
Contamination and Toxic Substances	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Endangered Species Act	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Explosive and Flammable Hazards	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Farmlands Protection	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The Program is rehabilitation of single-family homes. It will not convert farmland to a nonagricultural use. No Tier 2 review required.
Floodplain Management	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Historic Preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Noise Abatement and Control	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Sole Source Aquifers	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The target area contains the

		Schenectady-Niskayuna SSA (attached). Project activities include only rehabilitation of residential units and that is exempt from review under the MOU between HUD and EPA (see attached). No Tier 2 review required.
Wetlands Protection	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Wild and Scenic Rivers Act	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ENVIRONMENTAL JUSTICE		
Environmental Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Supporting documentation

- [CBRS.png](#)
- [CZM.png](#)
- [PEJA.png](#)
- [HUD EJ.png](#)
- [NYSHCR Historic Preservation Worksheet.docx](#)
- [HUD Historic PA.pdf](#)
- [SSA\(1\).png](#)
- [SSA MOU HUD EPA Exemption.pdf](#)
- [State WSR Map.png](#)
- [Federal WSR Map.png](#)
- [Civilian Airport Map.png](#)
- [Military Airport Map.png](#)
- [Railroad.png](#)
- [Military Airport Map\(1\).png](#)
- [Civilian Airport Map\(1\).png](#)

Written Strategies

The following strategies provide the policy, standard, or process to be followed in the site-specific review for each law, authority, and factor that will require completion of a site-specific review.

1	Airport Hazards
	The following military service airports exist within the target area: ANGB Stratton. All sites within 15,000 feet of the ANGB Stratton military airport will be reviewed for their location with regard to the Accident Potential Zones (APZ). If the project site is located within the APZ, project sponsor must confirm that the project conforms with DOD guidelines. If a rehabilitation project is located within the APZ, documentation must be submitted that proves that the project qualifies as "minor" rehabilitation (less than 75% of property value after rehab). AND It was determined at the Tier 1 level review that there are no civilian airports within 2,500 feet of the program target area.
2	Flood Insurance

	All sites will be reviewed for their location on FIRM maps at: https://msc.fema.gov/portal AND No buildings or project activity within a floodway will occur. Any project funded building within a 100-year flood-zone, referred to as Special Flood Hazard Area (SFHA) will be required to maintain flood insurance.
3	Contamination and Toxic Substances
	Each site will be reviewed by an environmental professional, including a site visit, to determine that the site is not located on or near any hazardous materials or contamination and that the site complies with HUD environmental standards as specified at 24 CFR 58.5(i). The site visit report will include a signed certification statement, that: "I, (Name, Title), certify that I am a qualified environmental professional as per ASTM 1527."
4	Endangered Species
	For every project with ground disturbance outside of the existing footprint or tree cutting the following two steps are required: (1) The NYS Environmental Assessment Form (EAF) Mapper must be reviewed for potential presence of any rare, threatened, or endangered species at EAF Mapper (ny.gov) and copies of the maps must be provided. If the EAF Mapper do not indicate the presence of endangered species, then no further State compliance is necessary. If the EAF Mapper indicates the endangered species, EU will consult with the applicable NYSDEC Regional Permits Office, as necessary. Then (2) the Official Species List from USFWS must be provided IPaC: Home. If the USFWS Official Species List reveals the possibility of an endangered species on the site, EU will make a finding or further consult with USFWS as necessary. A project will not be allowed to proceed unless or until a "No Effect" finding can be made or the impacts of the project on protected species are minimized, as determined by EU in coordination with the USFWS and/or NMFS.
5	Explosive and Flammable Hazards
	If a project will install any new outdoor above ground storage tanks (ASTs) on the project site, the tank must be beyond applicable Acceptable Separation Distances (ASD) and comply with National Fire Prevention Association (NFPA) regulations at NFPA 58. AND For each site involving new construction, increase in units, conversion of use to residential, or increase in mobile home size by more than 122% or mobile home replacement in a new footprint, a survey must be conducted by a qualified environmental professional to determine whether within 1,000 foot radius of the site there exist any above-ground stationary facilities which store flammable or explosive gasses (i.e. propane), regardless of tank size. The survey must also determine if there are any facilities which store flammable or explosive liquids in tanks exceeding 100 gallons. Tanks, which exceed 20,000 gallons and are within 1 mile of the site, must also be identified. If such tanks are identified, EU will be provided with enough information to conduct a thermal explosive hazard analysis. If the distance from the site to the tank is less than the acceptable separation distance (ASD) or if the tank installation does not comply with NFPA 58 requirements, modification of the proposed layout or construction of earthen berms or concrete barriers will need to be considered.
6	Floodplain Management

	<p>All sites will be reviewed for their location on FIRM maps at: https://msc.fema.gov/portal. All sites will also be reviewed for their location in regard to the Federal Flood Risk Management Standard (FFRMS) floodplain utilizing the Federal Flood Standard Support Tool. No project site or project activity will be chosen within a regulatory floodway. If a site is located outside of the SFHA, the 500-year floodplain, and FFRMS, no further action is required. AND If any portion of the entire project site is located within an SFHA, the 500-year floodplain, or the FFRMS, EU will be contacted for further compliance steps to satisfy 24 CFR Part 55. Projects will comply the 5-Step or 8-Step process within 24 CFR Part 55 where applicable.</p>
7	<p>Historic Preservation</p> <p>All projects will be reviewed to determine if all project activities are covered by an Appendix A exemption per the Programmatic Agreement for the Review of HUD-Assisted Projects and Programs in the State of New York. (See attached NYSHCR Historic Preservation Worksheet for HUD-Funded Projects). If an Appendix A exemption is applicable to all project activities, the applicant will indicate that on the Tier 2 checklist and identify the specific exemptions on the accompanying Appendix A of exempted activities accordingly. AND If a project does not meet an Appendix A exemption in the Programmatic Agreement for the Review of HUD-Assisted Projects and Programs in the State of New York: Applicants must submit the project for review by the State Historic Preservation Office (SHPO) through the Cultural Resource Information System (CRIS) site found here: https://cris.parks.ny.gov for an effect determination. If SHPO's determination is that no historical properties or resources will be impacted, the project will be reviewed to determine if it meets Box B or C applicability per the attached Worksheet. If Box B exemption is applicable the applicant will indicate that on the Tier 2 checklist and the review is complete. AND If Box C is applicable, EU will be contacted as early as possible so that EU can coordinate a THPO consultation with the appropriate tribal contacts. It should be noted that THPO has 30 days to respond and if no response is received the consultation will be considered closed.</p>
8	<p>Noise Abatement and Control</p> <p>24 CFR Part 51 requires that noise criteria and standards be taken into consideration in the environmental review process and that ameliorative actions be considered for HUD funded development in noise exposed areas. Each site must be reviewed to determine if it is located within 1,000 feet of a roadway with data in the NYS Traffic Data Viewer (TDV) www.dot.ny.gov/tdv, 3,000 feet of an active railroad, or 15 miles of a commercial airport on the FAA's 139 list or a military airport. AND If a project is rehabilitation or mobile home replacement and is located within critical distances of noise sources, noise attenuation features must be encouraged to be included in the project scope of work. The Tier II must describe the mitigation features included in the project or justify why they are not included.</p>
9	<p>Wetlands Protection</p>

	<p>For projects with ground disturbance, maps of federal (https://www.fws.gov/wetlands/Data/Mapper.html) jurisdictional wetlands will be consulted for each site. Each project site with ground disturbance will be submitted for a Parcel Jurisdictional Determination (JD) through NYSDEC to determine if state regulated wetlands are located on or near the project parcel https://survey123.arcgis.com/share/be5c071ff72d4876986b18488721e55f. Should NYSDEC respond with a Positive JD, the Regional NYSDEC Office will be contacted to proceed with the Project JD process, as necessary. A wetland delineation and/or NYSDEC site visit will be required to determine if a negative Project JD can be granted or if a State wetland permit will be required. In addition to consultation of Federal wetlands maps and the NYSDEC, if the Sponsor or EU suspects the potential presence of wetland habitat in the areas to be disturbed, a formal jurisdictional review or qualified biologist delineation may be required to confirm whether wetlands will be disturbed. This will be decided in further consultation with EU. Any site intrusive work, even on previously disturbed land, will be constructed so as to reduce, minimize, or otherwise avoid impacts within on- and off-site wetlands or associated adjacent areas.</p>
10	<p>Wild and Scenic Rivers</p> <p>There exist federally designated Wild and Scenic Rivers, Study Rivers (Congressionally-authorized Study Rivers and Agency-authorized study rivers), or National Rivers Inventory (NRI) Rivers within the target area See attached map. All sites will be reviewed to determine their location with regard to the river segments. No Program activities should impact a Relevant River Segment, but EAU and the river administrating agency will be contacted with regard to any site within the designated control area of a Relevant River Segment to determine if any mitigation is required. AND The program target area does not include any New York State Wild, Scenic or Recreational Rivers per the Full Environmental Assessment Form mapper. http://www.dec.ny.gov/eafmapper/</p>
11	<p>Environmental Justice</p> <p>According to NYSDEC mapping at http://www.dec.ny.gov/public/911.html and/or the HUDuser map at https://www.huduser.gov/portal/sadda/sadda_qct.html, the target area may include potential environmental justice areas. Each project site will be reviewed to determine if the site is within either a NYSDEC potential environmental justice area OR a HUD designated 60% AMI qualified census tract. If a site is within either designated area, compliance with HUD Environmental Standards will be determined. The Program is intended to serve an existing need for affordable housing and is not expected to facilitate development which would result in disproportionate adverse environmental justice impacts. Noise mitigation will be encouraged in all projects. If applicable, there will not be unmitigated thermal explosive hazards in close proximity to the sites. There will be no unmitigated adverse environmental impacts that disproportionately affect low-income or minority populations.</p>

