



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: **Lead Hazard Reduction Grant Program FR-6600-N-13**

It is the finding of this Office that the publication of the attached Notice of Funding Opportunity (NOFO) for the Lead Hazard Reduction Grant Program, described by the attached funding notice (FR-6600-N-13), 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 Lead Hazard Reduction Grant Program, which 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). Funding is provided by the Consolidated Appropriations Act, 2022 (Public Law 117-103, enacted March 15, 2022) and the Consolidated Appropriations Act, 2021 (Public Law 116-260, enacted December 27, 2020), and the Further Consolidated Appropriations Act, 2020 (Public Law 116-94, enacted December 20, 2019). 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), and funding is provided by the Consolidated Appropriations Act, 2022 (Public Law 117-103, enacted March 15, 2022), and the Consolidated Appropriations Act, 2021 (Public Law 116-260, enacted December 27, 2020).

The Lead Hazard Reduction Grant Program assists certain State governments, County governments, City or township governments, Special district governments, and certain Native American tribal governments in undertaking comprehensive programs to identify and control lead-based paint hazards in eligible privately owned rental or owner-occupied housing populations. Allowable costs and activities for this program include:

1. Carrying out all reasonable, necessary, allocable, and otherwise allowable costs of general management, oversight, and coordination of the grant (i.e., program administration).
2. Conducting general operation of the organization and the conduct of activities it performs (i.e., indirect facilities and administrative costs).

3. Performing lead hazard control direct cost activities of lead-based paint identification and remediation as described in OLHCHH [Policy Guidance 2015-01](#): Clarification of costs for LHRD and LBPHC grant programs:
 - a. Performing lead dust, soil and paint-chip testing, lead-based paint inspections, risk assessments, clearance examination, and engineering and architectural activities that are required for, and in direct support of interim control and lead hazard control work.
 - b. Controlling or eliminating all lead-based paint hazards identified in housing units and in common areas of multi-family housing through either interim controls or lead-based paint abatement, or a combination of both.
 - c. Undertaking minimal housing rehabilitation activities that are specifically required in order to carry out effective hazard control, and without which the hazard control could not be completed, maintained, and sustained.
 - d. Carrying out temporary relocation for families and individuals while the remediation is conducted and until the time the affected unit receives clearance for re-occupancy.
 - e. Conducting activities that directly support the undertaking of lead hazard control, i.e., staff costs for intake, review and approval of applications and preparation of documents to be signed by applicants for lead remediation work; arranging for temporary relocation; providing assistance to residents in relation to lead hazard control; on-site monitoring of lead hazard control activities; and travel and transportation for staff that perform lead hazard control.
4. Conducting targeted outreach, affirmative marketing, education or outreach programs on lead hazard control and lead poisoning prevention.
5. Developing a registry of lead-safe units, provided to families.
6. Purchasing or leasing equipment having a per-unit cost under \$5,000.
7. Supporting data collection, analysis, and evaluation of grant program activities.
8. Evaluating the effectiveness of hazard remediation to assess how healthy homes interventions affect the health of the population being served.
9. Securing liability insurance for housing-related environmental health and safety hazard evaluation and control activities.
10. Conducting pre-hazard control blood lead testing of persons residing in or frequently visiting units enrolled for or undergoing lead hazard control work.
11. Participating in technical studies, or developing information systems to enhance the delivery, analysis, or conduct of lead hazard control activities, excluding research that could affect human subjects.

The notice also provides optional Healthy Homes Supplemental funds for Lead Hazard Reduction grantees. The supplemental funding is exclusively for direct costs associated with the identification and remediation of the housing related health and safety hazards identified in each individual eligible unit. Healthy Homes Supplemental funding, if applied for and awarded, must be used in units also receiving lead-based paint hazard reduction work funded under this grant. Eligible costs and activities include:

1. Completing a Healthy Homes Assessment of each individual unit to identify housing hazards that affect health.
2. Developing a scope of work of the identified hazards for each unit.
3. Conducting remediation of identified and documented health and safety hazards that are individualized for each of the housing units selected to receive this funding.
4. Reevaluating completed work, reporting, and notifying occupants and owners, if different, of the nature and results of the remediation.
5. Additional limitations for the use of this funding at [Policy Guidance 2018-01](#), Revision of the Purpose and Use of Healthy Homes Supplemental Funding.

Grant awards under this NOFO do not constitute approval of specific sites or projects where activities that are subject to environmental review may be carried out (refer to Appendix E: Environmental Requirements). Recipients of funding under this NOFO that are states, units of general local government, Native American tribes, or consortiums with such a unit of government as the principal applicant 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, or Native American tribe (or in a consortium with such a government as principal applicant), HUD will perform environmental reviews of proposed activities under 24 CFR part 50. 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 inspections, risk assessments, and housing related health hazard assessments using the Healthy Homes Supplement Funds) until (1) the recipient completes a tiered environmental review (see 24 CFR 58.15 Tiering) using the HUD Environmental Review Online System (HEROS), 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), through HEROS, following the completion of the Tier 1 broad-level review, and completion of a site-specific review at the particular site; or (2) in the case where the recipient is not a state, unit of general local government or Native American tribe and HUD performs the review under Part 50, HUD has completed the review and notified the recipient of its approval. The results of a Tier 2, site specific environmental review or a HUD review under part 50 may require that proposed activities be modified, or proposed sites rejected. For applicants that are not a state, unit of general local government, or Native American Tribe, then, in accordance with 24 CFR 50.3(h), the application constitutes an assurance that the applicant will comply with this prohibition until HUD approval of the property is received, and that the applicant will assist HUD in complying with part 50; will provide all available, relevant information necessary for HUD to perform for

each property any required environmental review; and will carry out mitigation measures required by HUD or select an alternate eligible property.

