

Combined Final Notice and Public Explanation of a Proposed Activity in the 100-Year Floodplain and the Notice of Intent to Request Release of Funds

09/16/2025

To: All interested Agencies, Groups and Individuals

This is to give notice that the New York City Department of Housing Preservation & Development (“NYC HPD”) is serving as the Responsible Entity (“RE”) for the New York City Housing Authority (NYCHA) pursuant to the National Environmental Policy Act (NEPA) 24 C.F.R. Part 58., and intends to request a Release of Funds under NYCHA’s preservation initiative: Permanently Affordability Commitment Together (“PACT”). Additionally, the RE has conducted an evaluation as required by Executive Order(s) 11988, as amended by Executive Order 13690, and/or Executive Order 11990, in accordance with the U.S. Department of Housing and Urban Development’s (HUD) regulations at 24 CFR 55.20 in Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection.

PACT Bay View

NYCHA intends to submit application(s) to HUD for the disposition of public housing property as authorized under Section 18 of the U.S. Housing Act of 1937 as amended and implementing regulations at 24 C.F.R. Part 970 (“Section 18”), the Rental Assistance Demonstration (“RAD”) created by the Consolidated and Further Continuing Appropriations Act of 2012 (Public Law 112-55) and the corresponding Notice H 2019-09 PIH 2019-23 (September 5, 2019) (collectively, the Proposed Actions).

The conversion of assistance through the aforementioned HUD and NYCHA programs would combine federal Section 8 rental assistance with other public and private sources of funding to facilitate much-needed repairs and the long-term preservation of affordability at the NYCHA Bay View Campus, (collectively, the “Proposed Project”). The disposition and conversion of the Bay View Houses to Section 8 under NYCHA’s PACT program (Section 18 and RAD) would allow Bay View PACT LLC (MDG Design and Construction, Wavecrest Management Team, and Infinite Horizons, collectively, the “Developer”), to finance, rehabilitate, operate, manage, and provide social services to residents, as well as address environmental conditions. The Proposed Project is located at 9820-9900 Seaview Avenue (Brooklyn Block 8329, Lot 225) and comprises the NYCHA Bay View Campus, located in Brooklyn, New York (the “Project Site” or “Site”).

The perimeter of the Project Site is within the 500-year floodplain as delineated on the latest Federal Emergency Management Agency (FEMA) flood insurance rate map (FIRM), whether advisory, preliminary, or effective; and is located within the projected 2080s Federal Flood Risk Management Standard (FFRMS) floodplain to establish the FFRMS projected floodplain. Flood elevation projections provided by the New York City Panel on Climate Change (NPCC) and the Department of City Planning (DCP) were used as the Climate-Informed Science Approach (CISA) described at 24 CFR 55.7(f).

The proposed project involves the rehabilitation of the residential buildings at the Project Site. Given the existing coastal urban context, the project is not expected to adversely impact on the natural functions or beneficial values of the floodplain. Instead, the rehabilitation scope includes targeted flood mitigation measures designed to protect building infrastructure, ensure life safety, and comply with HUD floodplain management regulations (24 CFR 55) and NYC Building Code Appendix G.

The proposed flood protection strategy focuses on safeguarding below-grade spaces and enhancing building resilience. Key measures include:

1. Exterior and Foundation Protection

- Deployable flood barriers will be installed at cellar doors and crawl space louvers located below the Design Flood Elevation (DFE).

2. Residential Unit Resilience

- Most repairs, upgrades, and replacements will occur within or on the buildings, enhancing their resilience.
- Ground-floor apartments are situated approximately 17 feet above sea level, exceeding the DFE of 14 feet 4 inches. The lowest occupied residential floor, with a door sill height of 14 feet 8 inches, is already above the DFE. Therefore, no additional elevation or floodproofing of residential units is required.
- Heating and cooling systems will be electrified using in-window air source heat pumps installed above 17 feet elevation, ensuring protection from future flood levels.
- Infrastructure upgrades will prepare buildings for full electrification, including future conversion of gas ranges to electric.

These mitigation measures are designed to reduce the risk of water intrusion, protect critical building systems, and maintain habitability during and after flood events. The approach aligns with HUD's floodplain management decision-making process under 24 CFR 55.20 and NYC Building Code Appendix G.

There are three primary purposes for this notice. First, people who may be affected by activities in the floodplain and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Commenters are encouraged to offer alternative sites outside of the floodplain, alternative methods to serve the same project purpose, and methods to minimize and mitigate project impacts on the floodplain. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about the floodplain can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in the floodplain, it must inform those who may be put at greater or continued risk.

REQUEST FOR RELEASE OF FUNDS

On or about the 16th day after publication HPD will authorize NYCHA to submit a request to HUD for the release of funds to facilitate the Bay View PACT project for the disposition of public housing property, which would facilitate much-needed repairs and the long-term preservation of affordability at the Project Site.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to NYC HPD. Comments and/or objections to the obligation of funds for the aforementioned project must be submitted to HPD electronically via email to environmental_review@hpd.nyc.gov, or via mail addressed to Anthony Howard, Director of Environmental Planning at the address below, or by telephone at (212) 863-7106 from Monday through Friday 9am-5pm on or before the 15th day following the publication date of this notice.

An Environmental Review Record that documents the environmental determinations for the Proposed Project is on file at NYC HPD and may be requested by emailing at environmental_review@hpd.nyc.gov. The written comments must be received by NYC HPD, the RE, at the following address:

Department of Housing Preservation and Development
ATTN: Anthony Howard, Certifying Officer
100 Gold Street, room 7-A3
New York, NY 10038
(212)-863-7248

Hours of Operation: 9 AM – 5 PM, Monday through Friday, except Federal and State Holidays

NYC HPD will consider all comments received by the end of the comment period before submitting the request for release of funds to HUD. After receiving the request for release of funds, HUD will also accept comments for (15) days.

ENVIRONMENTAL CERTIFICATION

The Proposed Project is Categorically Excluded under HUD regulations pursuant to 24 CFR Part 58, Section 58.35(a). As the RE, NYC HPD, through its Certifying Officer Ahmed Tigani, will certify in its request for release of funds to HUD that New York City consents to accept jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making and action, and that the responsibilities have been satisfied. NYC HPD approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and confirms the site-specific environmental reviews for the Proposed Project have been conducted prior to any obligation of funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the RE's certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if objections are on one of the following bases: (a) the certification was not executed by the Certifying Officer of NYC HPD; (b) the RE 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 has committed funds or incurred costs 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 emailed to NY_PH_Director@hud.gov in accordance with the required procedures (24 CFR Part 58). Potential objectors should contact HUD to verify the actual last day of the objection period.