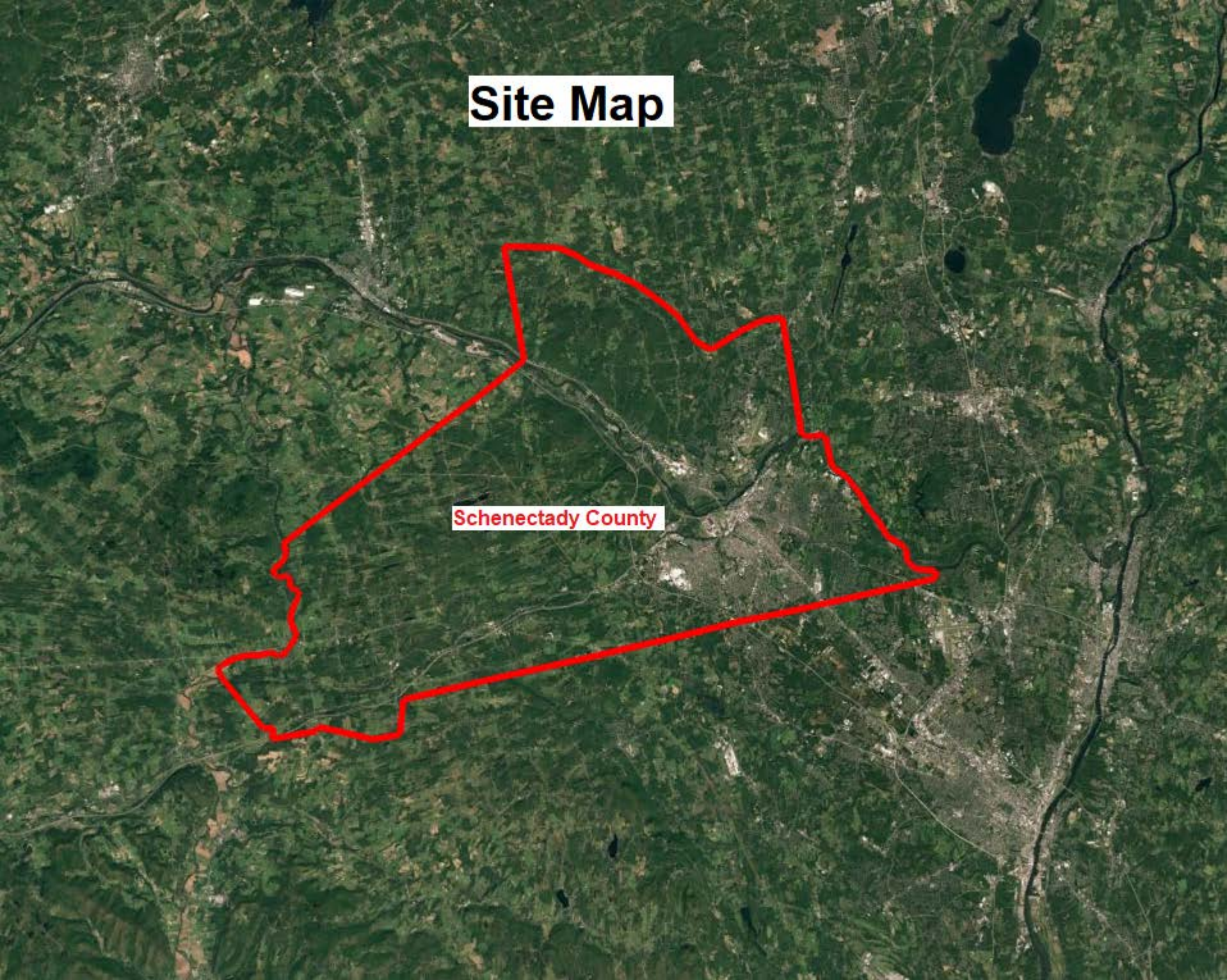
Supporting documentation

[20243096 - Better Community Neighborhoods Inc - Tier 2 Template.docx](#)

APPENDIX A: Site Specific Reviews

Site Map

Schenectady County



Civilian Airport Map



Schenectady

Albany Int'l

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length:	1.30	Miles
Ground Length:	1.30	
Heading:	148.78	degrees

Mouse Navigation

Military Airport Map



ANGB Stratton

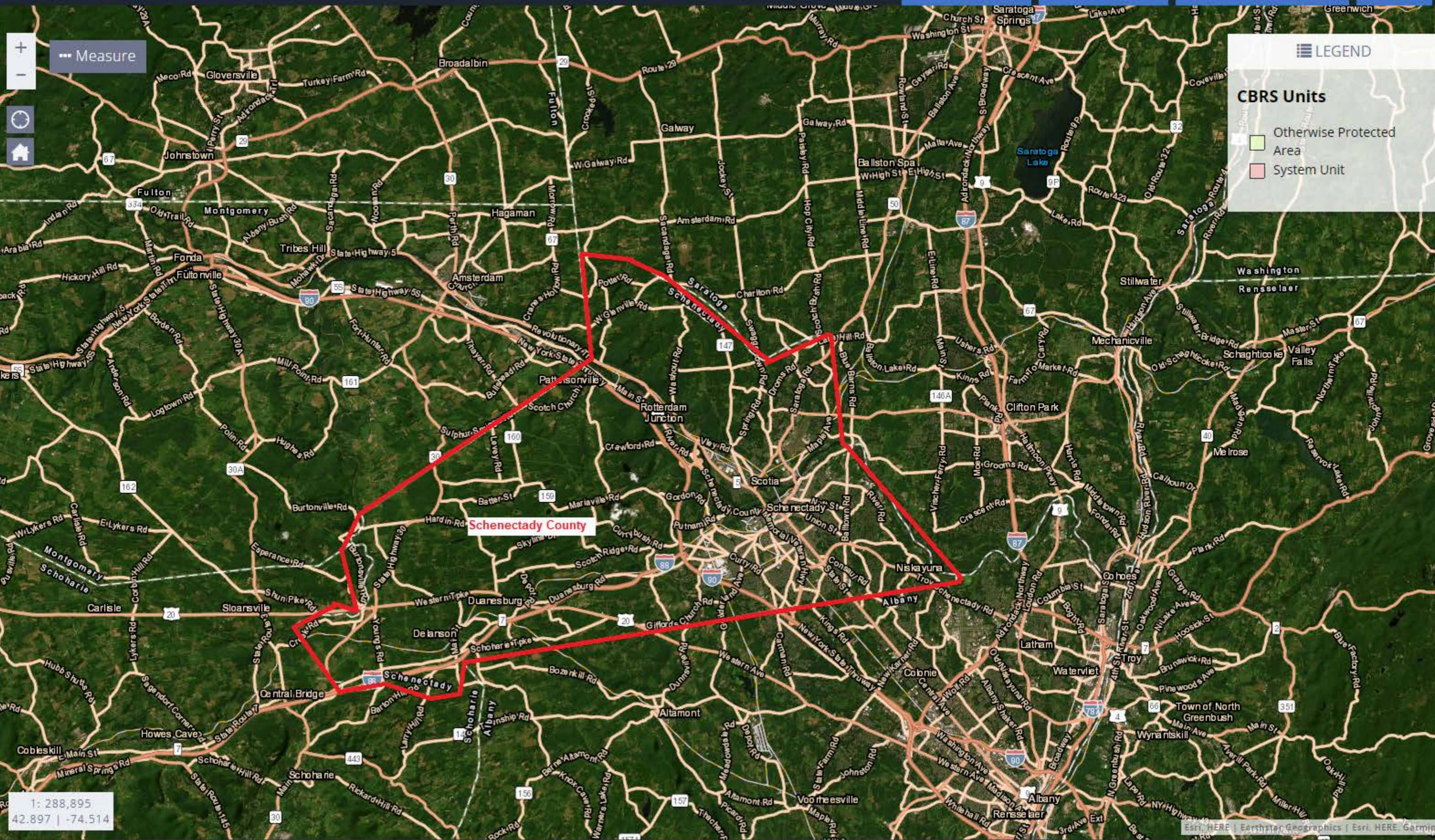
Schenectady



BASEMAPS

MAP LAYERS

CBRS Units
Click [here](#) to learn more about CBRS Units.



Coastal Atlas | Use the interactive NY Coastal Atlas for planning activities

Map navigation icons: Home, Back, Forward, Add, Layers, Full Screen, Print, Share, etc.

