



**Department of  
Housing Preservation  
& Development**

Office of Development  
100 Gold Street  
New York, N.Y. 10038

MATHEW M. WAMBUA  
Commissioner

## **Programmatic Environmental Review Record**

### **Home Investment Partnerships Program (HOME)**

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**February 2012**

Web site: <http://www.nyc.gov/html/hpd/html/developers/Environmental-Review.shtml>

## Environmental Assessment Programmatic Review

**Responsible Entity:** City of New York – Department of Housing Preservation & Development (HPD)  
[24 CFR 58.2(a)(7)]

**Certifying Officer:** Mathew M. Wambua, Commissioner, HPD  
[24 CFR 58.2(a)(2)]

**Program Name:** Home Investment Partnerships Program (HOME)

**Federal Agency:** U.S. Department of Housing and Urban Development (HUD)

**Project Locations:** Various locations throughout New York City

**Estimated total project cost:** \$110,537,898

**Grant Recipient:** City of New York - HPD  
[24 CFR 58.2(a)(5)]

**Recipient Address:** 100 Gold Street, New York, NY, 10038

**Project Representative:** Patrick S. Blanchfield, AICP  
Director of Environmental Planning, HPD

**Telephone Number:** 212-863-5056

### Conditions for Approval:

Mitigation measures may include, but are not limited to: testing and remediation measures associated with hazardous materials; window-wall attenuation measures associated with ambient and/or project generated noise; flood insurance and related flood prevention/abatement measures; testing and/or modification of project design to avoid or minimize effects associated with urban design, historic architectural and/or archaeological resources; modification of project design to avoid or minimize effects to air quality; and pedestrian safety and traffic enhancements. All applicable mitigation measures would be incorporated into each proposed project. When an individual project is awarded HOME funds, the site location and project description will be posted on HPD's website.

Instructions on obtaining a copy of the complete Environmental Review Record (ERR) may also be found on HPD's website.

### FINDING: [58.40(g)]

- ☒ **Finding of No Significant Impact**  
(The project will not result in a significant impact on the quality of the human environment)
- ☐ **Finding of Significant Impact**  
(The project may significantly affect the quality of the human environment)

**Preparer Signature:** \_\_\_\_\_ (Signature on File) **2/8/2012**  
**Title/Agency:** Environmental Planner/Project Manager **Date:**

**RE Approving Official Signature:** \_\_\_\_\_ (Signature on File) **2/8/2012**  
**Title/ Agency:** Executive Director of Environmental Policy and Implementation **Date:**

**Statement of Purpose and Need for the Proposal:**

The City of New York - Department of Housing Preservation & Development (HPD) intends to undertake activities funded through the United States Department of Housing and Urban Development's (HUD) HOME Investment Partnerships Program (HOME) grant. As described in more detail below, HOME would be used to facilitate the provision of affordable housing under several HPD programs.

**Description of the Proposal:**

HPD intends to undertake activities funded through HUD's HOME grant. The funding provided by HUD under HOME would be allocated by HPD. HOME is a Federal grant program designed to serve low-income renters and owners, as well as homeless families and individuals. HPD estimates that the majority of the grant will be targeted for new construction, substantial and moderate rehabilitation and acquisition activities designed to provide and/or preserve affordable housing for a range of small and large households, homeless families and individuals, and seniors. In addition, the HOME grant may be used toward homeownership, rental assistance, planning, administration and loan refinancing.

HPD would use HOME funds in the following programs:

HPD Administration  
Neighborhood Entrepreneurs Program (NEP);  
Neighborhood Redevelopment Program (NRP);  
Participation Loan Program (PLP);  
Supportive Housing Program;  
Third Party Transfer Program;  
Multifamily Homeownership (formerly the Cornerstone Program);  
Article 8-A Loan Program;  
Small Homes Scattered Sites (New Foundations);  
HUD Multifamily;  
HUD Multifamily Rental Mixed Income;  
Low Income Rental Program (formerly MIRP);  
HUD Section 202 Program;  
HOME Tenant-Based Rental Assistance Program; and  
HomeFirst down payment Assistance Program.

The intent of the attached environmental assessment is to consider the potential effects of the various types of projects which may be funded under the program, even though specific projects have not yet been determined. It is anticipated that the projects would vary in terms of construction type, scope of work and geography, but all would be subject to related laws found at 24 CFR 58.5 and 58.6 as set forth in Part 58 – ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES ASSUMING HUD ENVIRONMENTAL RESPONSIBILITIES.

All projects proposed for new construction, rehabilitation or acquisition will be assessed relative to the federal statutes, executive orders and regulations detailed in the Statutory Checklist contained in Appendix A (attached). In addition, all projects proposed for new construction will be evaluated to determine the significance of the proposal's effects on the character, features and resources of the project area as detailed in the Environmental Assessment Checklist contained in Appendix B (attached).

**Existing Conditions and Trends:**

Projects funded with HOME would be located within New York City. HPD anticipates that the most of the grant would be targeted to new construction, substantial and moderate rehabilitation and acquisition activities designed to provide affordable housing for a range of small and large households, homeless families and individuals, and elderly families. In addition, the HOME grant may be used toward homeownership, rental assistance, planning, administration and refinancing.

Absent the subsidy made available through HOME, an opportunity to provide much needed affordable housing while preventing abandonment and blight in these communities would be lost.

## **Summary of Findings and Conclusions**

### **Alternatives and Project Modifications Considered**

HPD has determined that it has no practicable alternative other than to proceed with the proposed projects. The failure to provide funding for acquisition, rehabilitation, and/or new construction under HOME could result in a decline in neighborhood quality, the City's housing stock, and the availability of much needed affordable housing for a range of individuals and families throughout New York City.

**No Action Alternative.** Under the no-action alternative, foreclosed, abandoned and/or vacant properties would remain and potentially destabilize long-established residential neighborhoods in New York City. Existing residential buildings in need of repair would remain in a dilapidated state and could negatively affect the value of neighboring properties. No benefits would result from not implementing the HOME program in New York City. The failure to provide funding made available under HOME could result in unsafe conditions, a decline in neighborhood quality and diminished availability of much needed affordable housing for a range of individuals and families in New York City.

### **Mitigation Measures Recommended** [24 CFR 58.40(d), 40 CFR 1508.20]

(Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

Certain categories included in the attached Programmatic Statutory and Environmental Assessment Checklists may indicate the potential for adverse impacts. Projects will be reviewed by HPD to determine the potential adverse environmental impacts and if the potential is found to exist, HPD will identify measures to mitigate identified adverse impacts.

Mitigation measures may include, but are not limited to: testing and remediation measures associated with hazardous materials; testing and remediation measures associated with archaeological remains; window-wall attenuation measures associated with ambient noise; the purchase of flood insurance and associated measures designed to minimize the loss of life and property in the event of flooding; air quality measures restricting the use of heating fuels and restrictions on vent stack placement; modification of project design to avoid or minimize effects associated with historic architectural resources and/or urban design conditions; and pedestrian safety and traffic measures. All applicable mitigation measures would be incorporated into a project's design, construction, and/or operation.

Individual projects for which significant adverse impacts cannot be mitigated or avoided would not be considered for funding.

### **Additional Studies Performed**

Programmatic Statutory Checklist  
Programmatic Environmental Assessment

### **Attachments**

Appendix A – Site-specific Statutory Checklist  
Appendix B - Site-specific Environmental Assessment Checklist  
Appendix C – Other Requirements Checklist  
Attachment 1 – Historic Preservation MOU  
Attachment 2 – NYC Floodplain Map  
Attachment 3 – NYC Coastal Zone Map  
Attachment 4 - NYC Coastal Barrier Map  
Attachment 5 – NYC Endangered Species by County

Attachment 6 – Airport Clear Zones for JFK and LaGuardia Airports  
Attachment 7 – HOME-funded HPD programs

**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]

New York City Department of Housing Preservation & Development (HPD);  
New York City Landmarks Preservation Commission (LPC);  
New York City Department of Environmental Protection (DEP);  
New York City/Mayor's Office of Environmental Remediation (OER);  
New York City Department of Buildings (DOB);  
New York City Department of City Planning (DCP);  
New York City Planning Commission (CPC);  
New York State Department of Environmental Conservation (DEC);  
New York State Office of Parks, Recreation and Historic Preservation (OPRHP);  
United States Department of Housing and Urban Development (HUD)  
United States Department of the Interior – Fish and Wildlife (FWS)  
United States Federal Emergency Management Agency (FEMA); and  
United States Environmental Protection Agency (EPA).

## **Combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds**

To: All Interested Agencies, Groups and Individuals

The City of New York - Department of Housing Preservation & Development (HPD) intends to undertake projects funded through the United States Department of Housing and Urban Development's (HUD) Home Investment Partnership Program (HOME) grant. The funding provided by HUD under HOME would be allocated by HPD. HOME is a Federal grant program designed to serve low-income renters and owners, as well as homeless families and individuals. HPD anticipates that the most of the grant will be reserved for new construction as well as acquisition and substantial and moderate rehabilitation activities designed to provide affordable housing for a range of small and large households, homeless families and individuals, and elderly families. In addition, the HOME grant may be used toward homeownership, rental assistance, planning, administration, and to refinance loans.

The intent of this HUD environmental review for HOME is to demonstrate the types of projects anticipated to be funded under the program. Specific projects and sites have not yet been determined. It is expected that these projects will vary in terms of construction type, scope of work and geography, but all will be subject to environmental review laws found at 24 CFR 58.5 and 58.6.

Prior to an individual project award of HOME funding, a project's Finding of No Significant Impact (FONSI) will be posted to HPD's website for the interested public to review and/or comment. Project proposals that are determined to have a potentially significant impact on the human environment will either be rejected or will require the filing of an Environmental Impact Statement (EIS) in accordance with 24 CFR 58.37 and would be subject to a separate Request for Release of Funds notice. HPD will accept comments for a period of 18 days following the date of the project-specific FONSI posting. Please visit HPD's website at <http://www.nyc.gov/html/hpd/html/developers/Environmental-Review.shtml> for additional information regarding environmental review procedures and project information.

### **Finding of No Significant Impact:**

The HOME Program in New York City is administered by HPD. An environmental review record has been established for the HOME program in accordance with 24 CFR 58.76 and is on file at HPD. Based on this review, it has been determined that the HOME program will not constitute an action significantly affecting the quality of the environment and, accordingly the City of New York has decided not to prepare an EIS under the National Environmental Policy Act of 1969. The reasons for the decision not to prepare an EIS are as follows:

1. There are no significant adverse physical impacts, either direct or indirect, associated with these projects.
2. There are no significant adverse social impacts, either direct or indirect, associated with these projects.
3. There are no significant adverse economic impacts, either direct or indirect, associated with these projects.

