

MEMORANDUM

TO: Mike Beatty
Commissioner

FROM: Carmen Chubb 
Assistant Commissioner for Housing

RE: Certifying Officer for Environmental Review Responsibilities under the Neighborhood Stabilization Program (NSP) Flexible Pool, Tax Credit Assistance Program (TCAP), and the Homeless Prevention and Rapid Re-Housing Program (HPRP) Funding through ARRA and HERA

DATE: May 26, 2009

Under the ARRA and HERA legislation, the Housing Finance Division will administer funding under the Neighborhood Stabilization, Tax Credit Assistance Program, and Homeless Prevention and Rapid Re-Housing programs. We have worked diligently to ensure that the policies and procedures that we have in place will allow us to quickly and accurately meet our role and responsibilities in administering these funds. The NSP I, TCAP, and HPRP programs are subject to 24 CFR Part 58 and as such, we must complete an environmental review on projects/activities completed under these programs. The activities undertaken will determine the level of review necessary.

Each Environmental Assessment, questionnaire and determination of exemption completed by DCA must be signed by the Certifying Officer. The Certifying Officer is responsible for ensuring that all the requirements of Section 102 of the National Environmental Protection Act (NEPA) and the related provisions in 40 CFR parts 1500 through 1508, and 24 CFR part 58, including the related Federal authorities listed in Sec. 58.5 are being carried out properly. The Certifying Officer will be responsible for ensuring that the State reviews and comments on all Environmental Impact Statements for Federal projects that may have an impact on our program. He or she must also represent the State and be subject to the jurisdiction of the Federal courts. The Certifying Officer will not be represented by the Department of Justice in court.

The role of Certifying Officer rests with the Commissioner; however, the Commissioner has the option to delegate this authority. Based on the sheer number of assessments that will be completed under these NSP, TCAP and HPRP funded programs, I feel that this responsibility would need to be delegated. HUD (Atlanta) has stated that the Certifying Officer can delegate to anyone deemed appropriate, but they would not suggest delegating too far down the chain of authority. Due to the level of responsibility this person will possess, as he or she would represent DCA in court if need be, it is my recommendation that the Office Director responsible for implementing each program should be given this authority. This determination is consistent with the delegation authority given for the Division's HOME, ESG, HOPWA and Shelter Plus Care funded

programs. Based on the programs operated by DCA to date, the following staff would be delegated responsibility as the Certifying Officer for Environmental Review:

- Phil Cottone – NSP Purchase Program
- Laurel Hart – NSP Tax Credit Program, Tax Credit Assistance Program
- Don Watt – NSP Permanent Supportive Housing Program, Homeless Prevention and Rapid Re-Housing Program

If you concur with this determination, please sign below indicating your concurrence with this recommendation.



Mike Beatty, Commissioner

5/27/09
Date