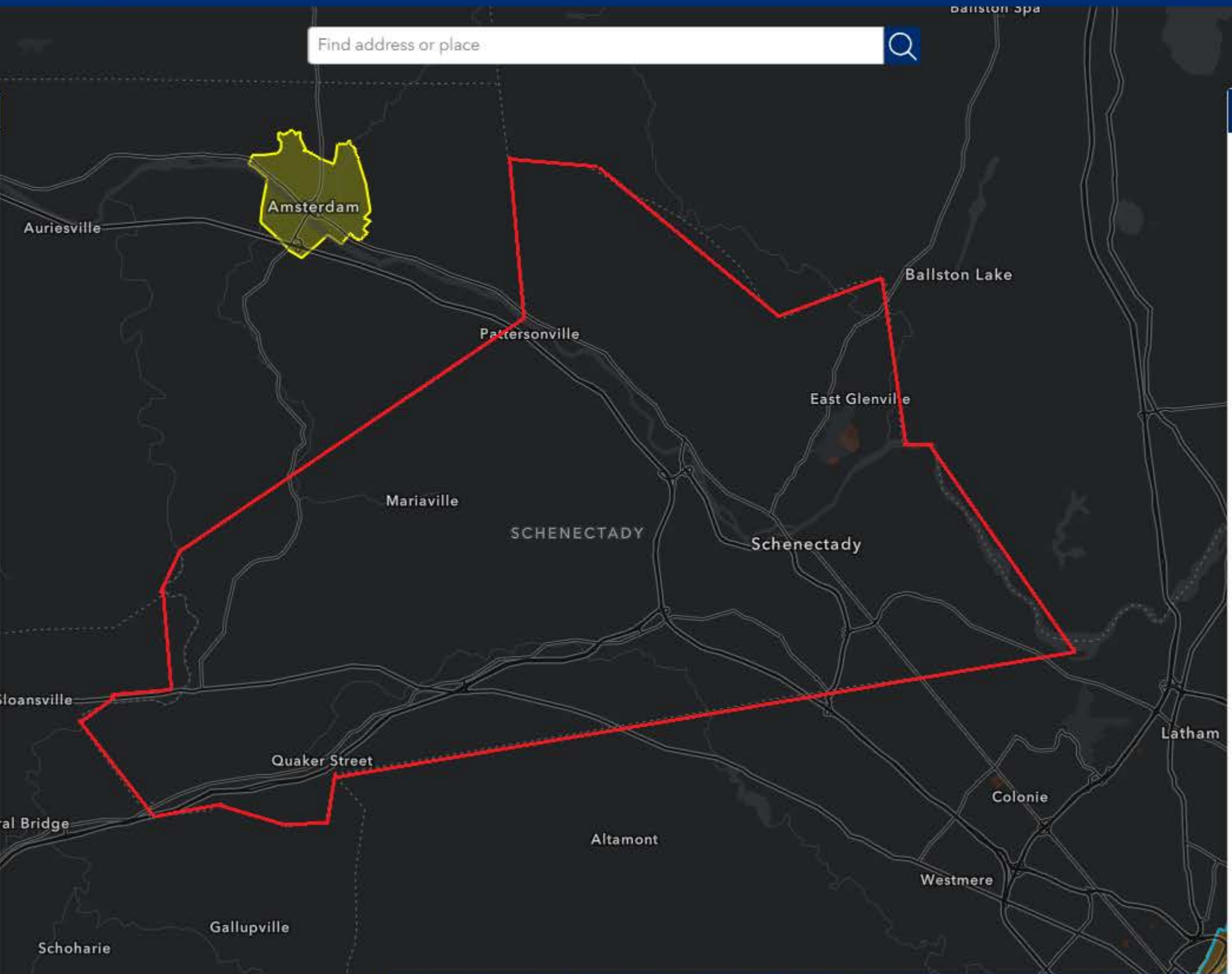
Find address or place

Add Gateway Data

Standard Text / Large Text

Browse Search

- Boundaries
- Cultivation and Farming
- Elevation and Bathymetry
- Energy, Infrastructure and Disposal
- Environmental Health and Safety
- Hydrography and Flooding
- Land Use and Land Cover
- Marine Life and Habitat
- Maritime Industry
- Recreation
- Society and Demographics
- Soils and Geology



Legend

Reverse Order Hide Everything Remove All Layers

- Landward Coastal Area Boundary
- Communities with Local Waterfront Revitalization Programs
- Artificial Canals DOS Identified
- Significant Coastal Fish & Wildlife Habitats
- Scenic Areas of Statewide Significance

PROGRAMMATIC AGREEMENT
among
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER
and
THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
and
CERTAIN NEW YORK UNITS OF STATE AND GENERAL LOCAL GOVERNMENT
ACTING AS RESPONSIBLE ENTITIES
and
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
for
THE REVIEW OF HUD-ASSISTED PROJECTS AND PROGRAMS SUBJECT TO
24 CFR PART 50 and PART 58
in
THE STATE OF NEW YORK

WHEREAS, the U.S. Department of Housing and Urban Development (“HUD”) through various offices, including the Offices of the Assistant Secretaries for Housing—Federal Housing Commissioner (Housing), Public and Indian Housing (PIH), Community Planning and Development (CPD), and Office of Lead Hazard Control and Healthy Homes (OLHCHH) provides grant funding, mortgage insurance and other assistance (“HUD Programs”) to a range of entities within the State of New York; and

WHEREAS, HUD Programs are authorized by various statutes that require environmental compliance under one of two HUD environmental regulations, 24 CFR Part 50 or 24 CFR Part 58; and

WHEREAS, 24 CFR Part 50 requires HUD program officials to conduct environmental review of the activities it proposes to assist and ensure compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA; 54 U.S.C. § 306108), and its implementing regulations 36 CFR Part 800; and

WHEREAS, HUD has the legal responsibility to defend the process and outcomes of the Section 106 review of individual undertakings subject to 24 CFR Part 50 before a court of law; and

WHEREAS, HUD programs that are subject to Part 50 include, but are not limited to: mortgage insurance per Sections 203(b), 207, 211, 213, 220, 221(d)(3), 221(d)(4), 223(a)(7), 223(f), 231, 232, 241(a) and 242 of the National Housing Act of 1934, Section 202 of the Housing Act of 1959, Section 811 of the Cranston-Gonzalez National Affordable Housing Act of 1990; Project

PROGRAMMATIC AGREEMENT
among
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER
and
THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
and
CERTAIN NEW YORK UNITS OF STATE AND GENERAL LOCAL GOVERNMENT
ACTING AS RESPONSIBLE ENTITIES
and
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
for
THE REVIEW OF HUD-ASSISTED PROJECTS AND PROGRAMS SUBJECT TO
24 CFR PART 50 and PART 58
in
THE STATE OF NEW YORK

Signatory Party: NYS Homes & Community Renewal, through the Division
of Housing and Community Renewal, the Housing Finance
Agency, and the Housing Trust Fund Corporation
Responsible Entity: New York State



May 23, 2022

By: Heather Spitzberg, Esq. CFM
Certifying Officer
Director, Environmental Unit

Date

APPENDIX A

EXEMPT ACTIVITIES

In accordance with Stipulation II.G above, undertakings that are comprised solely and entirely of the following activities require no further Section 106 review. Applicability of the exemption must be documented in HEROS or other administrative record.

For the purposes of this Agreement, the term “in-kind repair” means an action to restore the mechanical, structural, or aesthetic function of an element of an historic resource using materials and methods compatible with the original nature and function of that element. The term “in-kind replacement” is defined as installation of a new element that duplicates the material, dimensions, design, configuration and detailing of the original element.

1. Site Work

- a. Streets, driveways, alleys, and parking areas. Repair and restriping of existing concrete or asphalt surfaces and parking areas provided that no changes are made in width, surface, vertical alignment or drainage.
- b. Curbs, gutters, sidewalks, retaining walls. Repair of existing concrete or asphalt surfaces or in-kind replacement of brick, rock, or stone materials for curbs, gutters, sidewalks, and retaining walls.
- c. Site work. In-kind repair/replacement of site improvements in existing footprint, including, but not limited to fences, landscaping, and steps.
- d. Underground Utilities. Repair or replacement of existing water, sewer, natural gas, electric or telecommunication lines and in-place repair of septic systems if it occurs in or adjacent to the existing trench and provided there is no substantial earth moving. Directional boring of new/replacement utility lines within previously disturbed soils.
- e. Above Ground Utilities. Repair or replacement of existing wires, anchors, crossarms, and other miscellaneous hardware on existing overhead lines; not including pole replacement or installation outside city limits. Water tower replacement is not exempt.
- f. Street lighting and traffic signals. Repair and replacement of non-historic streetlights, traffic signals, and traffic signs, outside of a listed or eligible historic district.

- g. Park and playground equipment. Installation, repair or replacement of non-historic park and playground equipment, excluding buildings, with minimal ground disturbance.
- h. Temporary structures. Installation of temporary construction-related structures including scaffolding, barriers, screening, fences, protective walkways, signage, office trailers or restrooms.
- i. Test holes and wells. Test borings, well drilling and perc tests that do not require a temporary or permanent new access road to the site and that do not impact historic paving.
- j. Generators. Temporary installation of generators, and permanent installation of generators that occupy an area under 50 square feet behind the building they serve and that are not visible from the public way.
- k. Plantings. Planting of grass, shrubs, bushes and trees unless the property is located within or adjacent to a listed or eligible historic property.