Intent to Request Release of Funds:

This document constitutes the City of New York's Notice of Intent to Request Release of Funds from HUD for the Federal HOME Program.

The activities proposed under the program require an EA, as identified in HUD Environmental Regulations found under 24 CFR Part 58.36 and, therefore, this notice is being prepared on a programmatic basis in accordance with 24 CFR 58.15.

The City of New York will certify to HUD in its request for release of funds that the City and HPD's Commissioner, in his official capacity as certifying officer for HOME Program funds, 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 these responsibilities have been satisfied.

The environmental review record established for the HOME program is in accordance with 24 CFR 58.76 and is on file at HPD, Office of Development, 100 Gold Street, Room 9I-6, New York, New York 10038 and available at HPD's website.

Written comments or objections to the obligation and/or use of HOME Program funds must be received by HPD at 100 Gold Street, New York, NY 10038, Attn: P. Blanchfield, AICP, Room 9I-6 on or before the 18th day following the date of this notice. No comments or objections received after this date will be considered by HPD.

On or about February 27, 2012, the City of New York intends to submit to HUD the Request for Release of Funds for the HOME funding.

Objection to Request Release of Funds:

HUD will accept objections to its release of funds and the Responsible Entity's (RE) certification for a period of fifteen 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 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 prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Director of Community Planning and Development, U.S. Department of Housing and Urban Development, 26 Federal Plaza, New York, New York 10278-0068.

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

*Date issued: February 8, 2012*

## **Statutory Checklist** **Programmatic Review**

<b>Factors</b>	<b>Determinations and Compliance Documentation</b>
<b>Historic Preservation</b> [36 CFR 800]	<p>In accordance with an existing MOU between the City of New York, the New York City Landmarks Preservation Commission (LPC) and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), HPD will perform a site specific review in compliance with Section 106 of the National Historic Preservation Act. An initial determination concerning eligibility for listing in the State and National Registers of Historic Places would be made by LPC. A copy of the MOU is included as Attachment 1.</p> <p>If a project or project site has the potential to affect a historic resource, a Memorandum of Agreement (MOA) will be executed between OPRHP and HPD to ensure there is no significant adverse effects to historic resource(s).</p>
<b>Floodplain Management</b> [24 CFR 55, Executive Order 11988]	<p>Project sites located within a 100-year floodplain will follow the decision making process in accordance with § 55.20. HPD will conduct an evaluation as required by Executive Order 11988 in accordance with HUD regulations at 24 CFR 55.20 to determine the potential environmental effect of construction activity in the floodplain.</p> <p>Projects located along coastal and riverfront areas of Manhattan, Brooklyn, Queens, Staten Island, and the Bronx have a potential to be within the 100-year floodplain, as indicated in Attachment 2, Floodplain Map.</p> <p>Projects involving existing structures located within the 100-year floodplain will be restricted from building footprint expansions and will be required to purchase and maintain flood insurance.</p> <p>Projects that involve new construction, substantial improvement of 1-4 family structures, or rehabilitation of structures with more than four units within a floodplain will not be covered by this programmatic review and will require additional notices including a Notice for Early Public Review of a Proposal to Support Activity in the 100-Year Floodplain and Wetland, and Notice and Public Explanation of a Proposed Activity in the 100-Year Floodplain and Finding of No Significant Impact (FONSI) to be published/posted to be eligible to receive HOME funding. No federal assistance will be provided within the regulatory floodway.</p>
<b>Wetlands Protection</b> [Executive Order 11990]	<p>Projects involving rehabilitation or acquisition of existing structures are not required to be reviewed for consistency with Executive Order 11990.</p> <p>For sites proposed for new construction, HPD will conduct an evaluation as required by 11990 in accordance with HUD regulations at 24 CFR 55.20 to determine the potential environmental effect of construction activity near a wetland area.</p> <p>If a project will impact federal wetlands, it will not be covered by this programmatic review and will require an individual FONSI to be published/posted. Such sites will be subject to site-specific notices and would require a separate FONSI to be eligible to receive HOME funding.</p>
<b>Coastal Zone Management Act</b> [Sections 307(c),(d)]	<p>Projects involving rehabilitation or acquisition of existing structures (without a change in building footprint or use) are not required to be reviewed for consistency with the Coastal Zone Management (CZM) Act.</p>



	<p>Projects involving new construction and which are located within New York City's designated coastal zone will be reviewed and assessed for consistency with the New York City Waterfront Revitalization Program (WRP). The WRP is New York City's Federally-approved CZM Plan. For federal actions within the city's coastal zone, the Department of City Planning (DCP), acting on behalf of the City Coastal Commission, forwards its comments to the New York State Department of State, which makes the consistency determination. The DCP's Waterfront and Open Space Planning Division should be consulted for a determination of a proposed project's consistency with the WRP. Projects that are inconsistent with the WRP will not be included under HOME. Therefore, no significant impacts on coastal zone management act will result and further assessment is not required.</p> <p>Projects located along coastal areas of Manhattan, Brooklyn, Queens, Staten Island, and the Bronx have a potential to be within the CZM Plan area as indicated in Attachment 3, Coastal Zones Map.</p>
<b>Sole Source Aquifers</b> [40 CFR 149]	<p>Projects involving acquisition or rehabilitation of existing structures are not required to be reviewed for consistency with 40 CFR 149.</p> <p>New construction projects located in the boroughs of Brooklyn and Queens would be located within the boundaries of the recharge area of the Brooklyn-Queens sole source aquifer. In accordance with the environmental review provisions of HUD's Multifamily Application Processing Guide (MAP Guide), new construction projects in these areas that would utilize municipal water and sewer services and that have appropriate local drainage and runoff approval require no review for sole source aquifers. In areas of Brooklyn and Queens where these conditions are not present, the new construction would require consultation with the US Environmental Protection Agency (EPA) in accordance with 40 CFR 149.</p>
<b>Endangered Species Act</b> [50 CFR 402]	<p>Projects involving acquisition or rehabilitation of existing structures are not required to be reviewed for consistency with 50 CFR 402.</p> <p>For new construction projects, the U.S. Fish and Wildlife Service (USFWS) will be consulted to determine whether any listed, proposed, or candidate species (T/E species) are likely to occur based on the location of the proposed project.</p> <p>Attachment 5 shows the most current inventory of listed, proposed, or candidate species by County in New York City. New construction projects in areas previously disturbed/developed are not expected to adversely affect any threatened or endangered species.</p> <p>If any listed, proposed, or candidate species are present at a project location, the project will not be covered under the Programmatic review. Consultation with USFWS in accordance with Section 7 of the Endangered Species Act would be required, and a site-specific FONSI would be published/posted.</p>
<b>Wild and Scenic Rivers Act</b> [Sections 7 (b), (c)]	<p>There are no wild and scenic rivers within New York City, as designated by the US Department of the Interior. No impacts would result and further assessment is not required.</p>
<b>Air Quality</b> [Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93]	<p>Projects would not substantively affect the State Implementation Plan (SIP). No significant impacts on air quality will result and further assessment is not required.</p>
<b>Farmland Protection Policy Act</b> [7 CFR 658]	<p>Project sites are located in developed, urban, areas of New York City and would not involve the conversion of farmland to non-agricultural use and therefore would not violate the Farmland Protection Policy Act. Further assessment is not required.</p>

<b>Environmental Justice</b> [Executive Order 12898]	Projects would facilitate the provision of affordable housing. For any project (rehabilitation, acquisition, or new construction) which results in impacts and is located in a neighborhood characterized as low-income and minority, measures will be described and recommended to mitigate such impacts.
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HUD Environmental Standards	Determinations and Compliance Documentation
<b>Noise Abatement and Control</b> [24 CFR 51 B]	<p>There are no active military airfields within 15 miles of New York City. If a project site is within 3,000 feet of an active railroad, within 1,000 feet of a major roadway; or 5 miles of a civil airport and within the 65 Ldn noise contour, a noise assessment would be conducted. Projects proposed for new construction or rehabilitation which are located within the areas described above may require noise assessments and will meet HUD standards under 24 CFR 51. The appropriate window-wall attenuation measures will be addressed on a site-specific basis.</p>
<b>Toxic or Hazardous Substances and Radioactive Materials</b> [HUD Notice 79-33]	<p>Projects involving rehabilitation will be screened for potential contamination, including, but not limited to the review of historic Sanborn Maps, database searches and field inspections. Phase I Environmental Site Assessments (ESA) will be required for all new construction projects. If the potential for contamination cannot be ruled out, a Phase II ESA/Subsurface Investigation would be required. If contaminants are identified, remediation would be required and conducted in accordance with all applicable city, state and federal regulations.</p> <p>Lead and asbestos will be handled in accordance with all applicable federal, state and local regulations. Additionally, the recipients shall comply with the Lead Disclosure Rule (24 CFR part 35, subpart A), and the Lead Safe Housing Rule's provisions for rehabilitation (subpart J), and for acquisition, leasing, support services, or operation (subpart K), and the accompanying procedural requirements in subparts B and R.</p> <p>According to US EPA, New York City is located in Radon Zone 3, where the predicted average indoor radon screening level less than 2 pCi/L.</p>
<b>Siting of HUD-Assisted Projects near Hazardous Operations</b> [24 CFR 51 C]	<p>Projects involving acquisition and rehabilitation (without expansion) are not required to be reviewed for consistency with 24 CFR 51C because the number of persons exposed is not increased.</p> <p>Projects involving new construction in proximity to explosive or flammable hazards will comply with HUD's Acceptable Separation Distance standards as defined in 24 CFR 51.</p>
<b>Airport Clear Zones and Accident Potential Zones</b> [24 CFR 51 D]	<p>There are no military airports within 1 mile of New York City. Projects located within 2,500 feet of a civil airport, will require consultation with the appropriate civil airport operator will be provided to determine the project site's location relative to a civil airport runway clear zone.</p> <p>Projects in northern and southern Queens located within close proximity to JFK and LaGuardia airports have a potential to be within the airport clear zone area as indicated in Attachment 6, Airport Clear Zone Maps.</p> <p>If the project is within the zone, the appropriate notifications will be made as per 24 CFR 51D.</p>

