Environmental Review for Leasing or Rental Assistance Project that is Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)(5)

**Project Information**

**Project:** Toa Baja Elderly LP - Golden Age Tower (PR-RA-00007)

**Responsible Entity:** Puerto Rico Department of Housing

**Grant Recipient** (if different than Responsible Entity): N/A

**State/Local Identifier:** Puerto Rico

**Preparer:** Michael J. Richardson, PE

**Certifying Officer Name and Title:** Doel F. Muñiz Rivera, Program Management Division Director CDBG-DR Program

**Consultant** (if applicable): HORNE LLP

**Project Location:** 9300 Carr 867 Toa Baja PR 00919-5288 (Figure 1)

**Description of the Proposed Project** [24 CFR 58.32; 40 CFR 1508.25]:
This property is a 145-unit complex at the above location. The Rental Assistance Program was developed to respond to the urgent need of preserving the loss of extremely affordable rental units and promoting housing sustainability by providing rental assistance to low-income elderly residents of hurricane-impacted areas who are at risk of becoming homeless, due to the impending loss of funding for Act 173 Program subsidies in Puerto Rico.

This temporary assistance will allow time for PRDOH to achieve exit strategies for the subsidized rental units. Through the end of the twenty-four (24) month duration of this program, PRDOH expects to resolve the housing needs, aggravated by the hurricanes’ impact for approximately 1,000 rental units, through these Exit Strategies, securing the ability to keep serving all the remaining Act 173 Program beneficiaries while an exit strategy is achieved.

The Rental Assistance Program will select participants with priority, as defined in the Program Selection Sequence, which has been carefully considered and designed to provide rental assistance to the most precarious necessities within the current Act 173 Program housing properties. The complex at the address above is participating in this program.
Level of Environmental Review Determination:
Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5, per 24 CFR 58.35(a)(5).

Funding Information

<table>
<thead>
<tr>
<th>Grant Number</th>
<th>HUD Program</th>
<th>Funding Amount</th>
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</thead>
<tbody>
<tr>
<td>B-17-DM-72-0001</td>
<td>CDBG-DR</td>
<td>$1,392,000</td>
</tr>
</tbody>
</table>

Estimated Total HUD Funded Amount: $1,392,000

Estimated Total Project Cost (HUD and non-HUD funds): $1,392,000
## Compliance with 24 CFR 58.5 and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits or approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Airport Hazards</strong></td>
<td>Yes No</td>
<td>This project consists only of leasing or rental assistance and is in compliance with the HUD’s Airport Hazard regulations without further evaluation.</td>
</tr>
<tr>
<td>24 CFR Part 51 Subpart D</td>
<td>☑️ ☐</td>
<td></td>
</tr>
<tr>
<td><strong>Coastal Barrier Resources</strong></td>
<td>Yes No</td>
<td>The project is located approximately 1.9 miles from the nearest Coastal Barrier Resource System area (Figure 2). Therefore, the project complies with this regulation.</td>
</tr>
<tr>
<td>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</td>
<td>☑️ ☐</td>
<td></td>
</tr>
<tr>
<td><strong>Flood Insurance</strong></td>
<td>Yes No</td>
<td>The project location is partially within a Zone AE – Special Flood Hazard Area (aka 100-year floodplain) (Figure 3) on FEMA Panel 72000C0330J dated 11/18/2009. Flood insurance has been obtained for this project location. See Appendix C.</td>
</tr>
<tr>
<td><strong>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Clean Air</strong></td>
<td>Yes No</td>
<td>This project consists only of leasing or rental assistance and is in compliance with the Clean Air Act without further evaluation.</td>
</tr>
<tr>
<td>Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</td>
<td>☑️ ☐</td>
<td></td>
</tr>
<tr>
<td><strong>Coastal Zone Management</strong></td>
<td>Yes No</td>
<td>This project consists only of leasing or rental assistance and is in compliance with the Coastal Zone Management Act without further evaluation.</td>
</tr>
<tr>
<td>Coastal Zone Management Act, sections 307(c) &amp; (d)</td>
<td>☑️ ☐</td>
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</table>
### Contamination and Toxic Substances