2. Exterior Rehabilitation

- a. Exterior repairs. In-kind repair of porches, cornices, exterior siding, doors, balustrades, stairs or other trim.
- b. Historic Windows. Caulking, weatherstripping, reglazing and repainting of windows, installation of new window jambs or jamb liners, repair, replacement or installation of storm windows (exterior, interior, metal or wood) provided they match the historic shape and size of the historic prime windows and that the any structural division, such as a meeting rail, coincides with that of the prime window.
- c. Non-historic Windows. Repair of non-historic windows, addition of storm windows, and replacement with new windows sized to fit the original window openings with structural components, mullions, and muntin configurations that approximate the historic window appearance. For example, if the historic windows were double hung, a meeting rail approximately in the middle.
- d. Exterior Painting. Exterior painting of previously painted surfaces. Removal of exterior paint by non-destructive means, using lead-safe work practices (see 24 C.F.R. Part 35.1330 (a) (4), and § 35.1350), limited to hand scraping, low-pressure water less than 600 p.s.i, heat plates, hot air guns, or chemical paint removers provided that the removal method is consistent with §35.140 Prohibited methods of paint removal, and National Park Service Preservation Briefs #10: *Exterior Paint Problems on Historic Woodwork*, and #37: *Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*.

- e. Roofing. Repair or in-kind replacement of roof cladding and sheeting, flashing, gutters, soffits, and downspouts with no change in roof pitch or configuration. Installation of new roofing or reflective roof coatings on a flat-roofed building with a parapet, such that the roofing material is not visible from any public right-of-way.
- f. Awnings. Repair or in-kind replacement of awnings.
- g. Mechanical systems. Placement and installation of exterior HVAC mechanical units and vents not on the front elevation and rooftop units that cannot be seen in conjunction with the front façade.
- h. Basement bulkhead doors. Replacement or repair of basement bulkhead doors and installation of basement bulkhead doors not on the front elevation.
- i. Mothballing. Securing or mothballing a property by boarding over window and door openings, making temporary roof repairs, and/or ventilating the building in accordance with National Park Service Preservation Brief 31: *Mothballing Historic Buildings*.
- j. Accessibility Ramps. Graded ground paths that provide access to a building, repair of existing ramps, and installation of temporary ramps that do not irreversibly impact porches or railings and that do not impact historic paving.
- k. Foundations. Below-grade repair of brick or stone foundations that does not include applying weatherproofing or sealers, and repairs to all other types of foundations.
- l. Attic Vents. Repair or in-kind replacement of historic attic vents in original openings or installation of new attic vents painted to match gable. Installation of ridge vents on replacement roofs provided that the historic gable vents are retained. Existing historic gable vents may be covered or sealed on the interior if required.
- m. Seismic and structural repairs. Seismic and structural repairs of buildings and parking facilities, provided that there is no substantial earth moving, such as new footings, foundation-trenching or excavation.
- n. Chimney liners. Repair or in-kind replacement of chimney liners provided that the work does not affect the exterior of the chimney.
- o. Replacement of mobile homes. Replacement of deteriorated or damaged mobile homes with new mobile homes on existing pads with existing utility hook-ups.

3. Interior Rehabilitation

- a. Mechanical systems. Installation, replacement or repair of plumbing, HVAC systems and units, hot water heaters, furnaces, electrical wiring and fire protection systems, provided no structural alterations are involved. Included are bathroom improvements for handicapped access, provided the work is contained within the existing restroom walls.

- b. Surfaces. Repair or in-kind replacement of interior surface treatment, such as floors, walls, ceilings, plaster and woodwork. If covering historic features, such as wood floors, then carpet or sheet goods (linoleum or vinyl) shall be installed in a reversible manner, either through tacking or with an underlayment so historic floors shall not be irreversibly damaged.
- c. Insulation. Installation of non-spray insulation in ceiling, attic, and basement spaces.
- d. Radiant Barriers. Installation of radiant barriers in unoccupied attic spaces.
- e. Asbestos abatement. Abatement or control of asbestos that does not involve removal or alteration of interior features.
- f. Floors and stairs. Repair and in-kind replacement of floors and stairs, replacement of carpets, and installation or repair of concrete basement floor in an existing basement.
- g. Bath and kitchen fixtures. Repair or replacement of bathroom and kitchen equipment and fixtures.
- h. Accessibility. Modification of a bathroom or kitchen for handicapped access within the walls of the existing bathroom or kitchen. Installation of wedges and removal of thresholds to facilitate access through door openings.
- i. Lead-Based Paint hazard mitigation. Interior lead hazard mitigation and abatement using lead-safe work practices (see 24 C.F.R. Part 35.1330 (a) (4), and § 35.1350), when it is limited to washing, scraping and repainting, wallpapering, and chemical stripping of lead –painted surfaces, installation of new window jambs or jamb liners, installation of metal panning in window wells, and replacement of non-significant flat stock trim, provided that the work is consistent with §35.140 Prohibited methods of paint removal and National Park Service Preservation Brief #37: *Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*.

NYS HOMES & COMMUNITY RENEWAL
Historic Preservation Worksheet For HUD-Funded Projects
(If Applicable) SHARS: _____
Site Address: _____
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This Worksheet and these exemptions are for use for NYSHCR HUD-funded programs only and not to be used for other programs unless determined by the NYSHCR Environmental Unit.

To be completed and signed by Sponsor's authorized signatory or representative.

If project already has a SHPO determination letter, skip #1 and go to #2.

1. Compare **all** the project work activities to the list of exempt activities in Appendix A (attached) and check off applicable exemptions. If **all** the project activities match activities listed in Appendix A, then check Box A and the project will not require further review.
 - A. The Entire project (from all funding sources) consists solely of activities listed in attached Appendix A. **[Stop Here and Sign Last Page – There is no need to contact SHPO. Attach this Historic Preservation Worksheet and Appendix A. The Environmental Unit will determine if this Worksheet and Appendix A are complete. If “A” cannot be checked, continue to #2].**
 2. All projects that are not exempt must consult with SHPO. Attach SHPO’s determination letter. Projects that receive a SHPO letter stating that no historic resources are affected must check either category B or C below. If projects obtain a SHPO letter stating anything other than no historic properties are affected, the NYSHCR Environmental Unit must be contacted and further consultation with SHPO may be necessary.
 - B. Undertakings **without** ground disturbance that have obtained a SHPO letter: **[Stop Here and Sign Last Page - No further review required.]**
 - C. Undertakings **without** “site work” other than what is listed in Appendix A that have obtained a SHPO letter: No further review required. **[Stop Here, check off applicable site work exemptions, and Sign Last Page - No further review required.]**
 - D. Undertakings **with** unexempted “site work” that have obtained a SHPO letter: Contact the NYSHCR Environmental Unit to prepare THPO consultations requests for the appropriate Tribal contacts.

APPENDIX A

EXEMPT ACTIVITIES

For the purposes of this Worksheet, the term “in-kind repair” means an action to restore the mechanical, structural, or aesthetic function of an element of an historic resource using materials and methods compatible with the original nature and function of that element. The term “in-kind replacement” is defined as installation of a new element that duplicates the material, dimensions, design, configuration and detailing of the original element.

[For ERR and tracking purposes these are cited as Stipulation II.g, Appendix A, [numbers, letters]]

1. Site Work

- a. Streets, driveways, alleys, and parking areas. Repair and restriping of existing concrete or asphalt surfaces and parking areas provided that no changes are made in width, surface, vertical alignment or drainage.
- b. Curbs, gutters, sidewalks, retaining walls. Repair of existing concrete or asphalt surfaces or in-kind replacement of brick, rock, or stone materials for curbs, gutters, sidewalks, and retaining walls.
- c. Site work. In-kind repair/replacement of site improvements in existing footprint, including, but not limited to fences, landscaping, and steps.
- d. Underground Utilities. Repair or replacement of existing water, sewer, natural gas, electric or telecommunication lines and in-place repair of septic systems if it occurs in or adjacent to the existing trench and provided there is no substantial earth moving. Directional boring of new/replacement utility lines within previously disturbed soils.
- e. Above Ground Utilities. Repair or replacement of existing wires, anchors, crossarms, and other miscellaneous hardware on existing overhead lines; not including pole replacement or installation outside city limits. Water tower replacement is not exempt.
- f. Street lighting and traffic signals. Repair and replacement of non-historic streetlights, traffic signals, and traffic signs, outside of a listed or eligible historic district.
- g. Park and playground equipment. Installation, repair or replacement of non-historic park and playground equipment, excluding buildings, with minimal ground disturbance.