## Environmental Assessment Programmatic Review

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. **Impact Codes:** (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional materials as needed.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning	1	New construction projects would be assessed for compliance with New York City's Zoning Resolution. No significant effects related to zoning and adopted public policies would result from the proposed projects.
Compatibility and Urban Impact	2	New construction projects would be assessed for potential effects on urban design conditions. The funding would result in the development of new residential buildings in established, built-up neighborhoods of New York City. No effects related to urban design are anticipated. If necessary, project modifications would ensure compatibility with surrounding urban design conditions. A proposed project may include the demolition of unsightly and unsafe buildings. The redevelopment of such a site could potentially provide an urban design benefit to the surrounding neighborhood.
Slope	1	New construction projects would be assessed for potential effects related to slope. However, projects would be located in built-up, developed urban areas of New York City and would not result in major alterations of the slope of the site or surrounding area.
Erosion	1	New construction projects would be assessed for potential effects related to soil erosion. If necessary, project modifications would preclude significant effects associated with erosion. Projects would be located in a built-up, developed urban area of New York City and significant effects related to soil erosion are not anticipated.
Soil Suitability	1	Soil throughout New York City is generally classified as "urban land" or "urban fill." Geotechnical evaluations (including soil borings) would be required for new construction projects in accordance with New York City's Building Code.
Hazards and Nuisances including Site Safety	1	<p>New construction projects would be assessed for the potential to result in hazards and nuisances. The construction effects associated with the new construction projects would be typical of construction effects throughout New York City. Typical effects include sidewalk closures, fugitive dust and noise, which would be addressed under existing regulations governing construction activity in New York City.</p> <p>Appropriate mitigation measures would be identified for any new construction activities that would take place on sites identified as contaminated and/or result in high levels of construction-related noise. In such cases, the measures would be provided as part of the proposed project and required as conditions of any federal HOME funding from HPD.</p>
Energy Consumption	1	Projects would utilize the existing electrical grid and would be developed in accordance with the New York State Energy Conservation Code, therefore, it is not expected that projects would not consume a significant amount of energy.
Noise - Contribution to Community Noise Levels	1	New construction projects would be assessed for noise. If necessary, project modifications would preclude the potential for significant effects. It is not expected that new construction projects would contribute to community noise levels as they would

		<p>not result in significant levels of traffic (mobile source noise). In terms of stationary noise sources, building mechanical systems (i.e. heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) to avoid producing levels that would result in any significant increase in ambient noise levels.</p> <p>Appropriate mitigation measures would be identified for any new construction projects that would have the potential to result in high levels of mobile or stationary-source noise due to operation of the new building. In such cases, the measures would be provided as part of the proposed project and required as conditions of any federal HOME funding from HPD.</p>
<b>Air Quality</b> Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	It is not expected that new construction projects would contribute to community air pollution levels as they would not result in significant levels of traffic or unusually high concentrations of stationary source emissions (boiler emissions). However, all new construction projects would be assessed for potential effects on ambient air quality and appropriate mitigation measures would be identified for any new construction projects that would have the potential to result in adverse effects to ambient air quality due to operation of the new building. In such cases, the measures would be provided as part of the proposed project and required as conditions of any federal HOME funding from HPD.
<b>Environmental Design</b> Visual Quality - Coherence, Diversity, Compatible Use and Scale	2	No effects related to environmental design are anticipated and significant effects related to compatibility and urban impact would not result from new construction projects. New construction may require the demolition of unsightly and unsafe buildings. The redevelopment of such a site could potentially provide a benefit by improving visual quality, use and scale in the surrounding neighborhood.

**Socioeconomic                      Code                      Source or Documentation**

Demographic Character Changes	1	The new construction of affordable housing in neighborhoods throughout New York City in need of such housing would not alter the demographic character of these areas. The inhabitants of a proposed project would have similar demographic characteristics as the population residing in the surrounding neighborhood and no impacts are anticipated.
Displacement	1	In instances where tenants may occupy existing residential buildings on a project site, relocation during construction activities would be conducted in conformance with HUD Handbook 1378 which provides policy and guidance in implementing 49 CFR Part 24 for HUD funded programs and projects. Compliance with these procedures would ensure that projects will not result in any permanent displacement of residents or businesses.
Employment and Income Patterns	1	Projects are not expected to not result in significant effects on area employment and income patterns. New development would be in a manner consistent with area needs, income patterns and land use. New construction projects would generate employment related to the construction and operation of the buildings.

**Community Facilities  
and Services**

**Code                      Source or Documentation**

Educational Facilities	1	New construction projects would be analyzed for effects on public schools operated or chartered by the New York City Department of Education (DOE) in accordance with the CEQR Technical Manual.
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Commercial Facilities	2	Projects would not result in a significant effect on existing commercial establishments. It is likely that existing commercial uses would be within close proximity to the project sites. Project residents may frequent retail establishments in the neighborhood, which can potentially be a benefit to local businesses. In some cases, mixed-use projects would introduce new ground floor commercial uses to the area.
Health Care	1	Site specific new construction projects would not be expected to place a significant demand on area health care facilities. In New York City, an analysis of health care demand is typically conducted if a proposed project would introduce a sizeable new neighborhood to the City.
Social Services	1	New construction projects would not place a significant demand on social services. Social services are provided by a range of non-profit and New York City and State agencies. For some new construction projects, on-site social services designed to meet the needs of tenants may be provided.
Solid Waste	1	New construction projects would be analyzed for effects on solid waste generation in accordance with the in accordance with the CEQR Technical Manual. The New York City Department of Sanitation (DSNY) would provide municipal solid waste disposal. It is not anticipated that projects would place a significant demand on solid waste disposal services.
Waste Water	1	New construction projects would be analyzed for effects on wastewater generation in accordance with the CEQR Technical Manual. Waste water would be handled by the New York City Department of Environmental Protection (DEP). It is not anticipated that projects would place a significant demand on waste water disposal/treatment services.
Storm Water	1	New construction projects would be analyzed for effects on storm water in accordance with the CEQR Technical Manual. Storm water would be managed by the DEP. It is not anticipated that projects would place a significant demand on the City's storm water system.
Water Supply	1	New construction projects would be analyzed for effects on water supply in accordance with the CEQR Technical Manual. New York City's potable water supply is provided and managed by the DEP. It is not anticipated that projects would place a significant demand on the City's water supply.
Public Safety - Police	1	New construction projects would be assessed based upon the methodologies in the CEQR Technical Manual. There is generally no impact anticipated on police services due to the proposed projects. The New York City Police Department (NYPD) provides police protection service.
- Fire	1	New construction projects would be assessed based upon the methodologies in the CEQR Technical Manual. Generally, impacts related to fire protection services are not anticipated. Fire protection service is provided by the New York City Fire Department (FDNY). The proposed project may provide potential benefits by reducing the amount of derelict properties, which pose potential fire hazards.
- Emergency Medical	1	New construction projects would be assessed based upon the methodologies in the CEQR Technical Manual., but generally, new construction projects would not be expected to place a significant demand on area emergency medical facilities. In New York City, an analysis of demand for health care and emergency medical facilities is typically conducted if a proposed project would introduce a sizeable new neighborhood to the City. There is no impact anticipated on emergency medical services due to the proposed projects.

Open Space and Recreation - Open Space	1	New construction projects would be analyzed for effects on open space in accordance with the CEQR Technical Manual. Projects are not expected to place a significant demand on open space resources in the area.
- Recreation	1	New construction projects would be analyzed for effects on recreation facilities in accordance with the CEQR Technical Manual. Projects are not expected to place a significant demand on recreation resources in the area.
- Cultural Facilities	1	Projects would not result in impacts to cultural facilities. New York City contains many world-class cultural institutions, including museums, galleries, theaters and other facilities which are easily accessible by mass transit.
Transportation	1	<p>New construction projects would be analyzed for effects on traffic in accordance with the CEQR Technical Manual. Projects are not expected to generate significant levels of traffic or place a significant demand on transportation systems in the area.</p> <p>Appropriate mitigation measures would be identified for any new construction projects that would have the potential to result in impacts to transportation systems due to the construction and/or operation of the new building. In such cases, the measures would be provided as part of the proposed project and required as conditions of any federal HOME funding from HPD.</p>

## Natural Features

## Source or Documentation

Water Resources	1	New construction projects located in the boroughs of Brooklyn and Queens would be located within the boundaries of the recharge area of the Brooklyn-Queens sole source aquifer. In accordance with the environmental review provisions of HUD's Multifamily Application Processing Guide (MAP Guide), new construction projects in these areas that would utilize municipal water and sewer service and have appropriate local drainage and runoff approvals require no review for sole source aquifers. In areas of Brooklyn and Queens where these conditions are not present, consultation with the US Environmental Protection Agency (EPA) in accordance with 40 CFR 149 would be conducted. It is anticipated that projects would not result in a significant effect on water resources, including groundwater and surface water.
Surface Water	1	<p>There are limited surface waters within the boundaries of New York City. Most of New York City's surface waters are located within designated open space areas managed by the New York City Department of Parks and Recreation. In addition, there are no wild and scenic rivers within New York City, as designated by the US Department of the Interior. New construction projects would utilize municipal water and sewer service and have appropriate local drainage and runoff approvals. It is anticipated that projects would not result in a significant effect on water resources, including groundwater and surface water.</p> <p>For sites proposed for new construction adjacent to federally identified wetlands, HPD will conduct an evaluation as required by 11990 in accordance with HUD regulations at 24 CFR 55.20 to determine the potential environmental effect of construction activity near a wetland area. If a project will impact federal wetlands, it will not be covered by this programmatic review and will require an individual FONSI to be published/posted. Such sites will be subject to site-specific notices and would require a separate FONSI to be eligible to receive HOME funding.</p>

Unique Natural Features and Agricultural Lands	1	There are no unique natural features or agricultural lands in New York City; therefore, the projects would have no effect on unique natural features and agricultural lands.
Vegetation and Wildlife	1	<p>For new construction projects, the U.S. Fish and Wildlife Service (USFWS) will be consulted to determine whether any listed, proposed, or candidate species (T/E species) are likely to occur based on the location of the proposed project.</p> <p>Attachment 5 shows the most current inventory of listed, proposed, or candidate species by County in New York City. New construction projects in areas previously disturbed/developed are not expected to adversely affect any threatened or endangered species.</p> <p>If any listed, proposed, or candidate species are present at a project location, the project will not be covered under the Programmatic review. Consultation with USFWS in accordance with Section 7 of the Endangered Species Act would be required, and a site-specific FONSI would be published/posted.</p>

#### Other Factors

#### Source or Documentation


**NOTE:** The Responsible Entity must additionally document compliance with 24 CFR §58.6 in the ERR, particularly with the Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirements of the HUD Airport Runway Clear Zone/Clear Zone regulation at 24 CFR 51 Subpart D.

## **Appendix A**

### **Site-Specific Statutory Checklist**



# STATUTORY CHECKLIST

## 24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS

**PROJECT NAME and DESCRIPTION –**

This project is determined to be categorically excluded according to: [Cite section(s)]:

**DIRECTIONS** - Write “A” in the Status Column when the project, by its nature, does not affect the resources under consideration; OR write “B” if the project triggers formal compliance consultation procedures with the oversight agency, or requires mitigation (see Statutory Worksheet Instructions). Compliance documentation must contain verifiable source documents and relevant base data.

