

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

January 2, 2020

Community Development Department, City of Durham, NC

516 Rigsbee Ave

Durham, NC 27701

919-560-4570 ext.22248

On or about January 14, 2020, the City of Durham Community Development Department will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of the Lead-Based Paint Hazard Control Grant Program (LBPHC) authorized by Section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992, 42 U.S.C. 4852) and funded by the Consolidated Appropriations Act, 2018 (Public Law 115-141), approved March 23, 2018. The Healthy Homes Supplemental funding is authorized under Section 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-2), with funding approved by the same Appropriations Act, for the following multi-year program/project (May 1, 2019 – April 30, 2022): Lead-Based Paint Hazard Reduction and Healthy Homes Grant Program (FR-6200-N-12), for the purpose of implementing the Lead-Based Paint Hazard Reduction Grant Program to eliminate lead paint hazards in single-family homes within the geographic boundaries of the City of Durham. The City will also implement the Healthy Homes Supplemental Grant by comprehensively assessing and addressing housing-related hazards that are linked to multiple (childhood and elderly) diseases and injuries in the home. The City will implement a comprehensive program to identify and remediate lead-based paint hazards in privately owned rental and/or owner-occupied housing; Healthy Homes Supplemental funds will be used on these same homes if warranted. The program will identify and prioritize enrolled properties of privately-owned single-family, low-income rental and owner-occupied housing located within the geographic boundaries of the City of Durham. The program will build local capacity and train a qualified workforce to implement the program's repairs and/or minor rehabilitation work to eliminate lead-based paint and other environmental health and safety hazards in the housing units. The City of Durham Community Development Department is requesting the release of \$2,962,253.00 in Federal Funds and \$296,225.30 in matching funds from the City of Durham.

The proposed hazard control activities to be funded under this/these program(s) is/are categorically excluded from the National Environmental Policy Act requirements, but subject to compliance with some of the environmental laws and authorities listed at § 58.5 of 24 CFR Part 58. In accordance with §58.15, a tiered review process has been structured, whereby some environmental laws and authorities have been reviewed and studied for the intended target area(s) listed above. Other applicable environmental laws and authorities will be complied with, when individual projects are ripe for review. Specifically, the target area has been studied and compliance with the following laws and authorities have been established in this Tier 1 review: Airport Hazards (24 CFR Part 51 Subpart D), Coastal Barrier Resources (Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]), Clean Air (Clean Air Act, as amended, particularly section 176[c] & [d]; 40 CFR Parts 6, 51, 93), Coastal Zone Management (Coastal Zone Management Act, section 307[c] & [d]), Endangered Species (Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402), Explosive and Flammable Hazards (24 CFR Part 51 Subpart C), Farmlands Protection (Farmland Protection

Policy Act of 1981, particularly sections 1504[b] and 1541; 7 CFR Part 658), Noise Abatement and Control (Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B), Sole Source Aquifers (Safe Drinking Water Act of 1974, as amended, particularly section 1424€; 40 CFR Part 149), Wild and Scenic Rivers (Wild and Scenic Rivers Act of 1968, particularly section 7[b] and [c]), and Environmental Justice (Executive Order 12898). In the Tiered 2 review, compliance with the following environmental laws and authorities will take place for proposed projects funded under the program listed above: Flood Insurance (Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]), Contamination and Toxic Substances (24 CFR Part 50.3[i] and 58.5[i][2]), Floodplain Management (Executive Order 11988, particularly section 2[a]; 24 CFR Part 55), Historic Preservation (National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800), and Wetlands Protection (Executive Order 11990, particularly sections 2 and 5). Should individual aggregate projects exceed the threshold for categorical exclusion detailed at §58.35(a), an Environmental Assessment will be completed and a separate Finding of No Significant Impact and Request for Release of Funds published. Copies of the compliance documentation worksheets are available at the address below.

An Environmental Review Record (ERR) that documents the environmental determinations for this project, and more fully describes the tiered review process cited above, is on file at the City of Durham Community Development Department Office (516 Rigsbee Ave., Durham, NC 27701) and may be examined or copied weekdays 8:00 a.m. to 4:30 p.m.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the City of Durham Community Development Department. All comments received by January 13, 2020 will be considered by the City of Durham Community Development Department prior to authorizing submission of a Request for Release of Funds and Environmental Certification to HUD.

RELEASE OF FUNDS

The City of Durham Community Development Department certifies to HUD that Reginald J. Johnson in his official capacity as Director of the Community Development Department for the City of Durham 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 NEPA and related laws and authorities and allows the City of Durham Community Development Department to utilize federal funds and implement the Program.

OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and the City of Durham Community Development Department certification for a period of fifteen days following either the anticipated submission date (cited above) or HUD's actual receipt of the request (whichever is later) only if the objections are on one of the following bases: (a) that the Certification was not executed by the Certifying Officer of the City of Durham Community Development Department); (b) the City of Durham Community Development Department has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the City of Durham Community Development Department has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; (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 may be addressed to HUD as follows: Karen M. Griego, Office of Lead Hazard Control and Healthy Homes, Program Environmental Clearance Officer, U.S. Department of Housing and Urban Development, 500 Gold Ave SW, 7th Floor, Suite 7301, P.O. Box 906, Albuquerque, NM 87103-0906. Potential objectors may contact HUD directly to verify the actual last day of the objection/comment period.



Reginald J. Johnson, Director, Community Development Department, City of Durham