



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-3000

OFFICE OF LEAD HAZARD CONTROL
AND HEALTHY HOMES

MEMORANDUM FOR: Matthew E. Ammon, Director,
Office of Lead Hazard Control and Healthy Homes, L

FROM: Yolanda Brown, Programs Division Director,
Office of Lead Hazard Control and Healthy Homes, LM

SUBJECT: Environmental Assessment and Finding of No Significant Impact
under the National Environmental Policy Act — Notice of
Funding Opportunity for Fiscal Year 2022: **Healthy Homes
Production Grant Program FR-6600-N-44**

It is the finding of this Office that the publication of the attached Notice of Funding Opportunity (NOFO) for the Healthy Homes Production Grant Program, described by the attached funding notice FR-6600-N-44, does not constitute a major federal action having an individual or cumulative significant effect on the human environment, and therefore does not require the preparation of an Environmental Impact Statement.

The notice sets out the guidance to govern the Healthy Homes Production Grant Program, which is authorized under Section 501 and Section 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. § 1701z-1 and z-2), and funding is provided by the Consolidated Appropriations Act, 2022, Public Law 117-103, approved March 15, 2022.

The FY 2022 Healthy Homes Production Grant Program will assist State governments; County governments; City or township governments; Native American tribal governments (Federally recognized); Nonprofits with 501(c)(3) status with the IRS, other than institutions of higher education; and consortiums to develop comprehensive approaches to addressing multiple childhood diseases and injuries in the home by focusing on housing-related hazards in a coordinated fashion. The program builds upon HUD's experience with Lead Hazard Control programs to expand the Department's efforts to address a variety of high-priority environmental health and safety hazards. Eligible activities for the program include:

1. Carrying out all reasonable grant administrative costs related to planning and executing the project, preparation/submission of HUD reports, etc.
2. Conducting general operation of the organization, indirect facilities, and administrative activities.
3. Conducting Healthy Homes Direct Costs including:
 - a. Conducting sampling, testing, and analysis for allergens, carbon monoxide, radon (mandatory for every unit assisted), and other housing-related health and safety hazards;

- b. Providing temporary relocation until the property is cleared of health and safety hazards and deemed safe for re-occupancy
 - c. Performing Healthy Homes Remediation soft project costs that directly support the undertaking of healthy homes activities;
4. Conducting other allowable direct costs including:
- a. Purchasing or leasing items having a per-unit cost under \$5,000;
 - b. Supporting data collection, analysis, and evaluation of grant program activities;
 - c. Providing resources to build capacity for healthy homes interventions, including delivering HUD-approved training courses, subsidies for licensing or certification fees, completion of other HUD-approved courses that further effectiveness of intervention work
 - d. Conducting targeted outreach, affirmative marketing, or education that helps promote participation in the program;
 - e. Evaluating the effectiveness of hazard remediation conducted under the grant;
 - f. Purchasing resident supplies.

Award of an FY 2022 Healthy Homes Production Grant does not constitute approval of specific sites where activities that are subject to environmental review may be carried out. Recipients of funding under this NOFO that are states, units of general local government or Native American tribes must carry out environmental review responsibilities as a responsible entity under 24 CFR part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities." For recipients that are not a state, unit of general local government, Native American tribes, or a consortium with such a government as a principal, the responsible entity designated under section 58.2(a)(7) will (per section 58.1(b)(7) and 58.4(a)) perform environmental reviews of proposed activities under part 58. Under 24 CFR 58.11, where the recipient is not a State, unit of general local government or Native American tribe, if a responsible entity objects to performing the environmental review, or the recipient objects to the responsible entity performing the environmental review, HUD may designate another responsible entity to perform the review or may perform the environmental review itself under the provisions of 24 CFR part 50. When HUD performs the review itself, following grant award execution, HUD will be responsible for ensuring that any necessary environmental reviews are completed. Reasonable expenses incurred for compliance with these environmental requirements are eligible expenses under this NOFO. For all grants awarded under this NOFO, recipients and other participants in the project are prohibited from undertaking or committing or expending HUD or non-HUD funds on a project or activities under this NOFO (other than activities listed at 24 CFR 58.34, 58.35(b) or 58.22(f), (e.g., lead-based paint risk assessments, and housing related health hazard assessments), until the recipient or other responsible entity completes a tiered environmental review (ref. 24 CFR 58.15) including the submission, and HUD approval, of a Request for Release of Funds and the recipient's Environmental Certification (both on Form HUD 7015.15), or, in instances where the HUD performs the environmental review under Part 50, HUD has completed the review and notified the grantee of its approval. The application constitutes an assurance that the applicant will comply with this prohibition until HUD approval of the Form HUD

7015.15 and a site-specific Tier 2 environmental review is completed, or for HUD reviews under Part 50, that the applicant will comply with this prohibition until HUD approval of the project is received and will supply HUD with all available, relevant information necessary for HUD to perform the environmental review for each project. Additionally, the application constitutes an assurance that the recipient will carry out mitigating measures or select an alternate eligible property. The results of the environmental review may require that proposed activities be modified, or proposed sites rejected.

