

# Sample Notice of Intent to Request Release of Funds

## NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

*Date of Notice*

*Name of Responsible Entity (RE), i.e., grantee*

*Address*

*City, State, Zip Code*

*Telephone Number of RE (Project Manager)*

On or about (**cite date, which must be at least 8 days following publication of this notice**) the (**name of RE/grantee**) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Lead-Based Paint Hazard Control in Privately-owned Housing Grant Program funds under Section 1011 of the Housing and Community Development Act of 1992, Public Law 102-550, for the following program/project: (**cite your project or program title**), for the purpose of (**briefly describe nature/scope of program**). The (**name of grantee**) is requesting the release of (**cite amount of Federal assistance you were awarded and match amount separately**)of Federal assistance.

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from the National Environmental Policy Act requirements. In accordance with §58.15, a tiered review process has been structured, whereby some environmental laws and authorities have been reviewed for the target area and other applicable 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 has been established: Floodplain Management, Coastal Barriers Resource Act, Coastal Zone Management Act. Compliance with the following laws and authorities will take place for lead-only projects, i.e., projects that do not combine funding with other Federal funding sources, prior to commitment of funds for: Historic Preservation, National Flood Insurance Program requirements, Explosive & Flammable Operations. For combined lead/rehabilitation projects including CDBG, HOME or other Federal funding sources, the City will complete a Statutory Worksheet, in accordance with Sec. 58.35. 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

(name and address of RE/grantee office where ERR can be examined, and name and address of any other locations where the record is available for review) and may be examined or copied weekdays \_\_\_a.m. to \_\_\_p.m.

#### PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the **(grantee/RE designated office responsible for receiving and responding to comments)**. All comments received by **(date, which is notice date plus seven days)** will be considered by **(grantee/RE)** prior to authorizing submission of a Request for Release Of Funds and Certification to HUD.

#### RELEASE OF FUNDS

The **(grantee/RE)** certifies to HUD that **(name of Certifying Officer)** in **his/her** official capacity as **(Official Title)**, 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 **(grantee/RE)** to utilize federal funds and implement the Program.

#### OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and the **(grantee/RE)** 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 **(grantee/RE)**; (b) the **(grantee/RE)** has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the **(grantee/RE)** 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: U.S. Department of Housing and Urban Development, Karen Choi, Environmental Clearance Officer, 611 West Sixth Street, Suite 805, Los Angeles, CA 90017. Potential objectors may contact HUD to verify the actual last day of the objection period.

**(Name and Title of grantee/RE Certifying Officer)**