### **Compliance Factors:**

Statutes, Executive Orders, and  
Regulations listed at 24 CFR §58.5

Status  
A / B

Compliance Documentation

Historic Preservation [36 CFR Part 800]		
Floodplain Management [24 CFR 55, Executive Order 11988]		
Wetland Protection [Executive Order 11990]		
Coastal Zone Management Act [Sections 307(c), (d)]		
Sole Source Aquifers [40 CFR 149]		
Endangered Species Act [50 CFR 402]		
Wild and Scenic Rivers Act [Sections 7(b), and (c)]		
Clean Air Act - [Sections 176(c), (d), and 40 CFR 6, 51, 93]		
Farmland Protection Policy Act [7 CFR 658]		
Environmental Justice [Executive Order 12898]		

<b>HUD ENVIRONMENTAL STANDARDS</b> Noise Abatement and Control [24 CFR 51B]		
Explosive and Flammable Operations [24 CFR 51C]		
Site Contamination* [24 CFR part 58.5(i)(2)]		
Airport Clear Zones and Accident Potential Zones [24 CFR 51D]		

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**(End of Statutory Checklist)**

**Appendix B**  
**Site-Specific Environmental Assessment Checklist**

## Environmental Assessment Checklist

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. **Impact Codes:** (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional materials as needed.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning		
Compatibility and Urban Impact		
Slope		
Erosion		
Soil Suitability		
Hazards and Nuisances including Site Safety		
Energy Consumption		

<b>Noise</b> - Contribution to Community Noise Levels		
<b>Air Quality</b> Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels		
<b>Environmental Design</b> Visual Quality - Coherence, Diversity, Compatible Use and Scale		

Socioeconomic	Code	Source or Documentation
Demographic Character Changes		
Displacement		
Employment and Income Patterns		

## Environmental Assessment Checklist (continued)

<b>Community Facilities and Services</b>	<b>Code</b>	<b>Source or Documentation</b>
Educational Facilities		
Commercial Facilities		
Health Care		
Social Services		
Solid Waste		
Waste Water		
Storm Water		
Water Supply		
Public Safety - Police		
- Fire		
-Emergency Medical		
Open Space and Recreation - Open Space		
- Recreation		
- Cultural Facilities		
Transportation		

## Environmental Assessment Checklist (continued)

Natural Features		Source or Documentation
Water Resources		
Surface Water		
Unique Natural Features and Agricultural Lands		
Vegetation and Wildlife		

Other Factors		Source or Documentation

**NOTE:** The Responsible Entity must additionally document compliance with 24 CFR §58.6 in the ERR, particularly with the Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirements of the HUD Airport Runway Clear Zone/Clear Zone regulation at 24 CFR 51 Subpart D.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**(End of Environmental Assessment Checklist)**

## **Appendix C**

### **Other Requirements Checklist**

## **Other Requirements (Section 58.6) Checklist**

**PROJECT NAME**

**GRANT NUMBER**

In addition to the duties under the laws and authorities specified in 58.5 for assumption by Responsible Entities (RE's) under the laws cited in 58.1(b), RE's must comply with the following requirements. Applicability of the following requirements does not trigger the certification and release of funds procedure under this Part or preclude exemption of an activity under 58.34 (a) (12) and/or the applicability of 58.35(b). However, the RE remains responsible for addressing the following requirements in its ERR and meeting these requirements, where applicable, regardless of whether the activity is exempt under 58.34 or Categorically Excluded under 58.35 (a) or (b).

(a) Federal Flood Insurance Purchase Requirements (do not apply to funds from Federal formula grants made to a State).

(1) Does the project involve acquisition or construction (including rehabilitation) in a community identified by the Federal Emergency Management Agency (FEMA) as having special flood hazard areas (100 year and 500 year floodplains)? Yes \_\_\_ No \_\_\_ If "Yes," go to (a)(2). If "No," go to Question (b).

(2) Is the project located in 100 year flood plain (500 year floodplain for "critical" actions\*)? Yes \_\_\_ No \_\_\_ If "Yes," go to (a) (3). If "No," go to Question (b).

(3) Is the community in which the project is located **(X)** participating in the National Flood Insurance Program or, ( ) has less than a year passed since FEMA notified the community concerning such hazards. (Please check one of the above depending on the situation) Yes \_\_\_ No \_\_\_. If "Yes," attach a statement concerning how you will assure that flood insurance will be maintained in accordance with the "Flood Insurance Protection" guidance sheet attached to this Checklist and go to Question (b). The implementation of this project consistent with your statement must be made a condition on the environmental findings and recommendations for the project. If "No," project cannot be funded.

\*As defined in the U.S. Water Resources Council's Floodplain Management Guidelines for Implementing Executive Order 11988.

(b) Coastal Barriers Resources

Is the project to be undertaken located in the coastal Barrier Resources System, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501)?

Yes \_\_\_ No \_\_\_ If "Yes," Federal financial assistance may not be provided. If "No," then go to Question (c).

(c) Projects located in Close Proximity to Airports Contained on the HUD list of 24 CFR Part 51D Covered Airports.

Does the project involve assistance, subsidy, or insurance for the purchase or sale of an existing property in a Runway Clear Zone or Clear Zone as defined in 24 CFR Part 51D? Yes \_\_\_ No \_\_\_. If "Yes," the buyer must be advised that the property is in a runway Clear Zone or Clear Zone, what the implications of such a location are, and then there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information. The implementation of this requirement must be made a condition in the environmental review findings and recommendations for this project.

Prepared by: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Attachment 1**  
**Historic Resources MOU**



# Advisory Council On Historic Preservation

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The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004

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JAN 10 1986

Mr. John J. Leonard  
Environmental Review Coordinator  
Office of the Mayor  
Office of Management and Budget  
Municipal Building  
New York, NY 10007

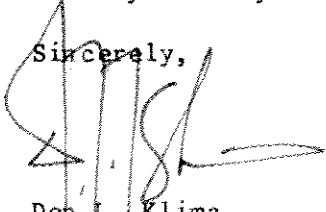
REF: Community Development Block Grant Program, Urban Development Action  
Grant Program, Rental Rehabilitation Program, and Housing Development  
Grant Program  
New York, New York

Dear Mr. Leonard:

The enclosed Memorandum of Agreement for the referenced programs has been ratified by the Chairman of the Council. This document constitutes the comments of the Council required by Section 106 of the National Historic Preservation Act and the Council's regulations. A copy of the ratified Agreement has also been sent to the New York State Historic Preservation Officer.

Thank you for your cooperation.

Sincerely,



Don L. Klima  
Chief, Eastern Division  
of Project Review

Enclosure

# Advisory Council On Historic Preservation

The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004



## MEMORANDUM OF AGREEMENT

WHEREAS, the City of New York, New York (City), has determined that the proposed implementation of its Community Development Block Grant Program, Urban Development Action Grant Program, Rental Rehabilitation Program, and Housing Development Grant Program (Programs), with funds from the Department of Housing and Urban Development (HUD), will have an effect on properties included in or eligible for inclusion in the National Register of Historic Places and has requested the comments of the Advisory Council on Historic Preservation (Council) pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800),

WHEREAS, the City's Unsafe Building Demolition and Seal-Up Program is covered under a separate Memorandum, and

WHEREAS, this Memorandum of Agreement will supercede previous Memoranda ratified February 9, 1981, and July 28, 1981,

NOW, THEREFORE, the City, the New York State Historic Preservation Officer (SHPO), and the Council agree that the Programs shall be implemented in accordance with the following stipulations in order to take into account the effect of the programs on historic properties.

### Stipulations

The City will ensure that the following measures are carried out.

#### 1. Long Range Identification.

A comprehensive survey of the City will be continued to identify districts, sites, buildings, structures, and objects (hereafter "properties") that may meet the Criteria for listing in the National Register of Historic Places (36 CFR Section 60.6). The survey will be conducted in accordance with the "Guidelines for the Location and Identification of Historic Properties Containing Scientific, Prehistoric, Historical, or Archeological Data" (36 CFR Part 66, Appendix B). The New York City Landmarks Preservation Commission (LPC) will keep a comprehensive record of all properties surveyed.

(a) Upon completion of the survey, LPC, on behalf of the City and in consultation with the New York SHPO, will apply the National Register Criteria to the properties identified in the survey.

(b) If there is any question concerning the eligibility of a property, the City sponsoring agency will submit the matter to the Secretary of the Interior for a determination of eligibility for inclusion in the National Register, in accordance with 36 CFR 63.2

(c) Properties which have been determined to meet the National Register criteria and which are designated New York City Landmarks will be nominated by LPC, on behalf of the City, to the National Register through the process provided for in the State of New York.

## 2. Interim Identification.

Until the survey is completed, properties that may be affected by the Programs will be evaluated by LPC, on behalf of the City, against the National Register criteria. This process of evaluation is detailed in the attached "New York City Process."

(a) Properties that appear to meet the Criteria will be considered and treated as eligible for the National Register of Historic Places.

(b) If there is any question as to whether a property may meet the Criteria, the City sponsoring agency will request a determination of eligibility from the Secretary of the Interior in accordance with 36 CFR Section 63.2.

## 3. Review and Treatment.

Properties that are determined eligible for the National Register, nominated to the National Register, or listed in the National Register, will be treated in the following manner:

(a) Prior to initiating work on a project, the City sponsoring agency will submit documentation on the project to the New York SHPO for review and comment, following the process detailed in the attached "New York City Process."

(b) Properties that are to be rehabilitated will be rehabilitated in accordance with the recommended approaches in "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (Standards). The City will require that contracts for rehabilitation work adhere to the Standards.

(c) If the Standards cannot be met, or the proposed treatment of the property is not rehabilitation, or demolition is contemplated, or if the contemplated action could have an indirect effect on such properties, prior to taking any action, the City sponsoring agency will consult with the New York SHPO and obtain the Council's comments pursuant to 36 CFR Section 800.6(a), (b) and Section 801.4(b), (c).

(d) Funding of commercial moving costs and purchase of machinery and equipment will be exempt from the above-mentioned review process.

#### 4. Ground-disturbing activity

(a) Prior to any ground-disturbing activity, LPC, on behalf of the City, will determine the archeological sensitivity of project areas. For those areas determined archeologically sensitive, the city sponsoring agency will submit documentation to the New York SHPO. This review process is detailed in the attached "New York City Process."

(b) If, after reviewing the documentation, the New York SHPO, in consultation with LPC, determines that the potential for significant archeological resources exists, then an archeological survey (field testing) of the affected area will be undertaken by the City sponsoring agency in consultation with the New York SHPO.

