

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

Date of Publication: December 20, 2020

City of McKinney, Grantee

222 North Tennessee Street

McKinney, TX 75069

972-547-7517

ConsolidatedGrants@mckinneytexas.org

On or about December 30, 2020 the City of McKinney will submit a request to the U.S. Department of Housing and Urban Development (HUD), Office of Community Planning and Development, Fort Worth Regional Office for the release of Community Development Block Grant funds under Title 1 of the Housing and Community Development Act of 1974, Public Law 93-383, as amended 42 U.S.C.-530.1 et seq, to undertake the following project:

Tier 1 Broad Review Project/Program Title: Owner-Occupied Rehabilitation Program (CDBG and CDBG-CV)

Specifically, the project area has been studied and compliance with the following laws and authorities have been established in this Tier 1 Review: Airport Hazards, Coastal Barriers Resource Act, Coastal Zone Management Act, Clean Air Act, Endangered Species Act, Farmland Protection Act, Sole Source Aquifers, Wild and Scenic River Act, Wetland Protection, and Explosive and Flammable Hazards.

Purpose: Support of two Housing Rehabilitation Programs, to assist low-moderate income property owners residing in homes allowing for repairs from emergency to eligible reconstruction.

Location: Citywide. Specific addresses will be assessed in the site specific, Tier 2 reviews.

Project/Program Description (Program year 2020):

- 1) *CDBG Housing Rehabilitation Program* - The citywide program, assistance for repairs, rehabilitation, reconstruction, or weatherization of existing single-family owner-occupied homes. Assistance typically includes home repairs such as plumbing, electrical, foundation, repair and painting. The program is limited to owner-occupied single-family homes in city limits. Urgent repairs extended to all income qualified single-family homeowners regardless of the age of the home, capped at \$5,000. 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.
- 2) *CDBG-CV Housing Rehabilitation Program* – Balance of CDBG PY 19 funds will be used under CDBG-CV Housing Rehabilitation Program, under HUD waiver in response to the public health emergency as a result of COVID-19. Citywide; Priority for those impacted within zip code of 75069. 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: Historic Preservation, Airport Hazards, National Flood Insurance Program requirements, Contamination and Toxic Substances, Floodplain Management, Noise Abatement and Control and Environmental Justice.

Mitigation Measures/Conditions/Permits (if any): Should individual aggregate projects exceed the threshold for categorical exclusion detailed at §58.35(a), the following measures will be put into place for Tier 2 Site Specific Review. **Historic Preservation:** All recommendations by the State Historic Preservation Office (SHPO) will be incorporated into the project, as required. If the City cannot incorporate the SHPO recommendations, the project will be removed from the program. **Airport Hazards:** If a home is located within 2,500 feet of an FAA-designated civilian airport Runway Clear Zone (RCZ), assurances from the airport operator will be obtained. **National Flood Insurance Program Requirements:** If a home is in a floodplain, then the homeowner will be required to provide proof of flood insurance or be removed from the program, urgent repairs will be limited to \$5,000 and will not require flood insurance. **Contamination and Toxic Substances:** If possible, any contamination found on site will be cleaned up as part of the rehabilitation project. **Floodplain Management:** Projects will not be undertaken that will alter the floodplain. **Noise Abatement and Control:** If opportunities exist to incorporate noise attenuation into a home with a high noise level, then noise attenuation will be added to the project. **Environmental Justice:** The City of McKinney is committed to ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income.

Estimated Project Cost:

- CDBG Housing Rehab Program \$ 843,057
(\$493,057 under PY 20 new funds; up to \$350,000 from previous program years)
- CDBG-CV Housing Rehab Program \$ 401,328 from PY 19 program

The activity proposed is categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements per §58.35(a)(3)(i), An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at 406 North Tennessee Street, Housing & Community Development and may be examined or copied weekdays from 8 a.m. to 5 p.m., viewed on the web at the following link <https://www.mckinneytexas.org/1405/Planning-Reports>, or requested by mail by contacting Camille Smith, Community Services Coordinator at 972-547-7517 or ConsolidatedGrants@mckinneytexas.org

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the City of McKinney Housing & Community Development Department, Attn: Camille Smith, Community Services Coordinator via mail or email at the above addresses. All comments received by 5 p.m. on December 29, 2020 will be considered by the City of McKinney prior to authorizing submission of a Request for Release of Funds and Environmental Certification to HUD.

ENVIRONMENTAL CERTIFICATION

The City of McKinney certifies to HUD that Paul Grimes in his official capacity as City Manager of the City of McKinney, TX, 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 McKinney 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 McKinney's 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 McKinney; (b) the City of McKinney 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 McKinney 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 via email in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to the Fort Worth HUD Regional Office at CPD_COVID-19OEE-FTW@hud.gov. Potential objectors should contact the Fort Worth HUD Office via email to verify the actual last day of the objection period.

Paul Grimes, City Manager: Certifying Officer