

CHAPTER 6. ENVIRONMENTAL REQUESTS FOR RELEASE OF FUNDS

- 6-1 BACKGROUND. Grantees are prohibited from obligating or expending CDBG funds, including program income, for activities until they have completed an environmental review to determine whether the activities or projects might significantly affect the quality of the human environment. When a grantee has completed all its environmental responsibilities for the projects or activities for which it wishes to expend funds, including publishing required notices of findings and intent, it must submit a Request for Release of Funds and Certification, Form HUD-7015.15, included as Exhibit 6-1.
- 6-2 PURPOSE. The purpose of HUD's review of the Request for Release of Funds and Certification is to assure that, in accordance with 24 CFR 58, funds to be used for CDBG activities are not released before:
- A. The grantee has certified to HUD that it has fully carried out its responsibilities for environmental review and action, and published a notice(s) of its determinations with respect to its environmental responsibilities for the projects to be implemented; and
 - B. The public at large and state and local agencies that have jurisdiction over the project or activity have been given, at a minimum, the 15 days prescribed by law to submit objections to the grantee's Request.

This process does not apply to projects and activities which are exempt under 24 CFR 58.34 or which are categorically excluded by 24 CFR 58.35 and do not trigger compliance with the related authorities under 24 CFR 58.5.

6-3 TIMING

- A. Submission to HUD. The Request for Release of Funds (RROF) should be submitted to HUD on the date specified in the Notice of Intent to Request Release of Funds published by the grantee. This date is required to be seven or more calendar days after the date of publication of the Notice of Intent for projects that are categorically excluded or which require an Environmental Impact Statement (EIS). When the Notice of Intent is published at the same time or combined

the date the RROF should be submitted to HUD is required to be 17 days from the date of publication of the two public notices. Certain projects may require a 30-day comment period due to exceptional circumstances (controversial projects, unique environmental conditions, projects exceeding EIS thresholds.)

- B. Release of funds. The Field Office should release the requested funds as soon as possible on or after the 17th day following the date the Request for Release of Funds and Certification is received or on the date indicated in the published Notice of Intent to Request Release of Funds, if it is later than the 15 day objection period.
- C. Counting. All time periods related to processing Requests for Release of Funds are to be counted in calendar days. The first day of a time period begins at 12:01 a.m. local time on the day following the date of the action which initiates the time period.

6-4 ATTACHMENTS TO THE REQUEST FOR RELEASE OF FUNDS

- A. Publication. Except as otherwise provided by 24 CFR 58.43, the grantee must publish in a newspaper of general circulation in the affected community a notice of a Finding of No Significant Impact (FONSI) and a Notice of Intent to Request Release of Funds (NOI/RROF). These notices may be published separately or they may be combined. Exhibit 6-2 contains a sample guideform for a combined notice. Copies of the notice(s) must be submitted with the Request for Release of Funds as supporting documentation.
- B. Floodplains. When appropriate, grantees must also submit copies of the two notices required to be published on projects located in floodplains or wetland areas as well as the Record of Decision (24 CFR 58.65) if an EIS was required.

6-5 ACCEPTANCE OF THE REQUEST FOR RELEASE OF FUNDS

- A. Receipt. Date stamp and log-in the Request for Release of Funds on the RROF log (see Exhibit 6-3 for a sample log).

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- B. Review for Completeness. Exhibit 6-4 contains a Request for Release of Funds review checklist. Part I should be used to check for completeness.
 - 1. Incomplete Submission. If the submission is determined to be incomplete, the grantee should be

notified by telephone if it appears that the deficiency is minor and can be promptly corrected. If the deficiency cannot be readily corrected, the grantee should be notified in writing of the reasons why the RROF cannot be accepted for processing.

2. Complete Submission. If it is determined that all required information has been submitted, the RROF and the supporting documentation should be forwarded to the CPD Rep/Environmental Officer for a compliance review.

6-6 ACCEPTANCE OF OBJECTIONS

- A. Any person or agency may object to a grantee's RROF and the related certification. However, the objections must meet the conditions and procedures set forth in 24 CFR 58.75. When objections which meet the criteria in 24 CFR Part 58 are received, they should be date stamped and logged-in on the RROF log with a notation in the comments column that the entry is for a letter of objection. See Chapter 2, paragraph 2-6 B.3. for procedures for handling complaints which do not meet Part 58 criteria.
- B. It should then be determined whether the objections were received in the Field Office within 15 days from the time the Field Office received the grantee's RROF and the related certification, or within the time period specified in the notice, whichever is later.
- C. If objections are received by HUD prior to the expiration of the objection period, they must be considered before funds may be released. Objections should be reviewed and a letter sent to the objector and the grantee indicating the results of the review. If the objections were not received within the appropriate timeframes, the objector should be so advised.

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6-7 REVIEW FOR COMPLIANCE. Part II of the Request for Release of Funds Review Checklist (Exhibit 6-4) is to be used to determine whether the grantee's certification is acceptable and whether adequate and correct information was included in the required public notices. The compliance review should be completed within the 15 day period following receipt of the RROF.

6-8 APPROVAL. A letter or other form of notification to the grantee should be prepared for the authorizing HUD official (generally the CPD Director or Field Office Manager) to sign

on the 17th day following receipt of the RROF if the submission was found to be acceptable. The signature date should never be earlier than 17 days after receipt of the RROF, since the signature date is the date the funds are considered released from condition unless otherwise indicated.

6-9 DISAPPROVAL. The only permissible reasons for disapproval of a Request for Release of Funds and Certification are found in 24 CFR 58.75. If as a result of the review for compliance, review of objections submitted by citizens or other agencies, or other evidence that these requirements have not been met, the RROF should be disapproved. If the request is disapproved, the recipient should be promptly notified in writing of the reasons for the disapproval.

