

## **COMBINED PUBLIC NOTICE**

### **NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN**

#### **ATLANTIC COUNTY**

October 2, 2015

New Jersey Department of Community Affairs  
101 South Broad Street  
PO Box 800  
Trenton, NJ 08625-0800

This Notice is related to Federal assistance provided in response to the Presidentially-declared disaster, Superstorm Sandy. This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the New Jersey Department of Community Affairs (DCA).

Per 24 CFR 58.33, and 24 CFR 55.20(b)(1), the Notice of Intent to Request Release of Funds (NOI-RROF) and the Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain will be published simultaneously with the submission of the RROF. The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the NOI-RROF, 100-Year Floodplain, and RROF have been combined. Commenters may submit comments to DCA and objections to the U.S. Department of Housing and Urban Development (HUD) to ensure they will receive full consideration.

#### **REQUEST FOR RELEASE OF FUNDS**

On or about October 12, 2015, the DCA will submit a request to HUD for the release of Federal funds under the Community Development Block Grant Program (CDBG) pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013) for the Landlord Rental Repair Program (LRRP). DCA expects to fund the project using approximately \$250,000.00 of LRRP funds.

#### **PROJECT DESCRIPTION**

Application ID number: SRP0043415  
Project Title: Abdur Rafiq  
Location: 34 North Maryland Avenue, Atlantic City, Atlantic County, New Jersey  
The total estimated project cost is \$376,343.43.

This proposed project involves the rehabilitation of five residential units (Units 1, 2, 3, 4 and 5) within a multifamily structure (5 or more units) and abandonment of the structure's basement,

which is below Base Flood Elevation, located at 34 North Maryland Avenue, in Atlantic City, Atlantic County, New Jersey (Block 301, Lot 22). The proposed abandonment of the basement would be accomplished by filling the basement with approximately 222 cubic yards of engineered fill. The multifamily structure, built between 1921 and 1933 according to a review of historical aerial photographs and Sanborn Fire Insurance maps, contains a total of five units. Elevation of the multifamily structure is not proposed. The entire project area, approximately 0.0429 acres, is located within the Special Flood Hazard Area Zone AE, as shown on the Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) updated as of January 30, 2015.

The LRRP will restore or create a variety of rentals from “1 to 4 unit” buildings to large multifamily housing developments. More than 70% of rental properties in the most impacted areas have less than 20 units. Often, this rental type is provided by a homeowner that has an extra unit that contributes rental income to the owner, or by landlords with fewer than 25 properties. The rental repair program will provide zero interest forgivable loans to existing and new owners of rental properties with 1 to 25 units requiring significant rehabilitation.

The Responsible Entity, DCA, has determined that the proposed project is Categorically Excluded Subject to §58.5 authorities per 24 CFR 58.35(a). As such, a Statutory Checklist has been completed in order to determine whether the project is in compliance with the authorities cited at 24 CFR§58.5.

Additional project information is contained in the Environmental Review Record on file at the New Jersey Department of Community Affairs, Sandy Recovery Division, 101 South Broad Street, Trenton, NJ 08625-0800. The record is available for review and may be examined or copied weekdays 9 A.M. to 5 P.M. or can be viewed online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/>.

## FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

This is to give notice that the DCA has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The activity is funded with Community Development Block Grant Disaster Recovery (CDBG-DR) funds under HUD grant number B-13-DS-34-0001.

The proposed project involves the rehabilitation of five residential units (Units 1, 2, 3, 4 and 5) within a multifamily structure (5 or more units) and abandonment of the structure’s basement, which is below Base Flood Elevation, located at 34 North Maryland Avenue, in Atlantic City, Atlantic County, New Jersey (Block 301, Lot 22). The proposed abandonment of the basement would be accomplished by filling the basement with approximately 222 cubic yards of engineered fill. Before any work commences, the height of the first floor needs to be measured. If the measurement determines the first floor is not 1 foot above ABFE then a re-evaluation is required and actual elevation is needed (rather than just filling in the basement. The multifamily structure, built between 1921 and 1933 according to a review of historical aerial photographs and

Sanborn Fire Insurance maps, contains a total of five units. Elevation of the multifamily structure is not proposed. The entire project area, approximately 0.0429 acres, is located within the Special Flood Hazard Area Zone AE, as shown on the FEMA Preliminary FIRM updated as of January 30, 2015.

DCA has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values: Alternatives to relocate the project outside of the floodplain would be contrary to the purpose and function of the proposed improvement and may generate residential or commercial displacements that would be detrimental to the community and economic development of Atlantic City. Additionally, the entire project location of 34 North Maryland Avenue is located within the 100-year floodplain. Therefore, it is not practicable to relocate the proposed project outside of the 100-year floodplain. A No Action alternative was considered and rejected because taking no action would not address the housing needs of the area, would not aid in community and economic recovery in Atlantic City, and would not address the needed reduction of future flood risk and associated human health, safety and welfare impacts. Implementation of the proposed action will require local and state permits, which may place additional mitigation requirements on the project. A list of the local and state permits as well as the mitigation requirements are listed within the CEST for this application.

DCA has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location described in the Public Comments section of this notice.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains 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. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains 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 floodplains, it must inform those who may be put at greater or continued risk.

## PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to Stacy Bonnaffons, Assistant Commissioner, Sandy Recovery Division, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 800, Trenton, NJ 08625-0800 or online at <http://www.nj.gov/dca/divisions/sandyrecovery/review/> and to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. All comments received by October 12, 2015, or seven (7) days from the actual date of publication, whichever is later, will be considered by DCA. Comments should specify which Notice they are addressing.

## ENVIRONMENTAL CERTIFICATION

DCA certifies to HUD that Charles A. Richman, in his capacity as Commissioner of DCA consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under the National Environmental Policy Act and related laws and authorities, and allows DCA to use CDBG-DR funds.

## OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and DCA's certification for a period of seven (7) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of DCA; (b) DCA 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 or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58.76) and shall be addressed to Tennille Smith Parker, DRS, Acting Division Director, HUD, 451 Seventh Street SW, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

Commissioner Charles A. Richman  
New Jersey Department of Community Affairs