NYS HOMES & COMMUNITY RENEWAL
Historic Preservation Worksheet For HUD-Funded Projects
(If Applicable) SHARS: _____
Site Address: _____
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- h. Temporary structures. Installation of temporary construction-related structures including scaffolding, barriers, screening, fences, protective walkways, signage, office trailers or restrooms.
- i. Test holes and wells. Test borings, well drilling and perc tests that do not require a temporary or permanent new access road to the site and that do not impact historic paving.
- j. Generators. Temporary installation of generators, and permanent installation of generators that occupy an area under 50 square feet behind the building they serve and that are not visible from the public way.
- k. Plantings. Planting of grass, shrubs, bushes and trees unless the property is located within or adjacent to a listed or eligible historic property.

2. Exterior Rehabilitation

- a. Exterior repairs. In-kind repair of porches, cornices, exterior siding, doors, balustrades, stairs or other trim.
- b. Historic Windows. Caulking, weatherstripping, reglazing and repainting of windows, installation of new window jambs or jamb liners, repair, replacement or installation of storm windows (exterior, interior, metal or wood) provided they match the historic shape and size of the historic prime windows and that the any structural division, such as a meeting rail, coincides with that of the prime window.
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Historic Preservation Worksheet For HUD-Funded Projects
(If Applicable) SHARS: _____
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- e. Roofing. Repair or in-kind replacement of roof cladding and sheeting, flashing, gutters, soffits, and downspouts with no change in roof pitch or configuration. Installation of new roofing or reflective roof coatings on a flat-roofed building with a parapet, such that the roofing material is not visible from any public right-of-way.
- f. Awnings. Repair or in-kind replacement of awnings.
- g. Mechanical systems. Placement and installation of exterior HVAC mechanical units and vents not on the front elevation and rooftop units that cannot be seen in conjunction with the front façade.
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- m. Seismic and structural repairs. Seismic and structural repairs of buildings and parking facilities, provided that there is no substantial earth moving, such as new footings, foundation-trenching or excavation.
- n. Chimney liners. Repair or in-kind replacement of chimney liners provided that the work does not affect the exterior of the chimney.
- o. Replacement of mobile homes. Replacement of deteriorated or damaged mobile homes with new mobile homes on existing pads with existing utility hook-ups.

NYS HOMES & COMMUNITY RENEWAL
Historic Preservation Worksheet For HUD-Funded Projects
(If Applicable) SHARS: _____
Site Address: _____
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3. Interior Rehabilitation

- a. Mechanical systems. Installation, replacement or repair of plumbing, HVAC systems and units, hot water heaters, furnaces, electrical wiring and fire protection systems, provided no structural alterations are involved. Included are bathroom improvements for handicapped access, provided the work is contained within the existing restroom walls.
- b. Surfaces. Repair or in-kind replacement of interior surface treatment, such as floors, walls, ceilings, plaster and woodwork. If covering historic features, such as wood floors, then carpet or sheet goods (linoleum or vinyl) shall be installed in a reversible manner, either through tacking or with an underlayment so historic floors shall not be irreversibly damaged.
- c. Insulation. Installation of non-spray insulation in ceiling, attic, and basement spaces.
- d. Radiant Barriers. Installation of radiant barriers in unoccupied attic spaces.
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- f. Floors and stairs. Repair and in-kind replacement of floors and stairs, replacement of carpets, and installation or repair of concrete basement floor in an existing basement.
- g. Bath and kitchen fixtures. Repair or replacement of bathroom and kitchen equipment and fixtures.
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NYS HOMES & COMMUNITY RENEWAL
Historic Preservation Worksheet For HUD-Funded Projects
(If Applicable) SHARS: _____
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DATE:

CERTIFIED BY:

[Authorized Signatory]

