

**Housing Trust Fund Corporation**  
**Vacant Rental Program (VRP)**

**Guide for Environmental Site Certification Checklist**

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## I. Introduction

Awards made under the Office of Community Renewal's (OCR) state funded grant programs are subject to requirements of the State Environmental Quality Review Act (SEQR) at 6 NYCRR Part 617. Compliance applies to all participants in the development process, including public or private nonprofit or for-profit entities, or any participating contractors.

The primary objective of the environmental review process is to identify specific environmental factors that may be encountered at individual project sites, and to develop procedures to ensure compliance with regulations pertaining to these factors.

The environmental review process will evaluate site-specific Environmental Site Certification Checklists for individual project sites/buildings. The first three (3) VRP Checklists completed by the Local Program Administrator (LPA) must be submitted for review and approval by OCR. The (LPA) will submit the Checklist to OCR at [TargetedPrograms@hcr.ny.gov](mailto:TargetedPrograms@hcr.ny.gov) for approval. **Construction cannot begin on a project until OCR approves the checklist.** After OCR approval of the first three Checklists, OCR will advise the LPA if approval of future Checklists is required.

## II. HCR Environmental Unit Requirements

In certain situations, The Environmental Unit (EU) will need to review and approve work such as:

- Work on a building determined by SHPO to have historic and cultural significance.
- Substantial improvement in a flood zone
- If a project with site disturbance or tree cutting/clearing is in an area of endangered, threatened, or rare plants or animals, or significant natural communities
- Work requiring a zone change or constituting a SEQR Unlisted Action by the municipality.

In any of these instances, the LPA should submit documentation only to the VRP Project Manager at [TargetedPrograms@hcr.ny.gov](mailto:TargetedPrograms@hcr.ny.gov). The Project Manager will review for accuracy and provide any required guidance. If necessary, the Project Manager will submit the checklist and documentation to EU for additional guidance.

### III. Checklist Instructions

Instructions for completing each section of the checklist are provided below:

#### A. Historic/Cultural Resources

The Environmental Site Certification Checklist Includes the following options for selection that the LPA must choose from:

<p><b>Historic/Cultural Resources<sup>1</sup>:</b> Section 14.09 of the Parks, Recreation and Historic Preservation Law.</p>	<p><input type="checkbox"/> The entire project (from all funding sources) consists solely of activities that meet the exemptions as listed in the Historic Preservation Certification for State-Funded Projects. All project site work, regardless of exemption status, must comply with Appendix A (Human Remains Discovery Protocol) and Appendix B (Unanticipated Discoveries). <b>Complete and sign the certification worksheet and keep in project file;</b> OR</p> <p><input type="checkbox"/> The entire project (from all funding sources) consists of activities beyond the exemptions indicated in the Historic Preservation Certification for State Projects. <b>Consult with SHPO. Attach SHPO’s determination letter. If the SHPO letter states anything other than no historic properties are affected, contact the VRP Project Manager for further guidance and submission to EU.</b></p>
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State Historic Preservation Office (SHPO) Review Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law of 1980 requires a publicly-funded project to be reviewed for its potential effect on historic properties.

There are specific exemptions from SHPO review for certain properties and work activities. A “Historic Preservation Certification for State-Funded Projects” is available on the VRP website and must be utilized to determine whether projects are exempt from review, in accordance with the instructions provided on the checklist (as shown above).  
Note:

If the LPA determines that a project is exempt from SHPO review, it must indicate in the Program Tracker that it was found to be exempt and SHPO was therefore not contacted. The type of exemption must be indicated in the Program Tracker.

In the event that the project requires SHPO review and If SHPO responds with compliance conditions, the LPA should submit documentation first to the VRP Program Manager, as described above.

The SHIP Cultural Resource Information System (CRIS) can be accessed here:  
<https://cris.parks.ny.gov>.