All other activities not related to construction, repair or rehabilitation are exempt or categorically excluded under 24 CFR 50.19(b)(1), (3), (5), (7), (8) and (9) or 58.34(a)(1), (3), (5), (7), (8), and (9) from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. § 4321) and are not subject to environmental review under the related environmental laws and authorities at 24 CFR 50.4 or 58.5.

Recipients of a grant under this NOFO will be provided additional guidance in these environmental responsibilities. The Environmental Requirements are covered in Appendix B of this NOFO. The terms and conditions of each grant agreement will incorporate the Environmental Review requirements including the provision that no commitment or expenditure for physical or choice-limiting activities may be made until HUD has approved the Request for Release of Funds and related Environmental Certification from the Responsible Entity for a tiered environmental review under 24 CFR 58.15 and has completed the Tier 2 site-specific environmental review, or for HUD environmental reviews under Part 50 and notified the grantee of its approval. The Office has considered the potential environmental impacts of the eligible activities of the notice listed above, and determines that they generally fall into one of two categories, either categorically excluded from review under the National Environmental Policy Act and subject to the related federal laws at 24 CFR §§ 50.4 and 58.5, per §§ 50.20(a)(2) and 58.35(a)(3), or exempt or categorically excluded and not subject to the related federal laws, per §§ 50.19(b), 58.34(a) and 58.35(b). The NOFO does not permit new construction, substantial rehabilitation, changes in (land) use or unit density, demolition of housing units or detached buildings; thus, supporting the determination of categorical exclusion at §§ 50.20(a)(2)(i)-(ii) and 58.35(a)(3)(i)-(ii).

Lead-related health and safety hazard evaluation (testing), and control work is to be carried out by trained and/or certified professionals per 24 CFR Part 35, subparts B-R (possessing certification as abatement contractors, risk assessors, inspectors, abatement supervisors, abatement workers, or sampling technicians; or others having been trained in a HUD-approved course in lead-safe work practices) and all firms and persons must be certified in accordance with the Environmental Protection Agency (EPA) Renovation, Repair and Painting Rule (RRP), found within 40 CFR Part 745. All other investigations and activities must be conducted by licensed or certified professionals and/or firms as required by the jurisdiction's requirements. Further, lead hazard evaluation and control work must be conducted in compliance with the HUD's Lead Safe Housing Rule (LSHR; 24 CFR Part 35, subparts B-R), the current HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing ("HUD Guidelines"), and applicable federal, state, and local regulations and guidance, including firm and supervisor certification under the EPA RRP Rule. Regarding the requirement that certain lead activities be carried out by appropriately trained and/or certified professionals, the Office notes that the EPA and EPA-authorized States regulate training and certification programs for lead-based paint inspectors, risk assessors, abatement contractors, remodelers, renovators, and painters.

Additionally, the Office included in its analysis, and in the NOFO provisions for waste disposal and worker protection. Given the nature of the listed permissible activities, disposal of lead-containing waste is anticipated. The notice specifies that waste disposal must be carried out according to the requirements of the appropriate local, state, and federal regulatory agencies, or the current HUD Guidelines. Applicants must handle disposal of wastes from residential hazard control activities that contain lead-based paint but are not classified as hazardous in accordance with state or local law or the current HUD Guidelines. Worker protection shall be accommodated through adherence the most stringent and protective of the HUD Guidelines, Occupational Health, and Safety Administration (OSHA) (29 CFR § 1910, General Industry, and/or § 1926, Construction as applicable), or the state or local occupational safety and health regulations.

Publication of the notice does not provide approval of a major Federal action having a significant impact on the human environment, sets forth the Environmental Requirements under applicable HUD environmental review regulations for individual projects, and provides particular methods and standards by which evaluation and hazard reduction work is to be performed. Before actions that could have a physical impact or limit the choice of alternatives may be taken, there will be an environmental review done under 24 CFR Part 50 (by HUD) or 24 CFR Part 58 (by a responsible entity) that will assess the potential environmental impacts in a local setting before the impacts or any choice limiting activities may take place. Accordingly, it is the determination of this office that a Finding of No Significant Impact may be made.

Concurrences:

_____ Date
Karen M. Griego
Program Environmental Clearance Officer
Office of Lead Hazard Control and Healthy Homes

_____ Date
Christopher H. Hartenau
Environmental Clearance Officer
Office of General Counsel

_____ Date
Kristin L. Fontenot
Departmental Environmental Clearance Officer

Approval:

_____ Date
Matthew E. Ammon
Director
Office of Lead Hazard Control and Healthy Homes