(c) The New York SHPO will evaluate the results of the survey and determine if there are archeological resources eligible for the National Register. If eligible resources exist, they will be avoided or preserved in place whenever feasible. When this is not feasible, the New York SHPO will be consulted, and a treatment consistent with the Council's handbook, "Treatment of Archeological Properties," and approved by the New York SHPO will be developed and implemented.

#### 5. Personnel Training


All City agencies receiving funding through the Programs will send a representative to an annual training session with the New York SHPO staff architect on the application of the Standards.

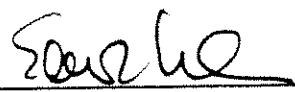
#### 6. Renewal.

This Memorandum of Agreement will continue in force in perpetuity. At two year intervals, the City and the New York SHPO will review and evaluate the Memorandum for possible modifications, termination, or extension. At the request of any of the parties, this Agreement may be reviewed for possible modification or termination at any time.

Execution of this Memorandum of Agreement evidences that the City has afforded the Council a reasonable opportunity to comment on the Programs and that the City has taken into account the effects of the Programs on historic properties.

DEPUTY

 (date) 7/19/85  
Executive Director  
Advisory Council on Historic Preservation

 (date) 10/4/85  
City of New York, New York

*Julia S. Stohr* (date) 12/11/85  
New York State Historic Preservation  
Officer

*Charles S. Baker* (date) 3 Jan '86  
Chairman  
Advisory Council on Historic Preservation

## NEW YORK CITY PROCESS

The following process applies to activities funded through the Community Development Block Grant Program, the Urban Development Action Grant Program, the Rental Rehabilitation Program, and the Housing Development Grant Program (Programs).

1. All City agencies requesting funding through the Programs will send the Environmental Review Unit of Budget (OMB) three copies of the environmental reviews. OMB will send the New York City Landmarks Preservation Commission (LPC) one copy of the environmental review. The City sponsoring agency, ~~when required by LPC~~, will send photographs and maps itemizing properties under consideration.

2. LPC will analyze each review and will send OMB a response, within two weeks of receipt of the reviews, indicating those projects which may affect properties that are listed in the National Register of Historic Places or, in LPC's opinion, appear to meet the criteria for listing in the National Register, or which are proposed for areas that appear to be archeologically sensitive.

LPC shall consider the following criteria when conducting its analysis:

(a) individual exterior significance of any property to be affected by the Programs;

(b) context of any property to be affected by the Programs (designated or potential historic district?)

(c) proximity of any property to be affected by the Programs to a designated or potential historic district.

In addition, for any project involving ground disturbance, LPC will evaluate the project area against the New York SHPO's "Archeological Site Sensitivity Model" and other documentation maintained by LPC to determine the area's likelihood of yielding significant archeological remains.

3. For all projects involving properties listed in the National Register of Historic Places, or that appear to meet the criteria for listing in the National Register, or that appear to be archeologically sensitive as determined by LPC, OMB will then notify the sponsoring agency to submit the Project Review Checklist, including maps and necessary photographs, to the New York State Historic Preservation Officer (SHPO) for review. For areas that appear to be archeologically sensitive, the sponsoring agency will submit an historical background report (Stage 1A archeological report) describing the developmental history of the area from prehistoric to present times; this report will also contain information concerning prior ground disturbance. The sponsoring agency will supply OMB with a copy of the Project Review Checklist and/or the archeological historical background report submitted to the New York SHPO.

4. Upon receipt of the Project Review Checklist, the New York SHPO will review the information supplied and comment in 30 days. If the sponsoring agency submission is inadequate to complete review, the New York SHPO will notify the City sponsoring agency and OMB within 15 working days. When the New York SHPO receives adequate information, the 30-day comment period will begin.

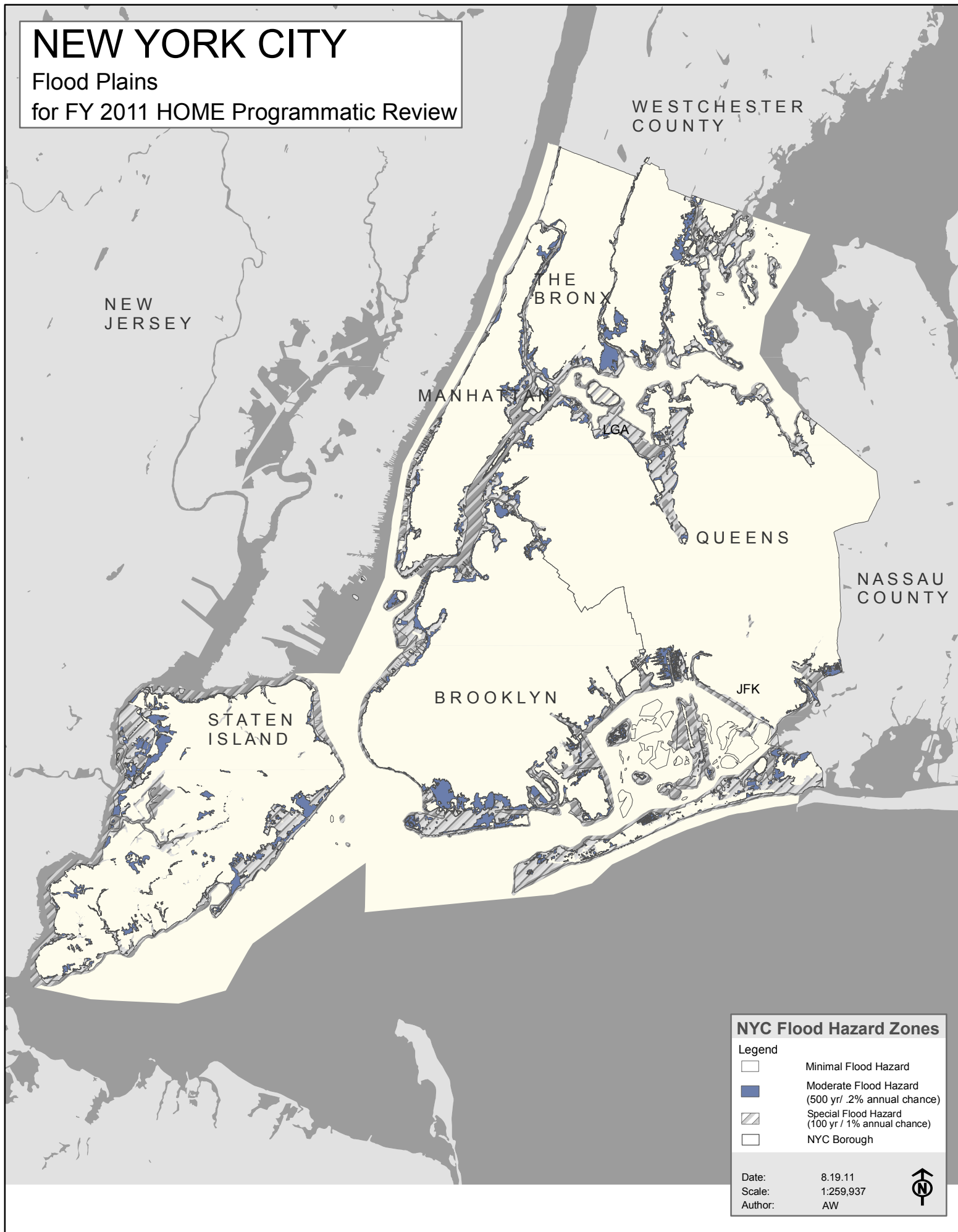
**Attachment 2**  
**NYC Floodplain Map**