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
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<tbody>
<tr>
<td>☐</td>
<td>✗</td>
</tr>
</tbody>
</table>

24 CFR 58.5(i)(2)

The following sites are within 3,000 feet of the project location:
- 1 inactive RCRA sites – Sky Lights Rico Plastic at 450 feet to the southwest
- 2 NPDES sites – both at Quality Concrete Mix at 1,100 feet to the west

As shown on Figure 4, the Sky Lights Rico Plastic site is an inactive RCRA site within 500 feet of the project site. The Sky Lights Rico Plastic site was closed in 2005. As of that time, there had been no reported violations associated with the site. Therefore, there are no indications of hazardous or toxic constituents impacting the project site.

Based upon USGS aerial photograph maps, there are no prior uses of the property that would interfere with the current use as a multi-family rental complex. Figure 5 was taken in March 1983 and indicates construction in the area just starting. There were no uses in the area prior to this time. Therefore, this topic is in compliance.

### Endangered Species

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>✗</td>
</tr>
</tbody>
</table>

Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402

This project consists only of leasing or rental assistance and is in compliance with the Endangered Species Act without further evaluation.

### Explosive and Flammable Hazards

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
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<tbody>
<tr>
<td>☐</td>
<td>✗</td>
</tr>
</tbody>
</table>

24 CFR Part 51 Subpart C

This project consists only of leasing or rental assistance and is in compliance with HUD’s Explosive and Flammable Hazards standards without further evaluation.

### Farmlands Protection

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>✗</td>
</tr>
</tbody>
</table>

Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658

This project consists only of leasing or rental assistance and is in compliance with the Farmland Protection Policy Act without further evaluation.

### Floodplain Management

<table>
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<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>✗</td>
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</tbody>
</table>

Executive Order 11988, particularly section 2(a); 24 CFR Part 55

The project location is within a Zone AE – Special Flood Hazard Area (Figure 3) on FEMA Panel 72000C0330J dated 11/18/2009. Pursuant to the updated regulations at 24 CFR 55.12(b)(5), if units are leased within a building of five or more
residential units or any nonresidential properties are leased on one site in a SFHA, the 8-Step Process is not required if the entire building, i.e. all units and common areas, are fully covered by flood insurance. This building is fully covered by flood insurance. The Insurance Certificates are included in Appendix C; therefore, the 8-step Decision Making Process is not required.

<table>
<thead>
<tr>
<th>Historic Preservation</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</td>
<td>HUD has determined that leasing and rental assistance with no associated repairs, rehabilitation, or other activities with physical impacts has No Potential to Cause Effects under 36 CFR 800.3(a)(1) (see Appendix A). Therefore, this project is in compliance with Section 106 of the National Historic Preservation Act without further obligations.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Noise Abatement and Control</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 CFR Part 51 Subpart B</td>
<td>This project consists only of leasing or rental assistance. HUD’s Noise standards do not apply.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Sole Source Aquifers</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</td>
<td>This project consists only of leasing or rental assistance and is in compliance with the Safe Drinking Water Act without further evaluation.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wetlands Protection</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order 11990, particularly sections 2 and 5; 24 CFR Part 55 wetlands provisions</td>
<td>This project consists only of leasing or rental assistance without any new construction. Executive Order 11990 and Part 55 wetlands provisions do not apply to projects that do not involve new construction in a wetland.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wild and Scenic Rivers</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</td>
<td>This project consists only of leasing or rental assistance and is in compliance with the Wild and Scenic Rivers Act without further evaluation.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ENVIRONMENTAL JUSTICE</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Justice</td>
<td>There are no adverse environmental impacts that are disproportionately high for low-income and/or minority communities.</td>
<td></td>
</tr>
<tr>
<td>Executive Order 12898</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Mitigation Measures and Conditions**
Summarize below all mitigation measures either taken or required as a condition of approval of the project by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

