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City of Newton, Massachusetts
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Barney S. Heath
Director



July 1, 2024

TO: Interested Individuals, Groups, and Agencies
FR: Malcolm Lucas, Housing Planner
RE: Notice of Intent to Request the Release of Funds

The City of Newton manages a Housing Rehabilitation and Development Program, which provides Community Development Block Grant (CDBG) and HOME Partnership Investment Program (HOME) funds to low-and-moderate income households in Newton for minor to moderate repairs to their homes. The program also supports the acquisition, creation, and preservation of affordable housing throughout the City. As the responsible entity, the City of Newton is required to perform an environmental review for each identified project. Due to the typical scope of work and nature of the program, the environmental review rarely requires consultation, except for lead paint, which often exists in older homes. The existence and removal of lead paint requires the City to notice all interested parties, using a Notice of Intent to Request a Release of Funds (NOI-RROF).

The City of Newton is hereby providing notice to interested parties that projects under the Housing and Rehabilitation and Development Program may require lead paint abatement. Lead paint abatement will follow federal and state guidelines. The City will continue to conduct an environmental review for each project and will maintain environmental review records in its files at City Hall, which will be available to any member of the public. However, the City will not provide further notice of lead paint abatement for individual projects. The City will provide an annual program-level NOI-RROF at the beginning of the following fiscal year.

Written comments will be accepted by the City of Newton, Planning and Development Department until 5 p.m. on July 11, 2024. The City of Newton will then submit the notice to the U.S. Department of Housing and Urban Development (HUD), which will accept public comment for fifteen days following the submission date.

Questions, comments, or concerns related the environmental review process and record may be directed to this office by mail, fax, or via email at mlucas@newtonma.gov

Enclosure

Notice of Intent to Request Release of Funds [Tiered Reviews]

July 1, 2024

Newton Housing and Community Development Program
1000 Commonwealth Avenue
Newton, MA 02459-1449
(617)796-1120

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS FOR TIERED PROJECTS AND PROGRAMS

Date of Publication: *July 1, 2024*

Malcolm Lucas
Planning and Development Department
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459
(617)796-1149

On or after July 11, 2024 the City of Newton will submit a request to the United States Department of Urban Development (HUD) for the release of Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974, as amended, and/or HOME Investment Partnership Program (HOME) funds under the National Affordable Housing Act of 1990, to undertake the following project: Housing Rehabilitation and Development Program

Tier 1 Broad Review Project/Program Title: *The Housing Rehabilitation and Development Program.*

Purpose: *The Housing Rehabilitation and Development Program provides federal funding assistance to owners of one to four-unit buildings in the City of Newton for minor to moderate repair, including but not limited to, repair or replacement of roofing, gutters, windows, siding, and the safe removal of asbestos, mold, and lead paint hazards; as well as support the acquisition, creation, and preservation of affordable housing throughout the city. Under HUD regulations, the responsible entity is required to notice interested parties of projects that require the removal of lead paint.*

The City of Newton is hereby providing notice to interested parties that projects funded under this program for the period of July 1, 2024-June 30, 2025, may require the removal of lead paint, and that the removal of lead paint will follow state and federal guidelines of safe removal and disposal. No additional notice will be sent regarding lead paint removal for individual projects funded under this program. HUD funding for this program is estimated at \$1,857,615.

Location: *Newton, MA (Citywide: 02458, 02459, 02460, 02461, 02462, 02464, 02465, 02466, 02467, 02468)*

Project/Program Description: *Rehabilitation of buildings and improvements when the following conditions are met: In the case of multifamily residential buildings: (A) Unit density is not changed more than 20 percent; (B) The project does not involve changes in land use from residential to non-residential; and (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation. (58.35(a)(3)(ii)).*

*To provide federal funding assistance to owners of one to four-unit buildings in the City of Newton for minor to moderate repair, including but not limited to, repair or replacement of roofing, gutters, windows, siding, and the safe removal of asbestos, mold, and lead paint hazards; as well as support the acquisition, creation, and preservation of affordable housing throughout the City. Under HUD regulations, the responsible entity is required to notify interested parties of projects that require the removal of lead paint. **Tier 2 site specific reviews will be completed for those laws and authorities not addressed in the tier 1 broad review for each address under this program when addresses become known.***

Level of Environmental Review Citation: *24 CFR Part 58.35(a)(3)(i)*

Tier 2 Site Specific Review: *The site specific reviews will cover the following laws and authorities not addressed in the Tier 1 broad review The site-specific reviews will cover the following laws and authorities not addressed in the Tier 1 broad review: Flood insurance, historic preservation, contamination, noise, environmental justice and etc.*

Mitigation Measures/Conditions/Permits (if any): *N/A*

Total CDBG Grant Amount: \$1,857,615 **Estimated Project Cost:** \$5,000-100,000 per home assisted.

The activity/activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements per 24 CFR Part 58. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at 1000 Commonwealth Avenue Newton, MA 02459 and may be examined or copied weekdays 9 A.M to 4 P.M. or if the review was completed in HEROS at <https://www.hudexchange.info/programs/environmental-review/environmental-review-records/>.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Newton Housing and Community Development Division. All comments received by July 11,2024 will be considered by the Newton Housing and Community Development Division prior to authorizing submission of a request for release of funds. Comments should be directed to:

*Malcolm Lucas, Community Development Planner
Newton Housing and Community Development Division
1000 Commonwealth Avenue
Newton, MA 02459-1449
Email: mlucas@newtonma.gov*

ENVIRONMENTAL CERTIFICATION

The City of Newton certifies to HUD that Barney Heath, Certifying Officer, in his capacity as Director of Planning and 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 Newton to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of fund and the City of Newton's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Newton; (b) the City of Newton has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (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, Sec. 58.76) and shall be emailed CPDRROFBOS@HUD.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.

Barney Heath, Director of Planning and Development, Certifying Officer