

COMBINED PUBLIC NOTICE

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

OCEAN COUNTY

October 2, 2014

New Jersey Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800
609-292-3647

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 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.

REQUEST FOR RELEASE OF FUNDS

On or about **October 4, 2014**, the New Jersey Department of Community Affairs (DCA) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Federal funds under the Community Development Block Grant (CDBG) Program pursuant to the Disaster Relief (DR) 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 up to \$150,000 of LRRP funds.

The following information pertains to this project:

Project Title: 840 Mantoloking Road (SRP0037020)

Location: 840 Mantoloking Road, Brick Township, Ocean County, NJ

Estimated Cost: HUD funding is up to \$150,000 in LRRP Grant Funds and the applicant is responsible for any additional private monies as necessary to complete the project.

Project Description: SRP0037020 proposes the reconstruction and elevation of three rental units within a five-unit structure at 840 Mantoloking Road, in Brick Township, Ocean County.

The LRRP will restore or create a variety of rentals from "1 to 4 unit" buildings to large multi-family 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.

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 following activities are funded under the LRRP program under (B-13-DS-34-001). The project consists of the reconstruction and elevation of three rental units located at 840 Mantoloking Road, Brick Township, as described above.

SRP0037020 is located in a designated Special Flood Hazard Area Zone "AE" Zone (area of special flood hazard with water surface elevations determined) floodplain, as shown on Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Map (FIRM) Number 34029C0192G (Panel 192 of 660) for Ocean County, effective March 28, 2014. Areas designated as a Special Flood Hazard Area are those subject to inundation by the 1% annual chance flood (e.g., a 100-year flood), also known as the base flood. The base flood elevation (BFE) associated with the project site is 9.0 feet above sea level. The proposed project would include elevate the units to a minimum of 11.0 feet (two feet above the BFE) and have no significant effect on flood levels or the threat of damage to adjacent properties. Additionally, the applicant must carry flood insurance on the subject structure for its economic life.

DCA has considered the following alternatives and mitigation measures to minimize adverse impacts of SRP0037020 and to restore and preserve natural and beneficial values. Relocating the Proposed Action outside of the 100-year floodplain was considered. However, alternatives to relocate the project outside of the floodplain are not available and are contrary to the purpose and function of the proposed improvements and LRRP Program. There is no practicable alternative to locating the proposed action in the flood zone. This is due to: 1) the need to revitalize the local stock of safe, decent and affordable housing opportunities in the local community 2) the lack of land outside of the floodplain within the subject parcel, 3) the requirement for floodplain insurance on the subject property and 4) the limited scope and potential benefits of the proposed project, with the required structure elevation, on human health, public property, and flood levels. A No Action alternative was considered and rejected because of the above stated reasons.

DCA has reevaluated the alternatives to building in the floodplain and has determined that there are no practicable alternatives. 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 delineated in the last paragraph of this notice for receipt of comments.

DCA has determined that construction of the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of floodwaters on the project site or surrounding areas. The project would reduce flood level, flood risk, and the flow of floodwaters onto the project area. Therefore, the proposed project would be compliant with the National Flood Insurance Act of 1968 (44 CFR § 59) and EO 11988 on Floodplain Management (42 FR 26951).]

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on these projects may submit written comments to Stacy Bonaffons, 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 11, 2014** will be considered by DCA. Comments should specify which Notice (Notice of Intent to Request Release of Funds [NOI-RROF] or Notice of Public Review of a Proposed Activity in a 100-year Floodplain) they are addressing.

RELEASE OF FUNDS

DCA certifies **(on or October 11, 2014)** to HUD that Richard E. Constable, III, 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 Program 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 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 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 Richard E. Constable, III
New Jersey Department of Community Affairs