*The only mitigation measure required for this property is the obtainment of flood insurance. Flood Insurance has already been obtained.*

Appendix A – Memo on Historical Properties (program is for Continuum of Care but applies to all Rental and Leasing programs meeting the same requirements)
Appendix B – Figures
Appendix C – Flood Insurance Certificates
Determination:

☐ This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down** for this (now) **EXEMPT** project; OR

☒ This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF, submit RROF (HUD 7015.15), and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR

☐ This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature:

______________________________  Date: June 29, 2020

Name/Title/Organization: Michael J. Richardson, PE / Director / HORNE LLP

______________________________

Responsible Entity Agency Official Signature:

______________________________  Date: 7/22/2020

Name/Title: Doel F. Muñiz Rivera, Program Management Division Director CDBG-DR Program

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

FROM: Danielle Schopp, Director, Office of Environment and Energy, DGE

SUBJECT: Determination that Continuum of Care (CoC) Leasing and Rental Assistance with no associated physical building activities have “No Potential to Cause Effects” under Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800

The U.S. Department of Housing and Urban Development (HUD) has determined that leasing and rental assistance activities in the Continuum of Care (CoC) Program that include no maintenance, repairs, or rehabilitation to the leased or rented properties have “No Potential to Cause Effects,” as described in 36 CFR 800.3(a)(1). These leasing and rental assistance activities provide transitional or permanent housing for the homeless in existing scattered site buildings with no associated physical changes to the buildings, and have no potential to cause effects on historic properties, assuming such properties were present. Neither HUD nor the grantees participating in the CoC Program have any further obligations for these projects under Section 106 of the National Historic Preservation Act (Section 106) or 36 CFR Part 800. No consultation with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other interested parties is required.


Leasing and rental assistance with associated unit or building repairs, rehabilitation, or new construction do not qualify for the treatment described in this memo. Likewise, other types of projects participating in the CoC Program, including repairs, rehabilitation, and new construction, do not qualify for the treatment described in this memo. These activities must be fully reviewed under the Section 106 process, including consultation with a SHPO, THPO and/or tribal authority, interested parties and the public, to aid HUD or the Responsible Entity in making an effect determination.

Please direct any questions regarding this memorandum to Nancy E. Boone, Federal Preservation Officer, at Nancy.E.Boone@hud.gov or 202-402-5718.
Appendix B – Figures

Figure 1 – Project Location
Figure 2 – Coastal Barrier Resource System Areas
Figure 3 – Flood Hazard Area
Figure 4 – Toxics
Figure 5 – Historical
Location
Flood Hazard Area

Legend
- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- Special Floodway
- Area of Undetermined Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Future Conditions 1% Annual Chance Flood Hazard
- Area with Reduced Risk Due to Levee
- Other Boundaries
- Limit Lines
- SFHA / Flood Zone Boundary
- FIRM Panels
- Incorporated
- Superseded
- Not incorporated
- No Revalidation Status
- Reevaluated
- Contact Community for Revalidation Status
- Effective

0 0.01 0.02 0.04 Miles

Figure 3
6/17/2020 3:05 PM
Appendix C – Flood Insurance Certificates
DELIVERY ADDRESS

TOA BAJA ELDERLY HOUSING LP
GOLDEN AGE TOWER SABANA SECA
CARR 867 KM 2.3
TOA BAJA, PR 00949-

INSURED NAME(S) AND MAILING ADDRESS

TOA BAJA ELDERLY HOUSING LP
GOLDEN AGE TOWER SABANA SECA
CARR 867 KM 2.3
TOA BAJA, PR 00949-

PROPERTY ADDRESS

GOLDEN AGE TOWER SABANA SECA
CARR 867 KM 2.3
TOA BAJA, PR 00949-

DATE OF CONSTRUCTION: 01/01/2001
CURRENT FLOOD ZONE: AE
GRANDFATHERED: N/A
RATED FLOOD ZONE: N/A
COMMUNITY NUMBER: 720000 0330 J
COMMUNITY NAME: PUERTO RICO, COMMONWEALTH
REPLACEMENT COST: $500,000
NUMBER OF UNITS: 3 OR MORE FLOORS