The HTFC SHPO Electronic Project Submission Guide can be found here:  
<https://hcr.ny.gov/shpo-electronic-project-submission-guide>

#### B. Flood Plains.

The Environmental Site Certification Checklist Includes the following options for selection that the LPA must choose from:

<p><b>Flood Plains:</b> 6 NYCRR Part 502, Floodplain Management Criteria for State Projects.</p>	<p><input type="checkbox"/> Structure is not in a 100-year floodplain or 500-year floodplain (<b>attach map</b>); OR</p> <p><input type="checkbox"/> Structure is within a 100-year floodplain and/or 500-year floodplain and scope of work does not constitute substantial improvement (greater than 50% of the value). <b>Attach documentation showing calculation;</b> OR</p> <p><input type="checkbox"/> Other (<b>contact VRP Project Manager for further guidance and submission to EU</b>)</p>
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The Local Program Administrator must consider 6 NYCRR Part 502, Floodplain Management Criteria for State Projects if any projects are in a 100-year and/or 500-year floodplain. Each site in the Program must be reviewed for its location with regard to floodplains.

Source documentation for these determinations must be provided and can include a copy of a FIRM map, with the Panel Number and Effective Date, or communication from the local Floodplain Manager responsible for a community's participation in the National Flood Insurance Program. If a FIRM map is not clear, a determination should be made by the unit of local government and documented in a letter.

- Select **“Structure is not in a 100-year floodplain or 500-year floodplain”** if it is determined the property is not in a 100-year and/or 500-year floodplain. Documentation must clearly identify the project location on the FIRM map. Additional documentation may be required if proximity to floodplain is unclear. This could include a formal determination by the local municipal floodplain manager and documented in a letter.
- If it is determined that the project site is within a 100-year and/or 500-year floodplain, it must be evaluated and documented whether the proposed scope of work can be classified as “substantial improvement.” Substantial Improvement is defined as, “any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the replacement value of the structure,” per 6 NYCRR Part 502.2(bb)(1), Floodplain Management Criteria for State Projects. Documentation must include a determination and explanation from the LPA or municipality as to why the project does not meet the definition of substantial improvement. Select **“Structure is within a 100-year floodplain and/or 500-year floodplain and scope of work does not constitute substantial improvement (greater than 50% of the value)”** if determined by LPA to not constitute a substantial improvement.
- If the project site is within a floodplain and will involve substantial improvement or new construction of structures, contact the VRP Program Manager for additional guidance.

#### Instructions for creating a FIRM Map

1. Go to: <https://msc.fema.gov/>
2. Enter the project site address in the search tool and hit enter or select search
3. Click on the Dynamic Map icon to produce a map

6 NYCRR Part 502, *Floodplain Management Criteria for State Projects* is available online here:

[https://www.fema.gov/pdf/floodplain/nfip\\_sg\\_unit\\_8.pdf](https://www.fema.gov/pdf/floodplain/nfip_sg_unit_8.pdf)

**C. Zoning Changes**

The Environmental Site Certification Checklist Includes the following options for selection that the LPA must choose from:

<p><u>Zoning change/special use permit:</u></p>	<p><input type="checkbox"/> Project conforms to the local land use plans and has received all necessary zoning and site plan approvals and permits; OR</p> <p><input type="checkbox"/> Project requires site plan approval, zoning change or is a change in actual use (contact EU for further guidance).</p>
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Each site to be assisted by Office of Community Renewal state funded programs must be reviewed with regard to its zoning classification and proposed use. Project sites must conform to the relevant local land use plans and must receive all necessary zoning and site plan approvals and permits. The project may be classified as an Unlisted action under the State Environmental Quality Review Act (SEQR) and require further review if a zoning change is required or the renovation project will result in a change in building use.

If selecting the first option, documentation for this determination is not required if the project conforms to the local land use plans and has received all necessary zoning and site plan approvals and permits.

If the project requires a variance or special use permit for issuance of a building permit, the LPA should first contact VRP Program Manager, and when instructed, contact the Environmental Unit for further guidance.

**D. Lead Based Paint**

Units in properties that were constructed prior to 1980 must be evaluated for hazards posed by lead-based paint. Contractors performing renovation, repair and painting projects that may disturb lead-based paint must be EPA certified and follow specific work practices to prevent lead contamination.