Grantees that will conduct lead hazard control work on eligible units located outside of the recipient's jurisdiction will be required to submit an executed contract, Memorandum of Understanding (MOU), Memorandum of Agreement (MOA) or comparable documentation of agreement with and between each jurisdiction of the target area. The grant recipient will be considered the lead agency; the other jurisdiction(s) will be required to provide resources, information, and documentation, including for environmental reviews under Part 58, pertaining to work in the area of the particular jurisdiction. The contract, MOU, MOA or comparable agreement is akin to a consortium agreement as described in the definition of consortium in the HOME regulations at 24 CFR 92.101.

Grantees under this NOFO with current Tiered Environmental Reviews for a previous award will be offered the option to validate the Tier 1 and file the validation documentation in HEROS, per 24 CFR 58.47, or complete a new Tier 1 during the grant start-up period. A current Tiered Environmental Review is one that is dated not more than 5 years from the new award start date. Also, if substantial changes are not proposed in the new grant program, the grantee shall provide documentation as such in the current Tier 1, and no new Request for Release of Funds (RROF) and Environmental Certification (Form HUD7015.15) to HUD is required until the original Tier 1 expires (5 years from the original dated Tier 1), substantial changes in the nature, magnitude, or extent of the project or program are proposed, or new circumstances and environmental conditions are presented, whichever comes first. Examples of substantial changes include but are not limited to: adding or eliminating target areas; adding 20% or more additional units; changing the pool of eligible residential buildings (ex., adding multifamily buildings). Substantial changes require an update of the Tier 1 and a new RROF and Environmental Certification is required.

The Office has considered the potential environmental impacts of the (above) listed eligible activities of the notice and determines that they generally fall into one of two categories, either categorically excluded and subject to the related federal laws at 24 CFR 50.4 and 58.5, per 24 CFR 50.20(a)(2) and 58.35(a)(3), or exempt or categorically excluded and not subject to the related federal laws, per 24 CFR 50.19(b)(1), (b)(3), (b)(4), (b)(5), (b)(6), and (b)(13); 58.34(a)(1), (a)(3), (a)(4), (a)(5), and (a)(6); and 58.35(b)(3). The NOFO does not permit new construction, substantial rehabilitation, changes in (land) use or unit density, demolition of housing units or detached buildings, thus justifying the determination of categorical exclusion at 24 CFR 50.20(a)(2)(i)-(ii) and 58.35(a)(3)(i)-(ii).

Lead and other housing related health and safety hazard evaluation (testing), interim controls and hazard control or abatement work must be conducted by firms certified or licensed for, and persons certified for the activities according to the Lead Safe Housing Rule at 24 CFR Part 35, subparts B-R (possessing certification as risk assessors, inspectors, abatement supervisors, abatement workers, or sampling technicians (clearance inspections); or certified renovator (for workers and supervisors performing non-abatement work)). Lead abatement activities conducted under the grant by certified or licensed abatement firm, a certified abatement supervisor, and certified abatement workers are to be carried out in accordance with the Lead

Safe Housing Rule and current HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, applicable OLHCHH Program Policies, and applicable federal, state and local regulations and guidance, including but not limited to the EPA's Renovation, Repair, and Painting (RRP) Rule. Regarding the requirement that certain 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 (ref. Toxic Substances Control Act sections 402 and 404; 15 U.S.C. §§ 2682 and 2684, respectively).

Additionally, the Office included in its analysis provisions for waste disposal and worker protection (see Section III.F. Program Requirements and Prohibitions x.aa. and x.bb. respectively, of the NOFO). 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, and the current HUD Guidelines. Disposal of wastes from residential hazard control activities that contain lead-based paint is not classified as hazardous by the EPA; even if they are not classified as hazardous in accordance with state or local law, they must also be appropriately handled in accordance with state or local law or the current HUD Guidelines. Worker protection shall be accommodated through adherence of the most stringent and protective of the current HUD Guidelines, Occupational Health and Safety Administration (OSHA) (29 CFR 1910.1025, Lead and/or 1926.62, Lead Exposure in Construction, as applicable), and/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.

Attachment

Concurrences:



Date 5/19/2022

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

Date _____
Christopher H. Hartenau

FONSI: FY 2022 NOFO for Lead-Based Paint Hazard Reduction Grant Program (FR-6600-N-13)

Environmental Clearance Officer
Office of General Counsel

_____ Date _____

Lauren McNamara
Acting Departmental Environmental Clearance Officer
Office of Environment and Energy

Approval:

_____ Date _____

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