PROPERTY DESCRIPTION: EGIDA
BUILDING OCCUPANCY: 3 OR MORE FLOORS
BUILDING TYPE: 3 OR MORE FLOORS

FIRST MORTGAGEE INFORMATION

INWITNESSWHEREEOF,IhavesignedthispolicybelowandherebyenterintothisInsuranceAgreement

Frederick Millan / President

Agency:
FULCRO INSURANCE
P.O. BOX 9024048
SAN JUAN, PR 00902

INCREASED COST OF COMPLIANCE: $0
COMMERCIAL DISCOUNT: 0 %
COMMUNITY RATING DISCOUNT: 0 %
GUARANTY FUND: $0
ANNUAL PREMIUM: $614

BUILDING & CONTENTS PREMIUM: $610
NET PREMIUM: $614

IN WITNESS WHEREOF, I have signed this policy below and hereby enter into this Insurance Agreement

Frederick Millan / President

Agency:
FULCRO INSURANCE
P.O. BOX 9024048
SAN JUAN, PR 00902

INCREASED COST OF COMPLIANCE: $0
COMMERCIAL DISCOUNT: 0 %
COMMUNITY RATING DISCOUNT: 0 %
GUARANTY FUND: $0
ANNUAL PREMIUM: $614

RENEWAL BILLING PAYOR:

IN WITNESS WHEREOF, I have signed this policy below and hereby enter into this Insurance Agreement

Frederick Millan / President

Agency:
FULCRO INSURANCE
P.O. BOX 9024048
SAN JUAN, PR 00902

INCREASED COST OF COMPLIANCE: $0
COMMERCIAL DISCOUNT: 0 %
COMMUNITY RATING DISCOUNT: 0 %
GUARANTY FUND: $0
ANNUAL PREMIUM: $614

This Declarations page along with the Flood Insurance Policy Form constitutes your flood insurance policy.
Coverage limitations may apply. Refer to your flood insurance policy for details.
Política sobre confidencialidad y flujo de información personal financiera

USIC Group1 reconoce la importancia de la información, en adelante la “Información” personal financiera que nuestros clientes y consumidores nos suministran en el curso de nuestras operaciones. Para nosotros, el manejo responsable de dicha información constituye una obligación primordial para con nuestros clientes y consumidores.

En vista de lo anterior, a continuación le detallamos nuestra política sobre confidencialidad y flujo de información personal financiera.

Tipo de información personal financiera que recopilamos

1. Información provista voluntariamente por usted a nosotros o a cualquiera de nuestros agentes, representantes autorizados o productores, con relación a la obtención de algún producto de los que ofrecemos.

2. Información que surge de transacciones, reclamaciones u otras gestiones iniciadas por usted con nosotros relacionadas con cubiertas de nuestros productos, primas, ajuste de reclamaciones, descripción y valores asegurados u otros asuntos relacionados a los productos que ofrecemos.

3. Información que proviene de terceros relacionada con su historial de crédito.

Tipo de información personal financiera que divulgamos


Además, USIC Group puede compartir la Información entre sus componentes, a saber, United Surety & Indemnity Company y USIC Life Insurance Company.

2. USIC Group comparte la Información de sus clientes o consumidores con compañías que hagan contratación para que lleven a cabo campañas de mercadeo de nuestros servicios o productos, o con otras instituciones con las cuales tenemos acuerdos conjuntos de mercadeo de nuestros productos o servicios, limitando tal divulgación a que la Información compartida sea estrictamente necesaria para lograr nuestros objetivos de mercadeo, y requiriéndole a las compañías contratadas para tales gestiones que la Información divulgada sea utilizada únicamente para esos fines.

