

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO REQUEST RELEASE OF FUNDS

August 13, 2015
City of Houston
Housing and Community Development Department (HCDD)
601 Sawyer, 4th Floor
Houston, TX 77007
(832) 394-6183

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about Monday, August 31, 2015 City of Houston's Housing and Community Development Department, on behalf of the Houston Redevelopment Authority (Houston Housing Finance Corporation), will submit a request to the U.S. Department of Housing and Urban Development for the release of Community Development Block Grant (CDBG) funds authorized by Title I of the Housing and Community Development Act of 1974 (P.L. 93-383, as amended), to undertake a project known as, to undertake a project known as:

Project Title: Houston Furniture Bank

Location: 8220 Mosley, Houston, Texas 77075

Purpose of project: This project will entail rehab work (renovations) to be performed on the existing, operating 75,000 square foot warehouse for the Houston Furniture Bank. The footprint of the building is not expanding. Also included in the scope of the project is the purchase of equipment to complement the renovation work to be performed and contribute to the effective operation of the warehouse. This renovation, including the equipment, is being performed with the goal of expanding the Houston Furniture Bank's services to serve 500 families a month.

Since testing indicated lead and asbestos are present in the building, this project is conditioned on the proper mitigation of these two substances according to all applicable federal, state, and local requirements if they are disturbed at all. Language requiring the proper mitigation of lead and asbestos must be included in the contract as well.

Per reports containing the tests performed on this property, any and all lead paint on surfaces must be properly encased, encapsulated, or remediated. If any older exterior metal components identified in the report are not remediated, a lead based paint Operations & Maintenance (O & M) Plan should be put into place.

The report cites HUD Guidelines governing lead paint which can be found at:

Section 1017 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, (part of Title X of the Housing and Community Development Act of 1992) (Public Law 102-550) and HUD Guidelines enacted pursuant to this Act, including Chapter 6 which governs ongoing maintenance.

Disclosure and other requirements for lead paint found at 24 CFR 35 and 40 CFR Part 745 must also be followed, as per the second edition (July 2012) of the *HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing*. If any suspect lead based paint hazards not noted during the inspection are found, they should be sampled for lead and handled appropriately according to all federal, state, and local rules and regulations that apply.

Key regulations to be followed include the Texas Asbestos Health Protection Rules (TAHPR) and the National Emission Standards for Hazardous Air Pollutants (NESHAP), found at 40 CFR 61. Any and all asbestos containing building materials (ACBMs) and/or suspected ACBMs that will be disturbed need to be removed by a licensed abatement contractor, and, if applicable, a licensed asbestos consultant. Contractors also need to follow all applicable EPA, OSHA, and Texas Department of State Health Services (TDSHS) requirements.

Failure to follow mitigation and contractual requirements regarding lead and asbestos subjects this project to potential HUD penalties, including but not limited to the payback of federal funds.

Grant No. & Amount: B-10-MC-48-0018.....\$700,000.00;
B-12- MC-48-0018.....\$1,505,000.00

FINDING OF NO SIGNIFICANT IMPACT

The City of Houston has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the above address and is available for public examination or copying weekdays 8 A.M. to 5 P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the City of Houston, Housing and Community Development Department, ATTN: Environmental Review Officer, 601 Sawyer, 4th Floor, Houston, Texas 77007. All comments received by the close of business on Friday, August 28, 2015 will be considered by the City of Houston prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The City of Houston certifies to HUD that Annise Parker, in her capacity as Mayor, 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 Houston Redevelopment Authority (Houston Housing Finance Corporation), to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and the City of Houston certification received by the close of business on Tuesday, September 15, 2015 or a period of fifteen days from its 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 or other officer of the City of Houston approved by HUD; (b) the City of Houston, as Responsible Entity, 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 project have committed funds or incurred costs 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) and shall be addressed to: U.S. Department of Housing and Urban Development, 1301 Fannin Street, Suite 2200, Houston, Texas 77002. Potential objectors should contact HUD to verify the actual last day of the objection period.

Annise Parker, Mayor
City of Houston