

## Notice of Intent to Request Release of Funds

### LEAD-Based-Paint-Hazard-Reduction – Healthy Homes

#### NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

**01/10/2022**

**City Of Auburn**

**60 Court Street**

**Auburn, Maine, 04210**

**(207) 33-6601**

On or about **January 24<sup>th</sup>** the **City of Auburn** 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) is 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 funding is provided by the Consolidated Appropriations Act, 2021, approved December 27, 2020 (Public Law 116-260), and the Further Consolidated Appropriations Act 2020, approved December 20, 2020, (Public Law 116-94). 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 Acts, for the following multi-year program/project: **Healthy Homes / LEAD -based- Paint-Hazard-Control**, for the purpose of Program funds will be allocated toward activities designed to permanently eliminate lead-based paint hazards; activities including inspections, risk assessments, and removal, that must be performed by educated, certified professionals and are aimed to permanently eliminate lead-based paint hazards, such as serious permanent and irreversible health damage due to lead. The overall target area consists of 51% LMI populations within 3 specific down-town Auburn Maine Census tracts including, Union Street / Downtown / and New Auburn. A Tier II site specific ERR will be completed for each project location once LEAD inspection risk assessment and a scope of work have been determined and completed. The City of Auburn LEAD applicant / responsible entity proposes that at least 110 units be enrolled / tested / treated. These units consist of a mix of single family and multi-unit residential buildings all privately owned. The **City of Auburn** is requesting the release of **\$3,000,000.00 (LEAD), \$400K (Healthy Homes), \$300K (CDBG-match), totaling \$3.7 Million**

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(s) has/have been studied and compliance with the following laws and authorities has been achieved in this Tier 1 review: **Airport Hazards** - Clear Zones and Accident Potential Zones; 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, **Air Quality** - Clean Air Act, as

amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93, **Coastal Zone Management** - Coastal Zone Management Act, sections 307(c) & (d), **Explosive and Flammable Hazards** - Above-Ground Tanks)[24 CFR Part 51 Subpart C, **Farmlands Protection** - Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR Part 658, **Floodplain Management** - Executive Order 11988, particularly section 2(a); 24 CFR Part 55, **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(e); 40 CFR Part 149, **Wild and Scenic Rivers** - Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c) including **Environmental Justice** - Executive Order 12898. Furthermore, Site-specific environmental reviews will include compliance with the following environmental laws and authorities for proposed projects funded under the program(s) 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 50.3(i) & 58.5(i)(2)] (HUD Standard), **Endangered Species** - Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402, **Historic Preservation** - National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR Part 800, **Wetlands Protection** - Executive Order 11990, particularly sections 2 & 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 **City of Auburn, 60 Court Street, Auburn, Maine, 04210** and may be examined or copied weekdays **\_\_8:30\_a.m.** to **\_\_4:00\_p.m.**

#### PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the **City of Auburn Community Development Team**. All comments received by January 21<sup>st</sup>, 2022, will be considered by City of Auburn, prior to authorizing submission of a Request for Release of Funds and Environmental Certification to HUD.

#### RELEASE OF FUNDS

**The City Of Auburn certifies to HUD that Glen Holmes in his official capacity as Director of Business & Community Development 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 Auburn) 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 Auburn** 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 auburn**; (b) the **City of Auburn** 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 Auburn** 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 and sent to the email address 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 [LeadRegulations@HUD.GOV](mailto:LeadRegulations@HUD.GOV) Potential objectors may contact HUD directly to verify the actual last day of the objection/comment period.

**Glen Holmes, Director of Business and Community Development**