# NEW YORK CITY

## Flood Plains

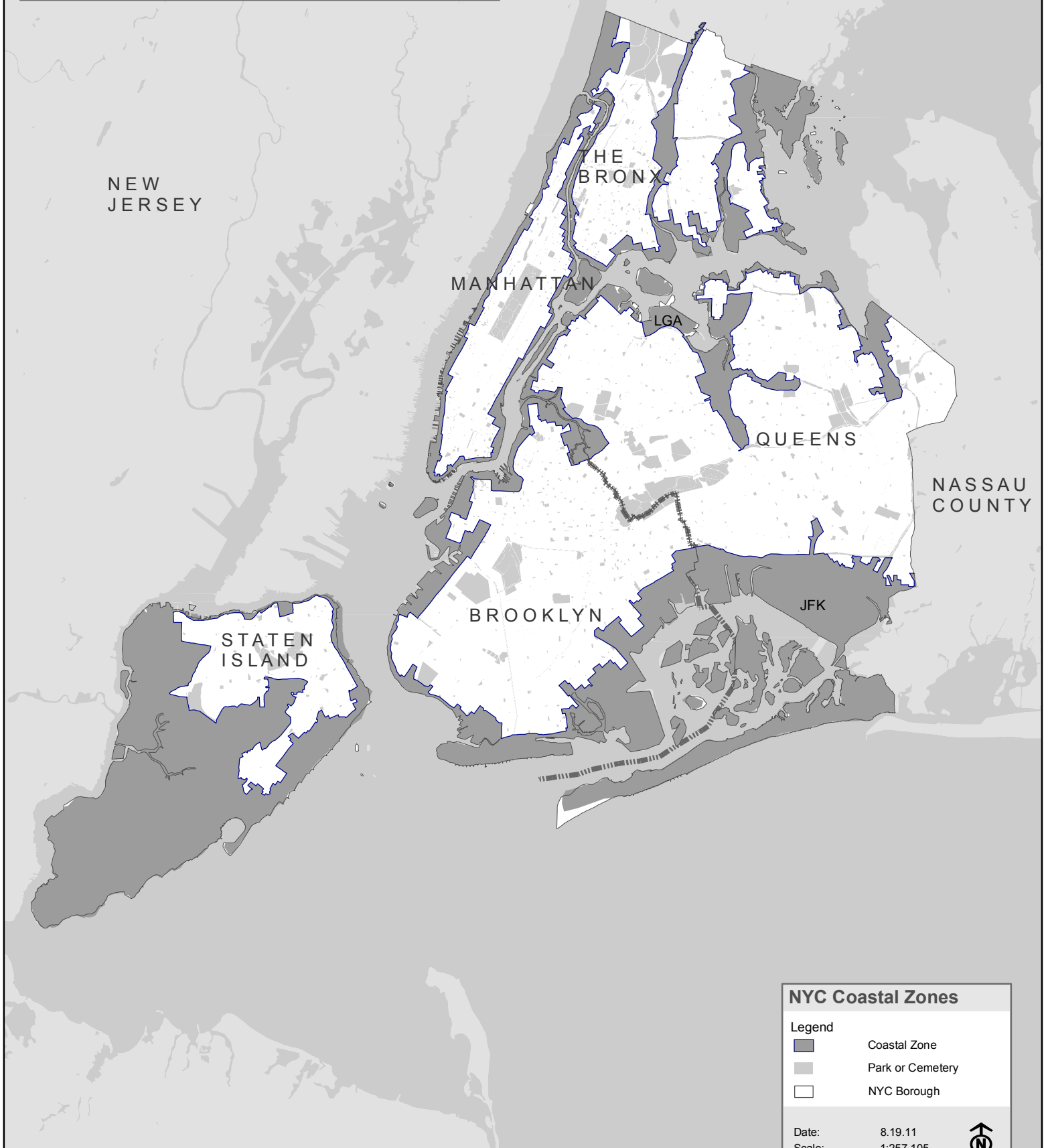
for FY 2011 HOME Programmatic Review



**Attachment 3**  
**NYC Coastal Zone Map**

# NEW YORK CITY

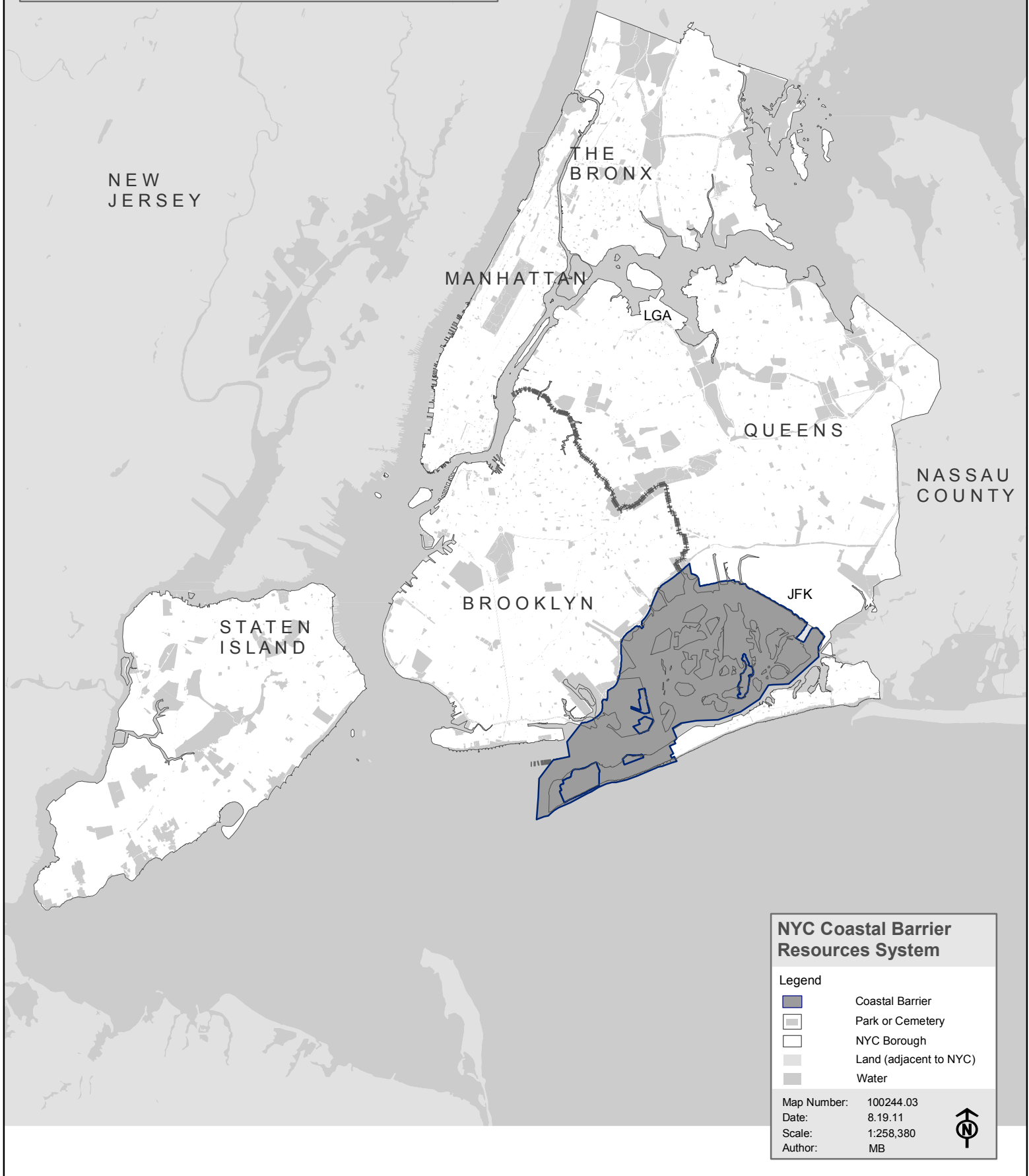
Coastal Management Program Zones  
for FY 2011 HOME Programmatic Review



**Attachment 4**  
**NYC Coastal Barrier Map**

# NEW YORK CITY

Coastal Barrier Resources System  
for FY 2011 HOME Programmatic Review



**Attachment 5**  
**NYC Endangered Species by County**



## New York County

### Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Shortnose sturgeon <sup>1</sup>	<i>Acipenser brevirostrum</i>	E

Status Codes: E=Endangered, T=Threatened, P=Proposed, C=Candidate, D=Delisted.

<sup>1</sup> Primarily occurs in Hudson River. Principal responsibility for this species is vested with the National Oceanic and Atmospheric Administration/Fisheries.

Please visit the following website for more information <http://www.nmfs.noaa.gov/pr/species/esa.htm>.

[Print Species List](#)



## Kings County

### Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Shortnose sturgeon <sup>1</sup>	<i>Acipenser brevirostrum</i>	E

Status Codes: E=Endangered, T=Threatened, P=Proposed, C=Candidate, D=Delisted.

<sup>1</sup> Primarily occurs in Hudson River. Principal responsibility for this species is vested with the National Oceanic and Atmospheric Administration/Fisheries.

Please visit the following website for more information <http://www.nmfs.noaa.gov/pr/species/esa.htm>.

Print Species List





## Queens County

### Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Piping plover	<i>Charadrius melodus</i>	T
Roseate tern	<i>Sterna dougallii dougallii</i>	E
Seabeach amaranth	<i>Amaranthus pumilus</i>	T
Shortnose sturgeon <sup>1</sup>	<i>Acipenser brevirostrum</i>	E

Status Codes: E=Endangered, T=Threatened, P=Proposed, C=Candidate, D=Delisted.

<sup>1</sup> Primarily occurs in Hudson River. Principal responsibility for this species is vested with the National Oceanic and Atmospheric Administration/Fisheries.

Please visit the following website for more information <http://www.nmfs.noaa.gov/pr/species/esa.htm>.

Print Species List



## Bronx County

### Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Shortnose sturgeon <sup>1</sup>	<i>Acipenser brevirostrum</i>	E

Status Codes: E=Endangered, T=Threatened, P=Proposed, C=Candidate, D=Delisted.

<sup>1</sup> Primarily occurs in Hudson River. Principal responsibility for this species is vested with the National Oceanic and Atmospheric Administration/Fisheries.

Please visit the following website for more information <http://www.nmfs.noaa.gov/pr/species/esa.htm>.

[Print Species List](#)



## Richmond County

### Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Shortnose sturgeon <sup>1</sup>	<i>Acipenser brevirostrum</i>	E

Status Codes: E=Endangered, T=Threatened, P=Proposed, C=Candidate, D=Delisted.

<sup>1</sup> Primarily occurs in Hudson River. Principal responsibility for this species is vested with the National Oceanic and Atmospheric Administration/Fisheries.

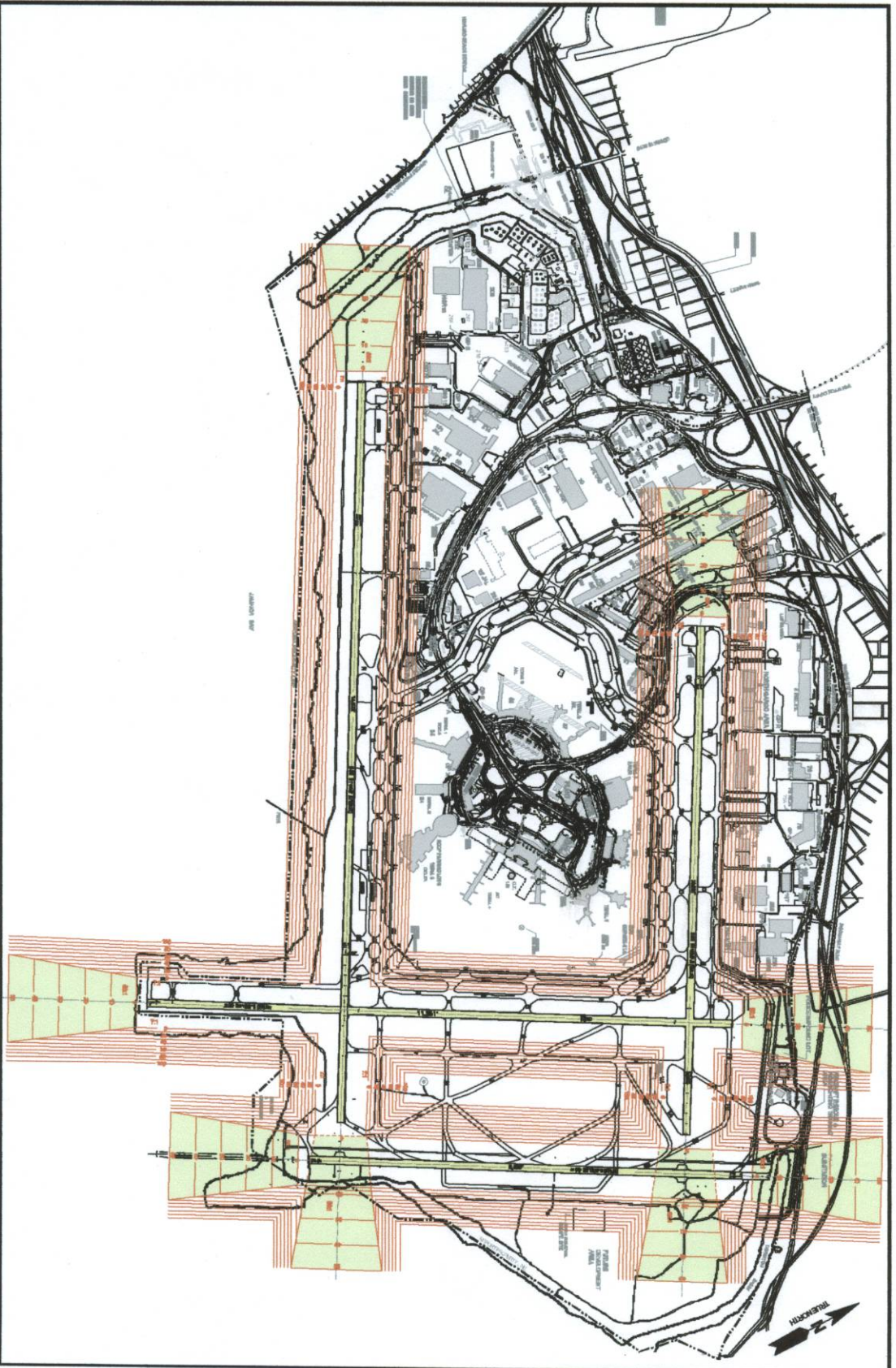
Please visit the following website for more information <http://www.nmfs.noaa.gov/pr/species/esa.htm>.

