

**NOTICE TO PUBLIC OF REQUEST FOR RELEASE OF FUNDS
CITY OF BIRMINGHAM, ALABAMA**

Date of Notice: September 8, 2022

Name of Responsible Entity: City of Birmingham

Address: 710 20th Street N, Birmingham, AL 35203

Telephone Number: (205) 254-2309

TO ALL INTERESTED AGENCIES, GROUPS, AND PERSONS:

On or about **September 23, 2022**, the City of Birmingham, Alabama (the City) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of the Lead-Based Paint Hazard Control Grant Program (LBPHC) 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) and funding is provided by the Consolidated Appropriations Act, 2018 (Public Law 115-141), approved March 23, 2018. 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), with funding approved by the same Appropriations Act, for the following multi-year program/project: Lead-Based Paint Hazard Control Grant Program and Healthy Homes Grant Program, for the purpose of providing lead hazard control and healthy homes intervention measures to mitigate lead hazards, lead-based paint poisoning, and addressing health hazards in households with children diagnosed with an Elevated Blood Lead Level (EBLL) and/or children under six years of age living in target housing throughout the entire city of Birmingham. The City of Birmingham will assess 162 units throughout the course of the 18-month grant period. The assessment process will include an evaluation of the property's lead safety standard and healthy homes standard. Due to some units not having lead-based paint hazards or for other reasons some units will not continue with the program; therefore, more units will be assessed than completed and cleared. The City of Birmingham will complete and clear 110 units through this grant. The City anticipates that 45 single-family owner-occupied units and 65 rental units will be remediated during the grant period. The 110 units that will be cleared through the lead-based paint program will also be assessed through the Healthy Homes Program. Only homes that participate in the Lead-Based Paint Hazard Control Program will be eligible for assistance through the Healthy Homes Program. The City of Birmingham is requesting the release of \$3,500,000.00 in Lead funds, \$600,000.00 in Healthy Homes funds, and \$350,000.00 in match funds.

The proposed hazard control activities to be funded under this/these program(s) is/are categorically excluded from the National Environmental Policy Act requirements, but subject to compliance with some of the environmental laws and authorities listed at § 58.5 of 24 CFR Part 58. In accordance with §58.15, a tiered review process has been structured, whereby some environmental laws and authorities have been reviewed and studied for the intended target area(s) listed above. Other applicable environmental laws and authorities will be complied with, when individual projects are ripe for review. Specifically, the target area(s) has/have been studied and compliance with the following laws and authorities have been established in this Tier 1 review: Coastal Barrier Resources, Endangered Species, Farmlands Protection, Noise Abatement and Control, Sole Source Aquifers, Wetlands Protection, Wild and Scenic Rivers, and

Environmental Justice. In the Tiered 2 review, compliance with the following environmental laws and authorities will take place for proposed projects funded under the program(s) listed above: Historic Preservation, National Flood Insurance Program requirements, Wetlands Protection, and Toxics/Hazardous Materials. Should individual aggregate projects exceed the threshold for categorical exclusion detailed at §58.35(a), an Environmental Assessment will be completed and a separate Finding of No Significant Impact and Request for Release of Funds published. 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 the City's Community Development Department, 10th Floor-City Hall, 710 North 20th Street, Birmingham, AL 35203, and is available for public examination Monday through Friday from 8:00 a.m. until 5:00 p.m.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the City of Birmingham. All comments received by **September 22, 2022**, will be considered by the City of Birmingham prior to authorizing submission of a Request for Release of Funds and Environmental Certification to HUD.

RELEASE OF FUNDS

The City of Birmingham certifies to HUD that Randall L. Woodfin, as Mayor and Dr. Meghan Venable-Thomas as Certifying Officer, 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 Birmingham 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 Birmingham 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 Birmingham; (b) the City of Birmingham 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 Birmingham 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: Karen M. Griego, Office of Lead Hazard Control and Healthy Homes, Program Environmental Clearance Officer, U.S. Department of

Housing and Urban Development, 500 Gold Ave SW, 7th Floor, Suite 7301, P.O. Box 906, Albuquerque, NM 87103-0906. Potential objectors may contact HUD directly to verify the actual last day of the objection/comment period.

Randall L. Woodfin, Mayor
City of Birmingham, Alabama
Third Floor, City Hall
710 North 20th Street
Birmingham, Alabama 35203