Name & Title

Email Address

Telephone

Civilian Airport Map



Schenectady

Albany Int'l

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length: 1.30 Miles

Ground Length: 1.30

Heading: 148.78 degrees

Mouse Navigation

Save Clear

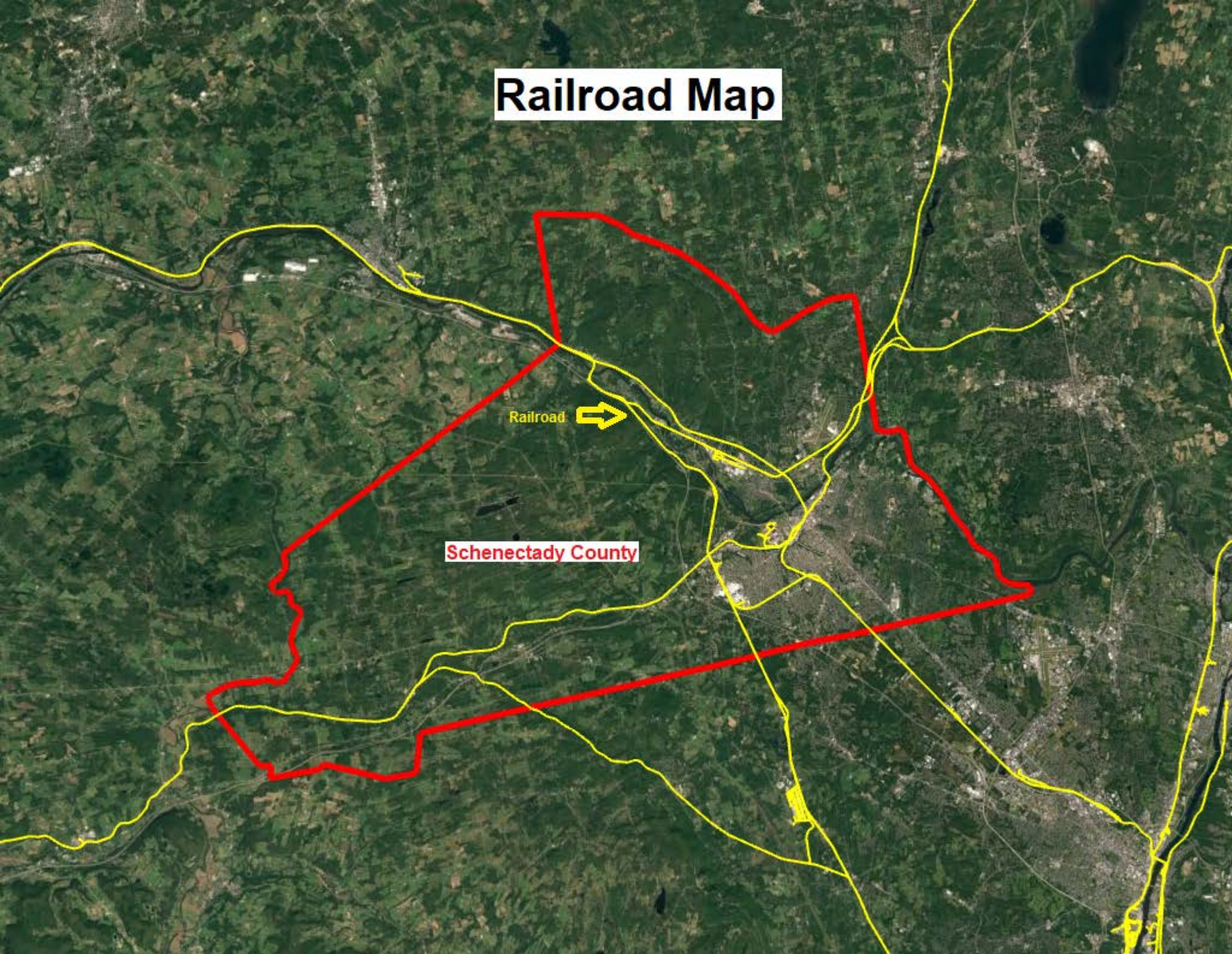
Military Airport Map



ANGB Stratton

Schenectady

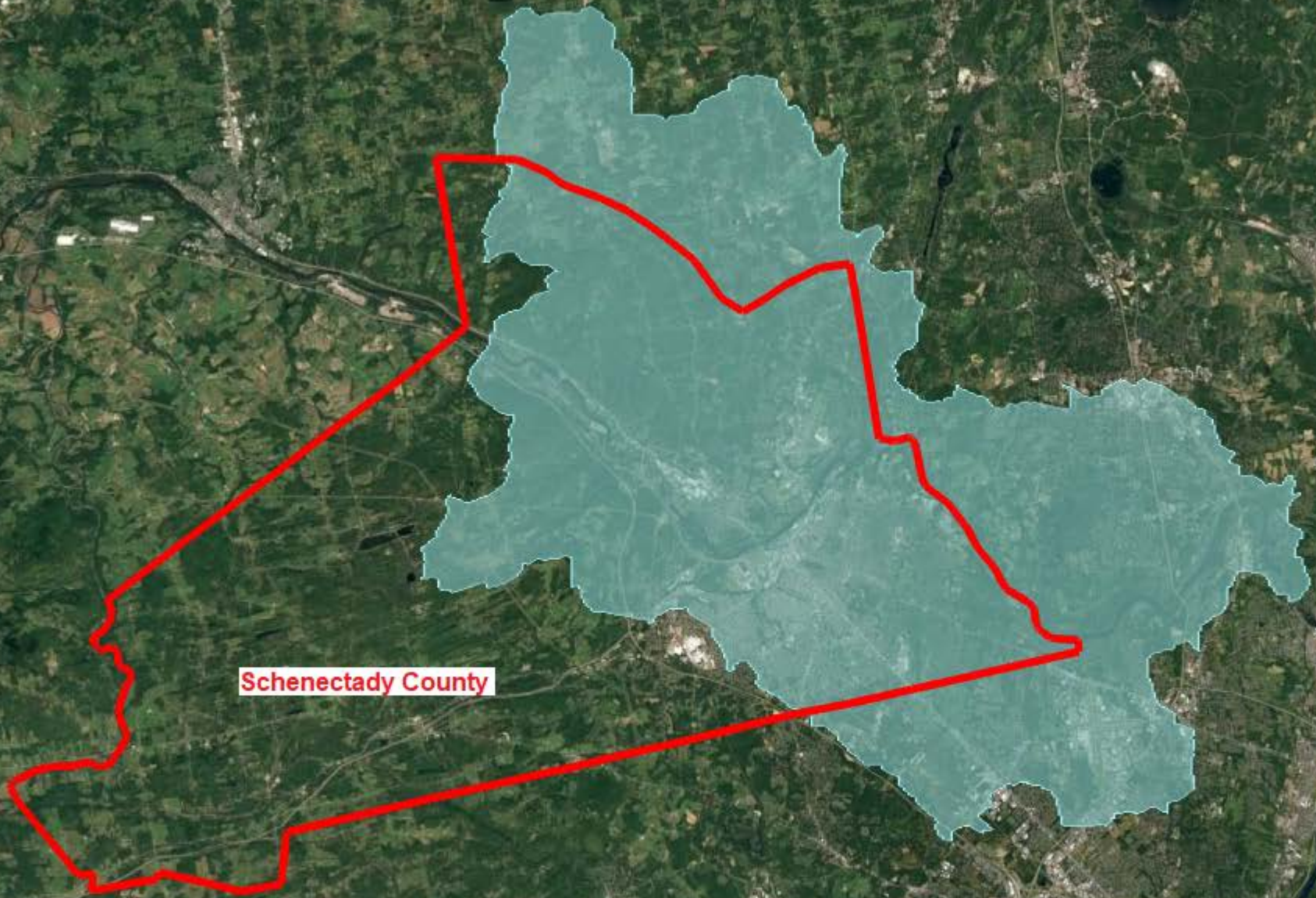
Railroad Map



Railroad →

Schenectady County

SSA Map



Schenectady County

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
REGION II, NEW YORK, NEW YORK

AND

THE ENVIRONMENTAL PROTECTION AGENCY
REGION II, NEW YORK, NEW YORK

PURPOSE and GOAL

This Memorandum of Understanding (MOU) is established to assist the Environmental Protection Agency (EPA), Region II, and the Department of Housing and Urban Development (HUD), Region II, in meeting the Sole Source Aquifer (SSA) project review requirements of Section 1424(e) of the 1974 Safe Drinking Water Act (SDWA) PL 93-523.

The MOU establishes a formal agreement of each agency's responsibilities and the procedures to be followed in evaluating the potential groundwater impact of projects/activities submitted for HUD Federal financial assistance which are located within the project review area of a designated SSA in Region II.

Under Section 1424(e), an aquifer may be designated by EPA as a SSA if it is determined that the aquifer is the sole or principal source of drinking water for an area and, if contaminated, would create a significant hazard to public health. Following designation, no commitment of Federal financial assistance may be entered into for any project/activity within the SSA project review area which the EPA Administrator determines may contaminate the aquifer so as to create a significant hazard to public health.

The overall goal is to ensure that each project/activity receiving Federal financial assistance in a SSA project review area is designed and constructed in a manner that will prevent the introduction of contaminants into the SSA in quantities that may create a significant hazard to public health.

GEOGRAPHIC AREAS AFFECTED

This MOU applies to HUD federal financially assisted projects/activities in the project review area of all current and future designated SSAs in Region II.

This early notification will serve to initiate consultations with the developer to determine the scope of study that may be necessary if any formal groundwater quality assessment is required.

REVIEW PROCESS:

COMMUNITY PLANNING AND DEVELOPMENT (CPD) and HOUSING PROGRAM

The general procedures to be followed by HUD, its delegated agencies and EPA in reviewing HUD federal financially assisted activities and determining their potential impact on the SSA are outlined below. The overall goal is to ensure that each project/activity receiving federal financial assistance is designed and constructed in a manner that will prevent the introduction of contaminants into the SSA in quantities that may create a significant hazard to public health. Two levels of potential review are: (1) Initial Screen/Preliminary Review, and (2) Formal Section 1424(e) Review.

I. Excluded Projects/Activities

EPA and HUD mutually agree that the following list of project/activity categories would not create a significant hazard to public health:

- Construction of individual new residential structures containing from one to four units
- Funding of planning grants
- Rehabilitation of residential units
- Funding of all other grants for non-construction projects/activities
- Projects identified as exempt in 24 CFR 58.34

These categories of projects/activities are therefore excluded from the Initial Screen/Preliminary Review requirements as outlined in Sections II and III below. Potential CPD recipients; states; other delegated agencies and HUD are responsible for making this determination for their respective programs. EPA may request information on these projects/activities and conduct a review if EPA determines it to be necessary.

II. CPD Applications/Final Statements

A. Initial Screen/Preliminary Review

NPS National River Map

Schoharie Creek

Schenectady County

Hunger Kill

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length: 1.42 Miles

Ground Length: 1.42

Heading: 175.77 degrees

Mouse Navigation

Save

Clear

NYS River Map

West Stony Creek
West Stony Creek

Sagaoga River

Schenectady County

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length:	20.43	Miles
Ground Length:	20.43	
Heading:	309.95	degrees

Mouse Navigation



2024 and 2025 Small DDAs and QCTs

Overview of 2024 and 2025 Small DDAs and QCTs

The 2025 Qualified Census Tracts (QCTs) and Difficult Development Areas (DDAs) are effective January 1, 2025. The 2025 QCT designations use tract boundaries from the 2020 Decennial census. The 2025 metro DDAs use ZIP Code Tabulation Area (ZCTA) boundaries from the 2020 Decennial census. The designation methodology is explained in the Federal Register notice published September 9, 2024.

Current zoom: 10

Select Year:

2025 2024

Select Layer(s):

LIHTC Projects (Zoom 11+)

FMR Outlines (Zoom 4+)

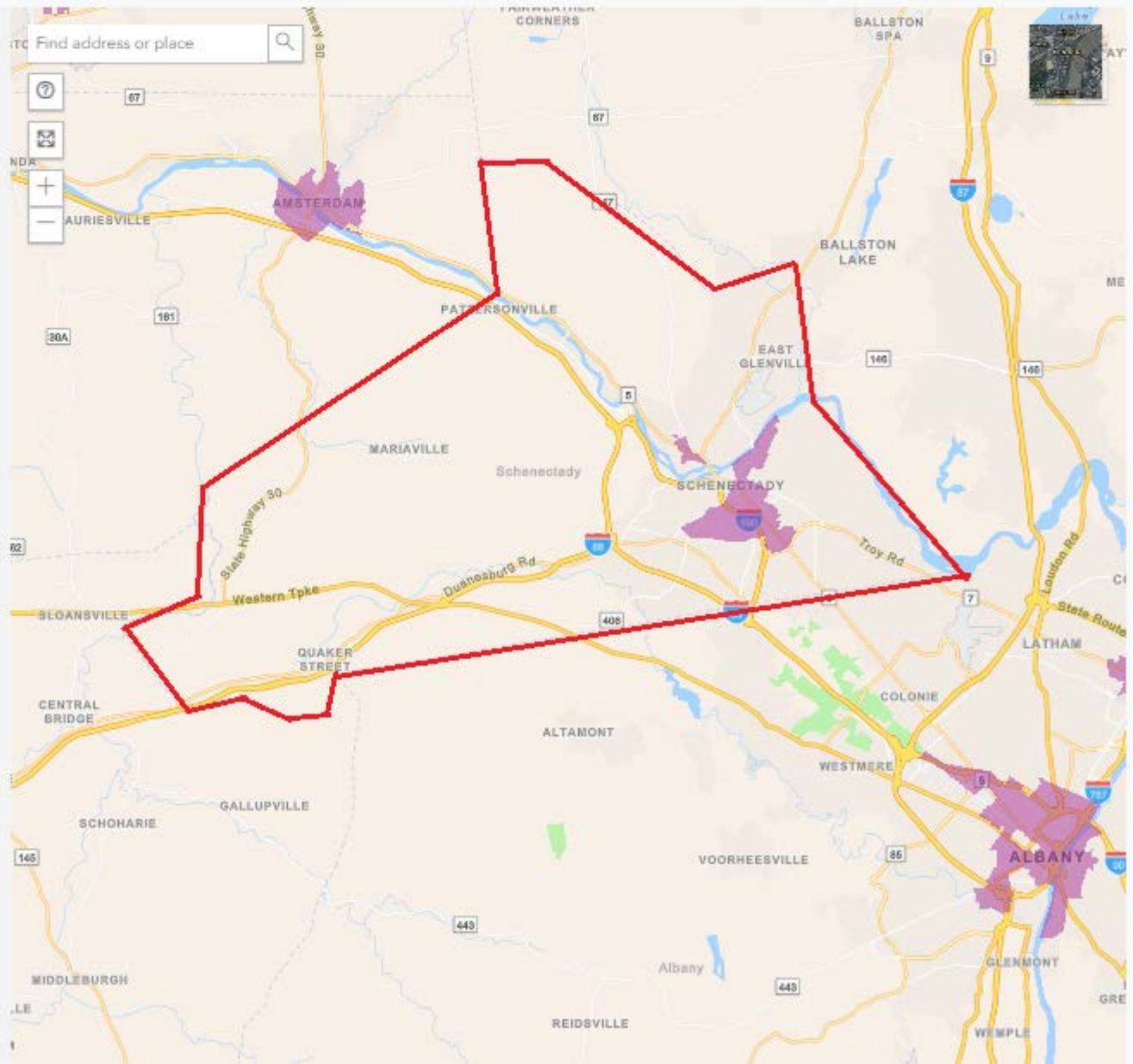
Difficult Development Areas (Zoom 7+)