<p><b><u>Site Contamination:</u></b> <b><i>Lead Based Paint</i></b></p>	<p><input type="checkbox"/> Project involves buildings constructed in 1980 or more recently and will comply with the 'EPA Renovation, Repair and Painting Rule' (RRP rule); OR</p> <p><input type="checkbox"/> The Project involves buildings constructed prior to 1980 where disturbance of paint may occur. The project complies with the Vacant Rental Program lead policy (<b>attach Targeted Lead Risk Assessment</b>).</p>
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The VRP Lead-Based Paint Policy includes specific procedures for Evaluation, Disclosure, Work Practices, Clearance, Record Keeping, and Ongoing Maintenance depending upon the renovation type or amount. If a property is built prior to 1980, the checklist option will be selected that the Project complies with the Vacant Rental Program lead policy (as shown in the table on the following page).

### VRP Lead-Based Paint Policy Table

VRP Policy	Protocol	
<b>Applicable Units</b>	<ul style="list-style-type: none"> <li>Properties constructed prior to 1980</li> <li>All units assisted with VRP funds and tenant means of egress to such units</li> </ul>	
<b>Initial Hazard Identification</b>	<u>Unit Rehab Cost &lt;\$5,000</u>	<u>Unit Rehab Cost &gt;\$5,000</u>
	<ul style="list-style-type: none"> <li>Test any of unit’s interior surfaces to be disturbed using XRF or EPA recognized test kits</li> </ul>	<ul style="list-style-type: none"> <li>Targeted Risk Assessment (VRP-assisted units and tenant egresses)</li> <li>Full property risk assessment is encouraged, but not required</li> <li>Performed by EPA certified Risk Assessor</li> <li>Risk assessment completed in accordance with EPA CFR 40 Part 745.227(d)</li> </ul>
<b>Notification and Disclosure</b>	<ul style="list-style-type: none"> <li>Proof of owner notification.</li> <li>Proof of Renovate Right and Protect Your Family from Lead in Your Home publications provided.</li> </ul>	
<b>Required Actions/Work Practices</b>	<u>Unit Rehab Cost &lt;\$5,000</u>	<u>Unit Rehab Cost &gt;\$5,000</u>
	<ul style="list-style-type: none"> <li>Conduct work in accordance with EPA work standards per CFR 40 Part 745.85 (RRP Standards)</li> </ul>	<ul style="list-style-type: none"> <li>Remediation of identified hazards using interim controls and lead safe work practices<sup>1</sup></li> <li>Abatement of friction and impact surfaces is recommended but not required</li> <li>Conduct work in accordance with EPA work standards per CFR 40 Part 745.85 (RRP Standards)</li> </ul>
<b>Eligible Contractors</b>	<ul style="list-style-type: none"> <li>For work scope items that will disturb any positive or presumed positive painted surfaces in the Targeted Lead Risk Assessment:                             <ul style="list-style-type: none"> <li>EPA Certified Renovator Firm</li> <li>EPA Certified Renovators</li> </ul> </li> <li>Certification not required only for contractors performing specific scope items confirmed by LPA to not disturb any positive or presumed positive paint surfaces per the Targeted Risk Assessment.</li> </ul>	
<b>Occupant Protection</b>	<ul style="list-style-type: none"> <li>As needed and only applicable if work being completed in common areas/tenant egress areas of properties that are partially vacant</li> </ul>	
<b>Final Inspection</b>	<ul style="list-style-type: none"> <li>Post-remediation testing to ensure dust-lead hazards are below the DLHS action levels (formerly “Clearance Testing”)<sup>2</sup></li> </ul>	
<b>Dust-Lead Hazard Standard</b>	<u>Standard through 1/11/26<sup>3</sup>:</u>	<u>New Standard as of 1/12/2026:</u>
	<ul style="list-style-type: none"> <li>Floors: 10 ug/sf</li> <li>Windowsills: 100 ug/sf</li> <li>Window Wells: 400 ug/sf</li> </ul>	<ul style="list-style-type: none"> <li>Floors: 5ug/sf</li> <li>Windowsills: 40ug/sf</li> <li>Window Wells: 100ug/sf</li> </ul>
<b>Records Retention</b>	<ul style="list-style-type: none"> <li>Through 10-year VRP Regulatory Period</li> </ul>	
<b>Ongoing Maintenance</b>	<ul style="list-style-type: none"> <li>Interim Controls: Owner certifies maintenance of program investments during Regulatory Period</li> </ul>	
<b>Exemptions</b>	<ul style="list-style-type: none"> <li>Post-1980 construction</li> <li>Whole-house Lead-Based Paint Inspection (with no positive stop protocol) verifying absence of accessible lead-based paint.</li> </ul>	