Print Species List

**Attachment 6**  
**Airport Clear Zones**

**John F. Kennedy  
International Airport**

**F.A.A. Part 77 Surface**

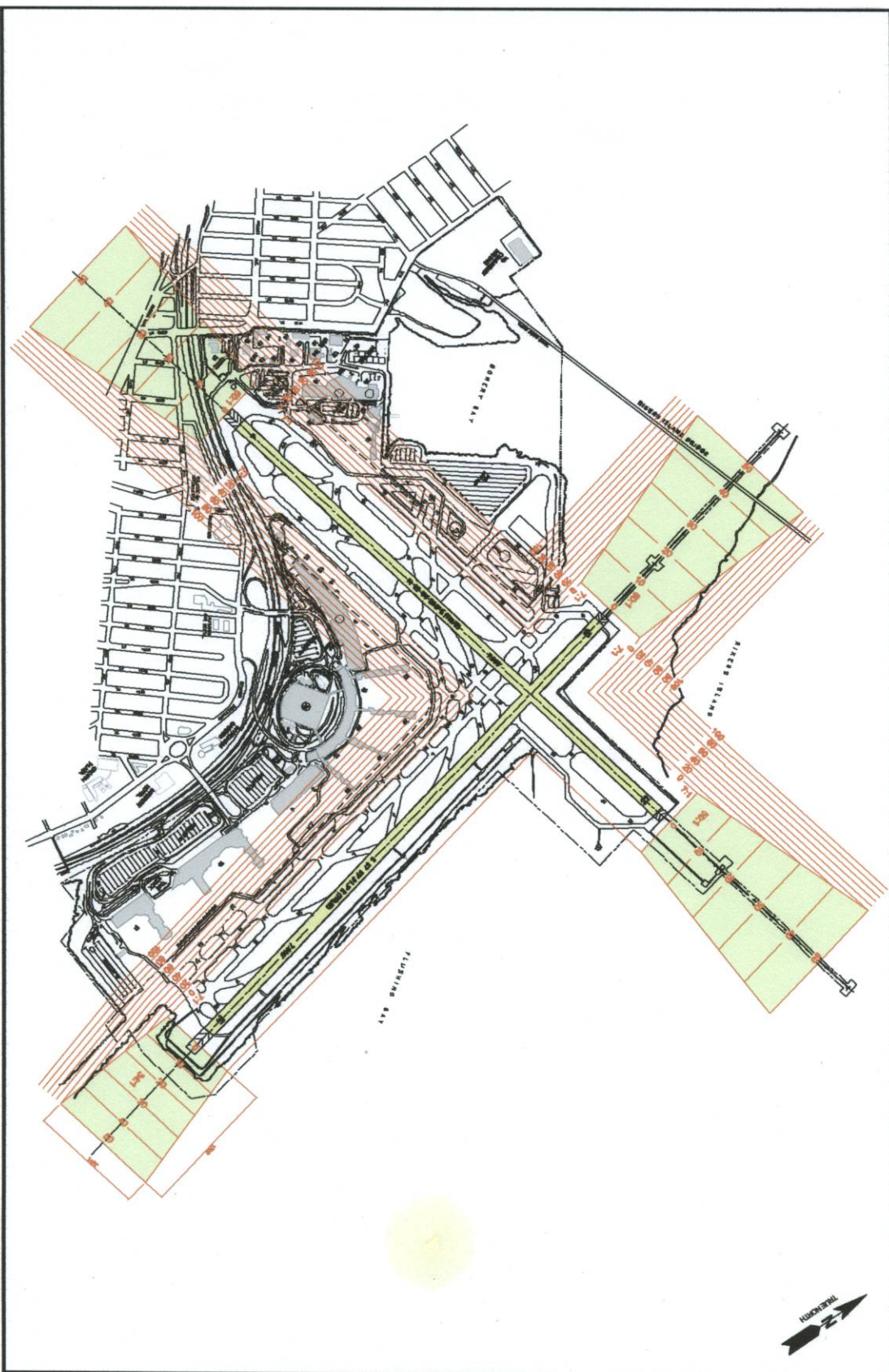


**Aviation Department  
Master and Site Planning  
JFK-1405 July 2012 MTL**



## F.A.A. Part 77 Surface

**Aviation Department**  
**Master and Site Planning**  
LGA-9015      July 2002      MTL



**Attachment 7**  
**HOME-funded HPD Programs**

**Fiscal Year 2011**  
**HOME-Funded HPD Programs**

**HPD Administration**

HOME administrative funds are used for overall program management, coordination, monitoring, and evaluation. HOME-funded HPD staff perform primarily HOME-related functions, such as conduct the planning reviews to determine which buildings and units should be included in the program; working with contractors to resolve issues related to the rehabilitation of buildings; reviewing information and acting as liaison between tenant and landlord; and coordinating compliance with additional regulations, such as lead paint notification.

HPD staff also perform functions for developing agreements with entities receiving HOME funds; prepare required HOME reports and forms; perform loan underwriting; including all preliminary feasibility reviews based on hard and soft cost estimates and other variables; coordinate various tenant briefing and notice functions; provide advisory and other relocation services to persons temporarily displaced by HOME projects; ensure adherence to all rent, income and affordability requirements; verify that all other federal requirements, such as equal opportunity and environmental reviews, have been met; conduct reviews of outside contractors, perform complete marketing of projects; provide information and other resources to residents and citizen organizations participating in the planning implementation or assessment of projects being assisted with HOME funds; preparation of the Consolidated Plan; coordinate the resolution of audit and monitoring findings; perform accounting and record keeping functions; manage or supervise staff whose primary responsibilities with regard to the program include such assignments as those described above.

HPD also utilizes the administrative funds for fringe benefits and citywide indirect costs for HOME-funded staff.

**Neighborhood Entrepreneurs Program (NEP)**

The Neighborhood Entrepreneurs Program (NEP) identifies neighborhood based property managers and developers to manage and oversee the rehabilitation and subsequently own occupied and vacant City-owned buildings. By focusing on small locally based entrepreneurs, the program hopes to rebuild local real estate capacity in addition to ensuring quality management and maintenance for the buildings. Buildings selected for this program are net leased to the Neighborhood Partnership Housing Development Fund Company (NPHDFC) who simultaneously enter into a management agreement with the entrepreneurs. During the lease period, the NPHDFC provides financial and technical assistance to the entrepreneurs and links the owners and managers to participating construction lenders. HPD will then sell the buildings to the NPHDFC along with a commitment for the major portion of its financing. Proceeds from the sale of Federal Low Income Housing Tax Credits provide for the remaining portion of the construction loan financing as well as operating reserves to ensure that the tenants can pay affordable rent while the project is economically viable.

**Neighborhood Redevelopment Program**

The Neighborhood Redevelopment Program (NRP) provides financing to enable experienced locally-based non-profit organizations to acquire and rehabilitate occupied City-owned buildings. Federal HOME and City Capital funds constitute the construction loans that provide the financing for the rehabilitation of these buildings. The loans are funded by HPD and serviced by the NYC Housing Development Corporation (HDC) and carry a nominal interest rate of one percent of which the federally funded portion is for the term of the loan up to 15 years. Buildings and the not-for-profit participants are selected by HPD based on technical and planning criteria. The selected building receive an HPD approved scope of work for substantial rehabilitation, which includes the installation, replacement or repair of building systems,



the correction of inadequate, unsafe, or unsanitary conditions and the creation of lead safe apartments. Post-rehabilitation rents are set by HPD at a level affordable to generally low and moderate-income existing tenants and the apartments are then entered into the New York Rent Stabilization System. Federal Low Income Housing Tax Credits provide operating reserves to ensure that tenants can pay affordable rent while the project is economically viable. Existing tenants (70% to 75% of total units) are overwhelming very low income households; however, vacant units may be rented to moderate or even middle income families with incomes not to exceed 80% of the area median. All renter types benefit from this program.

### **Participation Loan Program (Gut/Mod)**

The Participation Loan Program provides low-interest loans to private owners for the moderate-to-gut rehabilitation of multi-family dwellings with more than twenty units. City funds at one percent interest are combined with market-rate bank financing to provide a below market interest rate loan. Funds may also be used for refinancing in conjunction with rehabilitation.

After rehabilitation, real property taxes may be eligible for abatement through the J-51 Program and all apartments are placed under New York State's Rent Stabilization System. In vacant buildings, depending on the allocation of funding sources, rents are set either at HOME Program levels or up to the area market rate. The program provides an average combined City and HOME subsidy per unit of approximately \$55,000.

### **The Supportive Housing Program**

HPD's Supportive Housing Program (formerly known as SRO Loan Program) funds the acquisition and new construction or rehabilitation of properties by not-for-profit organizations for the purpose of developing new permanent housing for homeless and low income single adults. Many projects also provide for the supportive services needs of those residents with special needs, i.e. mental illness, histories of substance abuse, and AIDS related illness.

The required tenant mix of all SRO Loan Program funded projects is 60 percent homeless (referred by DHS's Shelter Placement Division, HRA's HIV/AIDS Services Administration (HASA) or HPD's Division of Relocation Operations) and 40% low income and community referrals. Most homeless rentals are to individuals with annual gross incomes of no greater than 50 percent of median; non homeless rental eligibility requires individual median incomes of no greater than 60 percent of median.

Loans are funded under Article 8 and 11 of the State Private Housing Finance Law and are provided at zero or one percent interest for terms of up to 30 years. Support and operating subsidies are funded through the use of Section 8 and McKinney Program Rental Assistance, DHS SRO Support Services contracts, Department of Mental Health Community Support Service contracts, or HRA contracts for support services for PWAs. In addition, many projects obtain an allocation of tax credits from the Federal Low Income Tax Credit Program. Proceeds of the sale of these credits are used to fund social service and operating reserves.

