

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

**City of Charlotte, Neighborhood and Business Services Key
Business
600 E. Trade Street
Charlotte, North Carolina 28202
704-336-2911**

On or about May 11, 2009 the City of Charlotte 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: Lead Hazard Reduction Program, for the purpose of performing lead testing and lead hazard reduction activities. The City of Charlotte is requesting the release of \$2,999,903 in federal assistance, along with City of Charlotte match of \$656,707 in federal CDBG/Home funds, \$300,315 in City of Charlotte in-kind services as well as \$45,972 in Partnership in-kind services, April 15, 2009 to April 14, 2012.

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 City of Charlotte, Neighborhood and Business Services Key Business **600 E. Trade Street Charlotte, North Carolina and may be examined or copied weekdays 8a.m. to 5p.m.**

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the City of Charlotte, Neighborhood and Business Services Key Business 600 E. Trade Street Charlotte, North Carolina. All comments received by May 11, 2009 will be considered by the City of Charlotte prior to authorizing submission of a Request for Release Of Funds and Certification to HUD.

RELEASE OF FUNDS

The City of Charlotte certifies to HUD that Patrick T. Mumford in his official capacity as Neighborhood and Business Services Key Business Executive 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 Charlotte to utilize federal funds and implement the Program.

OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and the City of Charlotte 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 City of Charlotte; (b) the City of Charlotte has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the City of Charlotte 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, Edward Thomas, Office of Healthy Homes and Lead Hazard Control Program Environmental Clearance Officer, U.S. Department of Housing and Urban Development, The Wanamaker Building, 12th Floor, 100 Penn Square East, Philadelphia, PA 19107-3380. Potential objectors may contact HUD to verify the actual last day of the objection period.

Patrick. T Mumford
Key Business Executive