<sup>1</sup> Interim Controls/Safe Work Practices per EPA RRP, CFR 40 Part 745.85 <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-R/part-745/subpart-E/section-745.85>

<sup>2</sup> CFR 40 Part 745, EPA Final Rule <https://www.federalregister.gov/d/2024-25070>

<sup>3</sup> CFR 40 Part 745, EPA Final Rule, Section VI: Effective and Compliance Dates

**E. Asbestos Containing Materials**

Exposure to asbestos fibers, a known carcinogenic agent, creates a serious risk to the public safety and health and that the public is more frequently exposed to these risks as a result of an increasing number of rehabilitation, reconstruction, and demolition projects on buildings or structures containing asbestos or asbestos materials.

**Asbestos Containing Materials (ACM) that will be disturbed as part of program activities will be handled and disposed of according to NYS Department of Labor requirements at 12 NYCRR Part 56 and local regulations. **Must select this box.****

The LPA is required to indicated that any Asbestos Containing Materials that will be disturbed must handled and disposed of according to NYS Department of Labor requirements.

By entering the date of checklist completion in the Program Tracker, the LPA is certifying that it has completed the checklist, including agreeing to the two statements.

**F. Endangered Species**

The Environmental Site Certification Checklist Includes the following option that must be selected.

Area of Statutory/Regulatory Compliance	Compliance Certification
<p><u>Endangered Species:</u> 6 NYCRR Part 182, Endangered and Threatened Species</p>	<p><input type="checkbox"/> The project will comply with all State and Federal endangered species regulations.</p>

The LPA must agree to comply with the regulations but no additional documentation or review is required for the program by HCR.

**G. Wetlands**

Provided for informational purposes only; consult regulating agencies or qualified consultant for further information: Funded projects that involve new construction or ground disturbance (including streetscape and site work) may be subject to NYS Department of Environmental Conservation (DEC) and/or U.S. Army Corps of Engineering (ACOE) wetland regulations and may be subject to permitting requirements.

For projects with ground-disturbing work, even on previously disturbed land, US Fish and Wildlife Maps of jurisdictional wetlands should be consulted to determine the location of Federal wetlands. More information found here: <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>

State regulated wetland locations can be found by submitting a project to NYSDEC for a Parcel Jurisdictional Determination (JD) here:

<https://survey123.arcgis.com/share/be5c071ff72d4876986b18488721e55f>

Should a Parcel JD indicate the presence of onsite or nearby State regulated wetlands, a wetland delineation may be necessary and an NYSDEC negative Project JD may be applied for to confirm that ground disturbing work will not affect onsite or nearby state wetlands. A negative Project JD may be obtained by contacting the Regional NYSDEC Office. If a State wetland permit is necessary, the Regional NYSDEC Office may be contacted to apply.

Find more information here: <https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>

Within the boundaries of the Adirondack Park, state wetland regulations are administered by the Adirondack Park Agency (APA). More information found here:

<https://apa.ny.gov/contact.html>

The VRP Site-specific checklist requires that the LPA select one of the following:

<p><b>Wetlands:</b> 6 NYCRR Part 664, Freshwater Wetlands Permit Requirements and, Section 404 of the Clean Water Act</p>	<p><input type="checkbox"/> The project does not involve new construction or ground disturbance.</p> <p><input type="checkbox"/> Prior to the start of work involving ground disturbance, it will be assessed as to if a wetlands determination is necessary; if additional evaluation or permit is required it will be obtained from the DEC or ACOE.</p>
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No additional documentation is required for the Project File.