### **Third Party Transfer**

The Third Party Transfer Program (TPT) is result of landmark 1996 City of New York legislation (Local Law 37) designed to improve real property tax collection while more effectively preserving residential housing in the City. The legislation allows the City, pursuant to a judgment of foreclosure by the court, to transfer title of tax delinquent and distressed residential properties directly from former owners to responsible new owners without ever taking title itself. The new owners remove housing code violations

and rehabilitate the properties without permanently displacing existing tenants, thus improving the City's stock of decent and affordable housing.

HPD creates a list of "Qualified Developers" through a Request for Qualifications process. The Qualified Developers typically seek HPD financing to rehabilitate the properties through an appropriate loan program, such as the Participation Loan Program (PLP), the Small Buildings Loan Program, the Article 8A Loan Program, or the Supportive Housing Loan Program. Qualified Developers will be required to meet applicable program guidelines and have scopes of work approved by HPD. In addition, projects may be eligible for HPD tax incentive programs. HOME funds may also be used, but their use will be restricted to buildings that are fully vacant during the construction period and whose after-rehab rents will conform to HOME guidelines.

Once a loan has been closed and title has been transferred to the Qualified Developers, rehabilitation, lease-up, and management of the properties must commence in accordance with the terms and schedules. Upon completion of rehabilitation, rents are established which are affordable to current tenants and all rents will be stabilized.

#### **Multifamily Homeownership (formerly the Cornerstone program)**

Under HPD's Multifamily Homeownership Loan Program, sponsors may be selected to construct buildings to create 1-4 family homes, multifamily cooperative units and developments, and multifamily condominium units and developments. The buildings may also contain commercial space and community facilities. The objective of the program is to provide funds to facilitate that creation of low-income, moderate-income and middle-income homeownership opportunities for new construction projects on City-owned land and private property. Eligible borrowers include limited partnerships, corporations, trusts, joint ventures, limited liability corporations, and 501(c) 3 corporations. The development team must have demonstrated a record in successfully developing and marketing the type of facilities proposed.

Construction financing may be provided through loans from private institutional lenders and, in some cases, loans from public sources including, but not limited to, New York City Department of Housing Preservation and Development (HPD), the New York City Housing Development Corporation (HDC), the New York State Housing Finance Agency (HFA), and the United State Department of Housing and Urban Development (HUD). For lease-to-purchase projects, financing may also be provided from the syndication of low income housing tax credits (LIHTC).

Upon completion of construction, the sponsor sells the homes to eligible purchasers.

#### **Article 8-A Loan Program**

The Article 8-A loan Program provides low-interest funding for the rehabilitation for privately owned multi-family buildings and is authorized by the New York State Private Housing Finance Law. Loan proceeds are to be used for the replacement of systems that prolong the useful life of the building or to remove substandard conditions that are violations of either the New York State Multiple Dwelling Law or local housing code including but not limited to Lead Law 1. They cannot be used for acquisition or debt refinancing. The owner must demonstrate an inability to obtain private financing. The buildings must be occupied by low-income tenants with rents not to exceed the average rent or carrying charges in New York City-aided Article 2 housing companies.

The maximum loan amount is currently \$35,000 per dwelling unit; this cap is inclusive of any of HPD's subsidy, capital or federal funds. The interest rate for the loan is generally 3% with the maximum loan term being 30 years regardless of size or funding level. The owner/developer may leverage any warranted funds in excess of the maximum with private financing sources.

As part of the 8A Program, weatherization assistance will improve the energy efficiency of low income housing. The assistance provides energy conservation assistance to income-eligible households to improve the energy efficiency of their dwellings and to reduce their housing expenditures for fuel and electricity. Funds up to \$6,500 per dwelling unit are provided to weatherize the dwelling units of homeowners and renters with high energy costs in relation to their household income. The funds will be provided as a 0% interest loan to building owners, which will be forgivable at the end of the loan term provided that the project meets all regulatory requirements. HPD is administering this program in conjunction with a joint venture between LISC/Enterprise who are sub-grantees. HPD will make the loans directly to building owners. The LISC/Enterprise joint venture will service the HPD loan during construction under the terms of a servicing agreement with HPD.

The Small Owner Repair Program (SORP) provides funding for limited systems replacement or other key repairs in privately-owned multiple dwelling properties, in coordination with another HPD program, such as Primary Prevention Program (PPP), or a planned housing code correction plan. SORP offers a ten-year (10) forgivable loan for up to \$10,000 per dwelling unit for buildings of 3 to 20 units to eligible property owners. In exchange for this forgivable loan, owners will enter into a 10-year regulatory agreement with the City to ensure the financial viability, physical upkeep, and continued affordability of participating buildings. The program is open to both owner-occupied and investor properties. Vacant buildings are not eligible for the program, and a minimum of 50% of the units of each building must be occupied.

#### **Small Homes Scattered Sites (New Foundations)**

HPD has established this Program as a streamlined model to make homeownership a reality for more New Yorkers and, in turn, enhance the City's community revitalization efforts. By capitalizing on the strong real estate market, created in part by previous and current HPD investment through the New Foundations program, the New York City Housing Partnership and other City initiatives, the program targets infill sites in City neighborhoods to provide affordable homeownership opportunities. To accomplish this, assemblages ("Clusters") of City-owned vacant lots ("Sites") are conveyed to qualified respondents who in turn construct one-to-four family homes or cooperative/condominium units and sell them to eligible low, moderate and middle-income purchasers.

The Program strives to increase the opportunities for small, neighborhood-based developers as well as not-for-profits to participate in the development process and encourages such entities to apply. New Foundations is a mixed-income program that seeks to maximize homeowner affordability and income diversity. The intent is to develop projects that include sales prices that are affordable to a range of incomes and provide as many affordable units as is financially feasible for low, moderate and middle-income purchasers. Within a project at least one third of the units must be affordable to households earning up to 80 percent of area median income (AMI). Additional consideration is given to those projects that target an additional one-third of the units to households earning between 80 percent and 100 percent of AMI, and the balance to households earning between 100 and 130 percent of AMI.

#### **HUD Multifamily Program**

HPD has created its HUD Multifamily Preservation Loan Program to facilitate workouts of troubled projects with existing HUD mortgages and/or use restrictions that are facing HUD foreclosure, at risk of a market conversion, or facing similar challenges to financing acquisition or rehabilitation while maintaining affordability. As part of the program, HUD requires assisted projects to be restricted to families at or below 80% of Area Median Income (AMI) for extended time periods pursuant to use agreements and/or by requiring long-term renewal of a Housing Assistance Payments contract. HPD's HUD Multifamily Preservation Loan Program will provide a low-interest loan (1%) to preserve and rehabilitate housing for low- to moderate-income households.

### **Multifamily Rental Mixed Income**

Multifamily Rental Mixed Income sponsors the new construction of mixed income multifamily rental projects on public or privately owned land that will be affordable to low income and middle income households up to 165% of New York City's HUD Income Limit. The buildings may also contain commercial space and/or community facilities. HPD will provide a direct subsidy of up to \$85,000 per unit to leverage construction and permanent financing from sources such as private institutional lenders, taxable or tax exempt bond financing from the New York City Housing Development Corporation, and the syndication of low income housing tax credits.

### **Low Income Rental Program (formerly New MIRP)**

Low Income Rental Program sponsors the construction of multifamily rental projects on public or private land that will be affordable to households earning up to 60% of New York City's HUD Income Limit. Projects must have a unit set aside of at least 20% for formerly homeless families or 20% for households earning up to 40% New York City's HUD Income Limit. HPD will provide a direct subsidy of up to \$60,000 per unit to leverage construction and permanent financing from sources such as private institutional lenders, tax exempt bond financing, and the syndication of low income housing tax credits.

### **HUD Section 202 Program**

The HUD Section 202 Program develops permanent affordable housing for low-income elderly individuals. Tenants must earn no more than 50% of the Area Median Income (AMI). Tenants pay 30% of their income in rent and HUD pays for project-based rental assistance to cover remaining operating costs. Eligible Borrowers: Not-for-profit organizations. HUD Section 202 provides forgivable loans that are repayable only in the event that the sponsor does not comply with the regulatory agreement. The term of the loan is 40 years.

Projects may be on city owned or privately owned sites. A typical project consists of studio and one-bedroom apartments. Rehabilitation of existing buildings is also eligible but these cases are relatively rare. An average project is between 60-90 units. 100% of apartments must be for senior citizens earning less than 50% of Area Median Income. Because the HUD Section 202 program includes rental assistance, tenant income can be far lower than the 50% of AMI income cap.

HUD Provides a Project Rental Assistance Contract (PRAC) for HUD Section 202 projects. Sponsors submit an operating budget for HUD's review, and HUD pays the difference between the operating costs and the tenant rent. Presently the HUD Section 202 maximum is approximately \$124,000 for a studio and \$142,000 for a one-bedroom apartment.

### **HOME Tenant-Based Rental Assistance**

The New York City Department of Housing Preservation and Development (HPD) intends to develop a Tenant- Based Rental Assistance (TBRA) program using HOME Program funds. HPD plans to offer rental assistance to assist approximately 750 eligible families, based on funding availability.

HPD plans to serve only those families who meet all three of the following qualifications: 1) households are very low-income (that is, total adjusted household income is not more than 50% of Area Median Income (AMI)); and 2) households have lost expected rental assistance within the last 15 months through no fault of their own; and 3) households are referred to HPD by other Public Housing Agencies (PHAs) that administer Housing Choice Voucher (HCV) programs in the City of New York.

HPD will offer rental assistance up to 110% of the federally set Fair Market Rent (FMR) for New York City. The program is designed to last for one year, with a possibility that it may be extended one additional year.

Under the program, families pay the highest of the following amounts, rounded to the nearest dollar:

- 30% of the family's monthly adjusted income;
- 10% of the family's monthly gross income;
- Welfare Rent (that part of welfare assistance received from a public agency, specifically designated by that agency to meet the family's actual housing costs); or
- The minimum rent established by HPD for the HOME Tenant-Based Rental Assistance is \$50.

#### **HomeFirst Down Payment Assistance Program**

The Homefirst Program offers down payment assistance to first-time homebuyers. Eligible homebuyers can qualify for a forgivable loan to use toward down payment and/or closing costs on a one- to four-family home, condominium, or cooperative purchased in one of the five boroughs of New York City. The amount of the forgivable loan will be up to \$25,000.

Eligible borrowers must be first-time homebuyers with a maximum annual household income up to 80% of Area Median Income (AMI) (as of May 2010 that amount is \$63,350 for a family of four, adjustable for family size); purchase a one- to four-family home, condominium, or cooperative in one of the five boroughs of New York City; have a satisfactory employment history to qualify for a mortgage loan; have their own savings to contribute toward down payment and closing costs; successfully complete a homebuyer education course with an HPD-approved counseling agency; and occupy the property as their primary residence for at least ten years.