6-10 ADMINISTRATIVE RECORD. The following documentation should be maintained in the official files:

- A. Request for Release of Funds form submitted by the grantee (HUD-7015.15);
- B. Copy of the newspaper Notice of a Finding of No Significant Impact and Notice of Intent to Request Release of Funds;
- C. Copy of RROF Review Checklist;
- D. Copy of the signed Notice of Removal of Grant Conditions, form HUD-7015.16, and/or other notification to the grantee;
- E. If objections were received, a copy of all related correspondence and information; and
- F. If the request was disapproved, a copy of letter notifying the grantee of the reasons for disapproval.

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Exhibit 6-1

Request for Release of
Funds and Certification

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Exhibit 6-2

Sample

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT ON THE ENVIRONMENT
AND NOTICE OF REQUEST FOR RELEASE OF FUNDS

Name, address and telephone
number of Recipient

TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS:

On or about _____, the _____ will
(Date of RROF) (Name of Grantee)
request the _____ to release Federal funds
(Name of HUD Office)
under Title I of the Housing and Community Development Act of
1974, as amended, to undertake a project known as

(Project Title and Number)

consisting of _____
(Purpose or Nature of Project)

(Location of Project)

The purpose of this combined Notice is to meet two separate
procedural requirements of 24 CFR 58:

1. A Notice of Finding of No Significant Impact (FONSI);
2. A Notice of Intent to Request Release of Funds (NOI/RROF).

Those wishing to comment must specify which Notice is being
addressed. Objections must be submitted to the

_____ by _____
(HUD Field Office) (17 days from publication)

Objections may only be made on the following basis:

1. The certification was not in fact executed by the Chief
Executive Officer or HUD or other Officer of the applicant
approved by HUD; or

2. That the applicant's Environmental Review Record for the project(s) indicates omission of a required decision, finding or step applicable to the project in the environmental review process.
3. 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.

Finding of No Significant Impact

It has been determined that such request for release of funds will not constitute an action significantly affecting the quality of the human environment and, accordingly, the _____
_____ has decided not to prepare an
(Name of Grantee)
Environmental Impact Statement under the National Environmental Policy Act of 1969 (PL 91-190).

The reasons for the decision not to prepare an Impact Statement are as follows:

An Environmental Review Record respecting the proposed project has been made by _____ which
(Name of Agency and/or Recipient)
documents the environmental review of the project and more fully sets forth the reasons why such Statement is not required. The Environmental Review Record is on file at the following office:

(Name of Agency and/or Recipient)

(Address)

It may be examined during _____.

(Name of Certifying Officer)

(Address of Certifying Officer)

requesting release of funds	_____	_____
Certification form is signed	_____	_____
Grantee submitted a copy of:		
The Notice of Intent to Request Funds published in the local newspaper	_____	_____
The Notice of Finding of No Significant Impact published in the local newspaper	_____	_____
OR		
A combined notice (NOI/RROF and FONSI)	_____	_____

COMMENTS:

I have reviewed the Request for Release of funds and find it
 ___ acceptable ___ unacceptable (see comments) for processing.
 No approval of this request for release of funds should be made
 until _____ (17th day after receipt).

 (Name and title of Reviewer) (Date)

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Exhibit 6-4

PART II: REVIEW OF REQUEST FOR RELEASE OF FUNDS, NOTICE OF NO
 SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST
 RELEASE OF FUNDS

	YES	NO
Review of Request for Release of Funds		
1. Certification form signed by the designated officer of the grantee	_____	_____
2. Dates indicated in RROF correspond with dates in notice(s) and are accurate	_____	_____
Notice Of Finding of No Significant Impact includes:		
1. Identification of the project to be undertaken, title, purpose or nature, location	_____	_____
2. Statement that the grantee has found that the project has no significant impact on the environment and the facts and reasons for such decision.	_____	_____
3. Statement that the grantee has made an Environmental Review Record respecting the project and the place and time when the		

Record may be examined. _____

4. Statement, if applicable, that no further environmental review of such project is proposed to be conducted and that the grantee intends to request HUD to release funds for such project _____

5. The name and address of the grantee, along with the name and address of the Certifying Officer are listed. _____

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6. There are 15 days between the date the notice was published in the newspaper and the last date for comments. _____

Date the advertisement was published in the paper: _____

Date given as expiration of 15-day comment period: _____

COMMENTS:

YES NO

Notice of Intent to Request Release of Funds:

1. Specifies the date upon which the Request and Certification would be submitted to HUD by the grantee. (If RROF Notice not submitted concurrent with or as a combined FONSI/RROF Notice, then the date of submittal must be at least 7 days after the Notice publication date). _____

2. Specifies that such Request and Certification relate to grant funds under Title I. _____

3. Includes a brief description of the project _____

4. Includes a statement that the grantee has made an Environmental Review Record respecting the project and the place and time when the record may be examined and copies obtained. _____

5. Contains the name and address of the grantee along with the name and address of the Certifying Officer. _____

6. Statement indicating the basis for objections and _____

the name and address of the HUD office to which they must be sent.

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7. Provides a sufficient 15 day objection period

Date advertisement published in the newspaper: _____

Date given as expiration of 15-day objection: _____

Combined Notice

In addition to the above requirements, the combined Notice:

1. Clearly indicates that the combined notice is intended to meet two separate procedural requirements.

2. Advises those submitting comments to indicate which "notice" their comments address

COMMENTS:

I have reviewed the Request for Release of Funds for the above project, including the required certification, and find it _____ acceptable _____ unacceptable (See comments above) in accordance with Part 58, Subpart C, Releases of Funds for Particular Projects.

Name of Reviewer

Title

Date

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Exhibit 6-5

NOTICE OF REMOVAL OF GRANT CONDITIONS