Non Metro Difficult Development Areas

Small Difficult Development Areas

Color QCT Qualified Tracts (Zoom 7+)

Tracts Outline (Zoom 11+)



Details Basemap

Print Measure Find address or place

About Content Legend

Contents

- Potential Environmental Justice Area PEJA Communities - Potential Environmental Justice Area (PEJA) Communities
- Dark Gray Canvas



Data collection: US Census Bureau Data analysis: David E. Witt, New York State Department of Environmental Conservation



NYS HOUSING TRUST FUND CORPORATION
HOME LPA PROGRAM
Tier 2 Site Specific Statutory Checklist
Attachment to Tier 1 Programmatic ERR

APPROVED FOR:

SHARS No: 20243096
LPA Name: Better Community Neighborhoods, Inc.
Program Name: BCNI City of Schenectady FY2024 Homeowner Rehab
Program Activities: Rehabilitation of single-family homes
Target Area: Scattered sites within Schenectady County

TIER 2 SITE SPECIFIC INFORMATION: (to be filled in by LPA upon choosing site)

[Replace or delete bracketed language [and the brackets] with site-specific information – including this bracket]

1. Site address (including county):
2. Number of units:
3. Project description (this project description must fit within the “Program Activities” described above):

Better Community Neighborhoods, Inc. proposes rehabilitation of a _-story building for [families, persons 55 or older], with __ residential units at [address] in the [Village or Town or City] of _____, _____ County. The rehabilitation work includes _____. Public water and sewer [are or are not] available at the site. [An existing [structure] will be demolished on the site.] Site work will include [installation or repair of water supply system or septic system, clearing, grading and excavation, construction of driveways, parking areas and sidewalks, finish grading and landscaping]. [Pre-work radon testing results were above the EPA action level of 4 pCi/L and a passive radon mitigation system has been incorporated in the project scope of work.]

4. Ground disturbance and/or tree cutting – please specify and include in project description: [Yes / No]
5. Has work or site altering activities begun on the site (if yes, stop and contact EAU and Program, this site may not be eligible for funding): [Yes / No]
6. If project involves acquisition, has acquisition already occurred for the site (if yes, stop and contact EAU and Program, this site may not be eligible for funding): [NA/ Yes / No]

Directions: Use this form to create a template Tier 2 Site Specific Checklist. It should include the instructions that were developed during the Tier 1 review and language options for the Tier 2 review. For each Tier 2 site specific review, choose the most appropriate language option.

NYS HOUSING TRUST FUND CORPORATION
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<p>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Provide description of compliance for all issues not resolved at the Tier 1 programmatic level</p> <p>Additional supporting material must be attached.</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6</p>	
<p>Airport Hazards</p> <p>24 CFR Part 51 Subpart D</p>	<p>The site location was reviewed and determined to be outside the Airport Protection Zone (APZ) for the ANGB Stratton military airport (map[s] attached).</p> <p>OR</p> <p>The site location was reviewed and determined to be inside the Airport Protection Zone (APZ) for the ANGB Stratton military airport (map attached).</p> <p>AND [within the APZ]</p> <p>The project sponsor has confirmed that the project conforms with Department of Defense (DOD) guidelines (see attached).</p> <p>AND</p> <p>It was determined at the Tier 1 level review that there are no civilian airports within 2,500 feet of the program target area.</p>
<p>Coastal Barrier Resources</p> <p>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Resolved during Tier 1 review.</p> <p>OR</p> <p>According to the [CBRA or FIRM] map for this area (attached), the site is not located in a CBRA.</p>
<p>Flood Insurance</p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform</p>	<p>According to FIRM No. _____, dated _____ (attached), this site is not located in a floodway or a 100-year flood-zone.</p>

NYS HOUSING TRUST FUND CORPORATION
HOME LPA PROGRAM
Tier 2 Site Specific Statutory Checklist
Attachment to Tier 1 Programmatic ERR

<p>Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>OR</p> <p>According to FIRM No. _____, dated _____ (attached), a portion of the site, but not the building, is located in the 100-year flood-zone. No flood insurance is required.</p> <p>OR</p> <p>According to FIRM No. _____, dated _____ (attached), the project building (activity) is not located in a floodway, but is located in a 100-year flood-zone. Flood insurance will be purchased and maintained for this site, in compliance with the HOME Award Agreement.</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5</p>	
<p>Clean Air</p> <p>Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<p>Resolved during Tier 1 review.</p>
<p>Coastal Zone Management</p> <p>Coastal Zone Management Act, sections 307(c) & (d)</p>	<p>Resolved during Tier 1 review.</p>
<p>Contamination and Toxic Substances</p> <p>24 CFR Part 50.3(i) & 58.5(i)(2)</p>	<p>The site was visited by ____ on ____ and determined to be free from any hazardous materials or contamination (see attached report).</p> <p>OR</p> <p>The site was visited by ____ on ____ and determined to have the following contamination concerns: _____. The environmental professional recommended the following _____, which will be undertaken during project work (and not prior).</p> <p>AND</p> <p>Radon testing was conducted prior to any work by _____ on _____. The test results were below the EPA</p>

NYS HOUSING TRUST FUND CORPORATION
HOME LPA PROGRAM
Tier 2 Site Specific Statutory Checklist
Attachment to Tier 1 Programmatic ERR

	<p>action level of 4 pCi. Therefore, a passive radon mitigation system is not required.</p> <p>OR</p> <p>Radon testing was conducted prior to any work by ____ on _____. The test results indicated concentrations of radon exceeding the EPA action level of 4 pCi. Therefore, a passive radon mitigation system is required and has been included in the project scope of work. Radon testing will be conducted at the completion of the implementation of the radon mitigation system and other work activities to ensure the effectiveness of the passive radon mitigation system. Acceptable post work activity radon testing results must be submitted to environmental.reviews@hcr.ny.gov prior to project closeout submission to OCR project management. Should the post work radon testing indicate concentrations of radon above the EPA action level of 4 pCi, the radon mitigation system must be activated and retested. Acceptable activated radon mitigation system retesting results must be forwarded to EU prior to project closeout submission to OCR project management.</p> <p>AND</p> <p>Regarding asbestos containing materials (ACM), all project work will comply with NYS Department of Labor Part 56 requirements including the need for surveys and clearance reports, as required. A contractor will be involved in the project construction and will be instructed by the LPA regarding the need for compliance with Part 56.</p> <p>Regarding lead-based paint (LBP), in homes constructed prior to 1978, all work will be conducted according to the HUD “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing” and the EPA Renovation, Repair and Painting Rule (RRP rule).</p> <p>All ACM and LBP must be properly disposed of at a properly licensed facility.</p>
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NYS HOUSING TRUST FUND CORPORATION
HOME LPA PROGRAM
Tier 2 Site Specific Statutory Checklist
Attachment to Tier 1 Programmatic ERR

	<p>The LPA must maintain all ACM/LBP compliance documentation for potential audit by OCR.</p>
<p>Endangered Species</p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>The project does not involve ground disturbance outside of the existing footprint or tree cutting.</p> <p>OR</p> <p>The project involves ground disturbance outside of the existing footprint and/or tree cutting. The EAF Mapper indicates that no rare, threatened, or endangered species inhabit the project area. The USFWS Official Species List indicates that no endangered species inhabit the project area. No further review necessary.</p> <p>OR</p> <p>The project involves ground disturbance outside of the existing footprint and/or tree cutting. The EAF Mapper indicates the following rare, threatened, or endangered species in the project area: [xxx species]. The USFWS Official Species List indicates that the (xxx species) is a concern in the project area.</p> <p>*If EAF Mapper or the USFWS Official Species List indicates rare, threatened, or endangered species inhabit the project area, contact EU for a finding or further consultation as necessary. Appropriate comment language will be provided once a finding has been made.</p> <p>All maps and/or letters are attached.</p>
<p>Explosive and Flammable Hazards</p> <p>24 CFR Part 51 Subpart C</p>	<p><i>[Use with no new tanks on site and no need for off-site thermal survey due to listed conditions being met]</i></p> <p>The project will not allow for installation of any new outdoor above ground storage tanks (ASTs) on the project site. It does not involve new construction, conversion of non-residential to residential use, an increase in unit density, a new footprint, or an increase in the size of a mobile home by 122% or more, so a thermal explosive survey is not required.</p> <p>OR</p>