3. USIC Group comparte la Información de sus clientes o consumidores con compañías con las que haya contratado para que lleven a cabo campañas de mercadeo de nuestros servicios o productos, o con otras instituciones con las cuales tenemos acuerdos conjuntos de mercadeo de nuestros productos o servicios, limitando tal divulgación a que la Información compartida sea estrictamente necesaria para lograr nuestros objetivos de mercadeo, y requiriéndole a las compañías contratadas para tales gestiones que la Información divulgada sea utilizada únicamente para esos fines.

Derecho de Exclusión

1. Todo cliente o consumidor tiene derecho a solicitar que no se divulgue su Información no-pública.

2. Si usted desea solicitar tal exclusión, puede hacerlo enviando una carta vía correo a: USIC Group, P.O. Box 2111, San Juan, Puerto Rico 00922-2111. Es importante que en la carta incluya la siguiente información: fecha, nombre dirección postal, número de póliza y/o fianza y firma.
FLOOD POLICY DECLARATIONS
GENERAL PROPERTY FORM

DELIVERY ADDRESS

INSURED NAME(S) AND MAILING ADDRESS

FULCRO INSURANCE
P.O. BOX 9024048
SAN JUAN, PR 00902

TOA BAJA ELDERLY HOUSING LP
GOLDEN AGE TOWER SABANA SECA
CARR 867 KM 2.3
TOA BAJA, PR 00949–

PROPERTY ADDRESS

DATE OF CONSTRUCTION:
01/01/2001
CURRENT FLOOD ZONE:
AE
GRANDFAHERED:
N/A
RATED FLOOD ZONE:
COMMUNITY NUMBER:
720000 0330 J
COMMUNITY NAME:
PUERTO RICO, COMMONWEALTH
REPLACEMENT COST:
$500,000
NUMBER OF UNITS:

PROPERTY DESCRIPTION:
EGIDA
BUILDING OCCUPANCY:
3 OR MORE FLOORS
BUILDING TYPE:
3 OR MORE FLOORS

FIRST MORTGAGEE INFORMATION

SECOND MORTGAGEE INFORMATION

LOAN NUMBER:
TBA–

LOSS PAYEE INFORMATION

DISASTER AGENCY INFORMATION

CASE FILE NUMBER:

LOAN NUMBER:

PREMIUM CALCULATION

<table>
<thead>
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<th>COVERAGE</th>
<th>DEDUCTIBLE</th>
<th>BASIC COVERAGE</th>
<th>BASIC RATE</th>
<th>ADD'L COVERAGE</th>
<th>ADD'L RATE</th>
<th>DED. DISCOUNT/SURCHARGE</th>
<th>PREMIUM</th>
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<tr>
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<td>$ 175,000</td>
<td>0.20</td>
<td>$ 325,000</td>
<td>$ 0</td>
<td>$ 610</td>
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<tr>
<td>CONTENTS</td>
<td>$</td>
<td>$ 0</td>
<td>$</td>
<td>0.08</td>
<td>$ 0</td>
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</table>

BUILDING & CONTENTS PREMIUM: $ 610
INCREASED COST OF COMPLIANCE: $ 4
COMMERCIAL DISCOUNT: 0 %
COMMUNITY RATING DISCOUNT: 0 %
GUARANTY FUND: $ 0
ANNUAL PREMIUM: $ 614

Agency:
FULCRO INSURANCE
P.O. BOX 9024048
SAN JUAN, PR 00902

IN WITNESS WHEREOF, I have signed this policy below and hereby enter into this Insurance Agreement

Frederick Millan / President

This Declarations page along with the Flood Insurance Policy Form constitutes your flood insurance policy. Coverage limitations may apply. Refer to your flood insurance policy for details.

Policy issued by UNITED SURETY & INDEMNITY CO.

RENEWAL BILLING PAYOR:

Frederick Millan / Agent

PRODUCER