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	<p><i>[Use with no new tanks on site, but off-site thermal survey needed because the project involves either new construction, conversion of non-residential to residential use, an increase in unit density, or an increase in the size of a mobile home by 122% or more]</i></p> <p>The project will not allow for installation of any new outdoor above ground storage tanks (ASTs) on the project site. However, it does involve either new construction, conversion of non-residential to residential use, an increase in unit density, or an increase in the size of a mobile home by 122% or more, so a thermal explosive survey is required.</p> <p>OR <i>[Use when new tanks on site]</i></p> <p>The project will install [insert number] new outdoor above ground storage tanks (ASTs) and the tank[s] will either be (1) beyond the applicable Acceptable Separation Distance (ASD), which is [insert number of feet] OR (2) in compliance with National Fire Prevention Association regulations at NFPA 58 with compliance documented by the company servicing the tank.</p> <p>AND <i>[Use 1, 2 or 3 depending upon survey needs]</i></p> <p>[1.] The project does not involve new construction, conversion of non-residential to residential use, an increase in unit density, a new footprint, or an increase in the size of a mobile home by 122% or more, so a thermal explosive survey is not required.</p> <p>OR</p> <p>[2.] A survey conducted on [insert date] demonstrates that no currently existing above-ground storage tanks are located within a radius that can affect the site.</p> <p>OR</p> <p>[3.] A [insert date] survey identified [insert description of tanks, including distance and location]. [insert language after EU review: EU determined that an ASD exists and/or that the tanks wouldn't affect the site</p>
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	based upon intervening topography or structures and/or any tanks existing on the project site comply with NFPA 58.]
<p>Farmlands Protection</p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	Resolved during Tier 1 review.
<p>Floodplain Management</p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>According to FIRM No. _____, dated _____ the project site is not located within a regulatory floodway that would prohibit this action from proceeding per 24 CFR Part 55.</p> <p>AND</p> <p>According to FIRM No. _____, dated _____ the project site does not contain a 100-year floodplain (also referred to as a Special Flood Hazard Area (SFHA)).</p> <p>The project site is located further than 1 mile from the nearest mapped SFHA area, so further Future Flood Risk Management Standard (FFRMS) review is not required per HUD. No further action required.</p> <p>OR</p> <p>According to FIRM No. _____, dated _____ the project site contains a 100-year floodplain (also referred to as a Special Flood Hazard Area (SFHA)) and/or a mapped 500-year floodplain, and therefore, also requires Future Flood Risk Management Standard compliance[EU will conduct further review and provide the appropriate path of compliance upon Tier 2 submission]</p> <p>OR</p> <p>According to FIRM No. _____, dated _____ the project site does not contain a 100-year floodplain (also referred to as a Special Flood Hazard Area (SFHA)) or a mapped 500-year floodplain, but, the project site is located within 1 mile from the nearest mapped SFHA area and further Future Flood Risk</p>

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	<p>Management Standard (FFRMS) review is required per HUD. [EU will conduct further review and provide the appropriate path of compliance upon Tier 2 submission].</p>
<p>Historic Preservation</p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Per the Programmatic Agreement for the Review of HUD-Assisted Projects and Programs in the State of New York, this project is exempt from further review under Section 106. See attached NYSHCR Historic Preservation Worksheet for HUD-Funded Projects applicable to this project. EU will add the project to its tracking system for yearly reports to HUD.</p> <p>OR</p> <p>This project is not exempt per the Programmatic Agreement for the Review of HUD-Assisted Projects and Programs in the State of New York. According to a letter dated _____ from OPRHP, there are no historic properties affected by this undertaking.</p> <p>AND</p> <p>THPO was not contacted because no ground disturbance will be conducted.</p> <p>OR</p> <p>Ground disturbance is included in the project and EU will consult with the appropriate tribal contacts and supply one of the following bracketed comments accordingly.</p> <p>[All THPO contacts for Schenectady County listed on TDAT were contacted on _____ and provided with a project location map, a detailed project description and all documents related to the OPRHP submission (attached). No response was received.</p> <p>OR</p> <p>All THPO contacts for Schenectady County listed on TDAT were contacted on _____ and provided with a project location map, a detailed project description and all documents related to the OPRHP submission</p>

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	(attached). A ____ response letter from ____ states: ____ (attached).]
<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>[Use if the site <i>is not within</i> any of the listed distances]</p> <p>The project is not within 1,000 feet of a roadway with data in the NYS Traffic Data Viewer (TDV) www.dot.ny.gov/tdv, 3,000 feet of a railroad or 15 miles of a commercial airport listed on the FAA’s 139 list or a military airport, as listed in the Tier 1 review.</p> <p>OR</p> <p>[Use if the site <i>is within</i> any of the listed distances; may require editing language for accuracy]</p> <p>The project is within 1,000 feet of a roadway with data in the NYS Traffic Data Viewer (TDV) www.dot.ny.gov/tdv [insert name of roadway] [and/or], 3,000 feet of a [insert name of railroad] and/or 15 miles of ANGB Stratton but the project is rehabilitation. The LPA understands that noise mitigation is strongly encouraged. [Insert either 1) a description of any work that will mitigate noise that is currently contemplated, including new windows, doors, insulation, etc. OR 2) “The Program will not divert funds to noise attenuation since that might jeopardize the viability of the intended project scope of work.”]</p>
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Resolved during Tier 1 review.</p>
<p>Wetlands Protection</p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>The project will not involve any ground disturbance.</p> <p>Or</p> <p>The project will involve ground disturbance.</p> <p>AND</p> <p>State wetlands</p> <p>The project ground disturbing activities only involve the replacement of a [deck, porch, footers, stairs].</p>

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	<p>Therefore, the submission for a Parcel Jurisdictional Determination (JD) to NYSDEC is not required. No further State compliance is necessary.</p> <p>OR</p> <p>The project ground disturbance involves activities other than the replacement of a deck, porch footers, or stairs. A Parcel JD was submitted for NYSDEC review at https://survey123.arcgis.com/share/be5c071ff72d4876986b18488721e55f, and a Negative Parcel JD was received (attached). No further State compliance required.</p> <p>OR</p> <p>The project ground disturbance involves activities other than the replacement of a deck, porch footers, or stairs. A Parcel JD was submitted for NYSDEC review at https://survey123.arcgis.com/share/be5c071ff72d4876986b18488721e55f, and a Positive Parcel JD was received (attached). <i>[EU was contacted for further State wetland compliance and it was determined that _____]</i></p> <p>AND</p> <p>Federal wetlands Federal wetland maps were checked and no Federal wetlands are located on or near the project site. No further Federal wetland compliance required.</p> <p>OR</p> <p>Federal Wetland maps were checked [and, as requested by EU, a wetland habitat assessment was completed for the site] and the project site work is not in or adjacent to a federal wetland area, or wetland habitat (attachment).</p> <p>OR</p> <p>Federal Wetland maps were checked [and, as requested by EU, a wetland habitat assessment was completed for the site] and the project site work is located in or</p>
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	adjacent to a federal wetland area, or wetland habitat. (attachment). [EU will be consulted to determine how to proceed with regard to ACOE requirements]
<p>Wild and Scenic Rivers (WSRs)</p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>The project is not within the designated control area (0.25 mile from river) of the Schoharie Creek. The nearest WSR is the [insert name of nearest WSR River], located approximately ____ miles from the project site. See attached map.</p> <p>OR</p> <p>The project is within the designated control area (0.25 mile from river) of the [insert name of WSR rivers]. See attached map. Upon further consultation with _____, it was determined that _____.</p>
ENVIRONMENTAL JUSTICE	
<p>Environmental Justice</p> <p>Executive Order 12898</p>	<p>The proposed project site is not located in an Environmental Justice Area according to NYSDEC mapping or a HUD designated 60% AMI qualified census tract according to the HUDuser map at https://www.huduser.gov/portal/sadda/sadda_qct.html</p> <p>OR</p> <p>The proposed project site is located in an Environmental Justice Area or a HUD designated 60% AMI qualified census tract according to NYSDEC and HUD mapping. The project is intended to serve an existing need for affordable housing and is not expected to facilitate development which would result in disproportionate adverse environmental impacts on low income or minority populations. It will improve the living conditions of the residents of the home by providing needed upgrades and repairs. There are adequate services in the area for the residents.</p>
STATE OR LOCAL STATUTES	
Agricultural Districts	

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	The project does not involve new construction or mobile home replacement. No further action is required.
Wild, Scenic and Recreational Rivers (WSRRs) NYSDEC Part 666	Resolved during Tier 1 review.

“I am the authorized signatory for the HTFC HOME LPA award to the entity named below. I have read this Tier 2 Site Specific Statutory Checklist and by signing this document agree with the statements made herein and agree that this Tier 2 site specific review was conducted in conformance with the Tier 1 programmatic review procedures.”

Prepared by:

Date:

Title:

Email Address:

Preparer’s Signature:

Phone Number:
