

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

<b>Date of Publication:</b>	September 6, 2017
Name of Responsible Entity:	City of Sierra Vista
Address (e.g., Street No. or P.O. Box)	1011 N. Coronado Dr.
City, State, Zip Code	Sierra Vista, AZ 85635
Telephone Number of RE	(520) 439-2200

On or after **September 14, 2017**, the City of Sierra Vista will submit a request to the HUD Program Office in Phoenix, Arizona, for the release of Community Development Block Grant funds under Title 1 of the Housing and Community Development Act of 1974, as amended, to undertake the following project:

**Tier 1 Broad Review Project/Program Title:** Emergency Home Repairs/Rehabilitation is designed for residential single family, owner-occupied housing on scatter sites and will be conducted by Habitat for Humanity. Habitat for Humanity's *A Brush With Kindness* program is designed to assist homeowners with critical (emergency) home repairs. This is a low- to moderate-income program that persons/households who own and occupy their homes. Each household must qualify under HUD guidelines to receive assistance. The cost of repairs cannot exceed \$10,000 per home. Currently, A Brush with Kindness rehabilitates approximately 6 homes per year, but has a demand that exceeds their available funding. The 2016 CDBG Program allotted \$60,000 to Habitat for a minimum of repairs for six homes, which doubles Habitat's current capacity. This Tier 1 Board Review will remain in effect for any emergency repair programs until the end of the current Five-Year Consolidated Plan (2014-2019).

**Purpose:** A Brush With Kindness provides emergency home repairs to low- and moderate-income households in the City of Sierra Vista. A Brush with Kindness repairs necessary home repairs to ensure suitable living environments and enables low- to moderate- income households to remain in their homes.

**Location:** The homes must be located within the City's incorporated City Limits.

**Project/Program Description:** This program is to provide Emergency Home Repairs that customarily include, but not necessarily limited to, new heating/air conditioning units, hot water heaters, correct plumbing or electrical deficits, new roofs. Emergency Home Repairs do not include cosmetic improvements.

**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:** § 58.35(a) Categorical exclusions. (a) *Categorical exclusions subject to § 58.5.* The following activities are categorically excluded under NEPA, but may be subject to review under authorities listed in § 58.5: (1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets). (2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.

**Tier 2 Site Specific Review: The site specific reviews will cover the following laws and authorities not addressed in the Tier 1 broad review:** Flood Insurance - Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]. Floodplain Management - Executive Order 11988, particularly section 2(a); 24 CFR Part 55. Contamination and Toxic Substances - 24 CFR Part 50.3(i) & 58.5(i)(2). Historic Preservation - National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800. Noise Abatement and Control - Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B.

**Mitigation Measures/Conditions/Permits (if any):** (1) Flood Insurance - The City will ensure that all properties receiving CDBG assistance are either located outside of the 100 year floodplain or floodway or carry the required flood insurance. The City will review the most recent FEMA floodplain maps to determine whether flood insurance is required. Evidence of flood insurance by NFIP for properties located within a 100-year floodplain or floodway will be required before funds are released for properties in Tier II. Floodplain Management - The City will ensure compliance with the Floodplain Management factor by obtaining a copy of the most recent Firmette from FEMA for each property that is ready for funding. Contamination and Toxic

Substances - The City will ensure compliance with the Contamination and Toxic Substances factor by conducting a site visit and reviewing NEPAAssist for superfund and brownfield sites proximate to the subject property. Historic Preservation - although the City does not have any properties on the Historic Preservation list, the City will ensure compliance with the Historic Preservation factor by conducting a site visit and reviewing property records and master sites files for each property that is ready for funding. The City will send documents at determination to the State Historic Preservation Office for a concurrence letter. Noise Abatement and Control - The City will ensure compliance with the Noise Abatement and Control factor by assessing and documenting transportation noise sources, including roads, railroads, and airports within the HUD-specified distances.

The City of Sierra Vista will perform a site visit for each property and use NEPAAssist, FEMA Maps, etc., to review all individual properties. Should any home be found to be out of compliance with any Environmental laws, particularly those listed above, the compliance issues will be addressed by using appropriate mitigating measures, additional reviews, or ultimately the City can decline performing any repairs on the property.

Estimated Project Cost: \$60,000 maximum grant funding and a maximum of \$10,000 allowed for each single-family home repair/rehabilitation project.

The activity/activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements per § 58.35 Categorical exclusions. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at City of Sierra Vista, Department of Community Development, 1011 N. Coronado Dr., Sierra Vista, AZ 85635 and may be examined or copied weekdays 9 A.M to 4 P.M..

#### PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Jenifer Thornton, City of Sierra Vista, 1011 N. Coronado Dr., Sierra Vista, AZ 85635 or [Jenifer.Thornton@SierraVistaAZ.gov](mailto:Jenifer.Thornton@SierraVistaAZ.gov). All comments received by September 14, 2017, will be considered by the City of Sierra Vista prior to authorizing submission of a request for release of funds.

#### ENVIRONMENTAL CERTIFICATION

The City of Sierra Vista certifies to HUD/Phoenix, Arizona Office that Charles P. Potucek, Certifying Officer, in his capacity as City Manager 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/Phoenix Office's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use HUD program funds.

#### OBJECTIONS TO RELEASE OF FUNDS

HUD/Phoenix Office will accept objections to its release of fund and the City of Sierra Vista'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 Sierra Vista; (b) the City of Sierra Vista 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/Phoenix Office*; 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 addressed to *HUD/Phoenix Office*, at One North Central Ave., Suite 600, Phoenix, AZ 85004. Potential objectors should contact *HUD/Phoenix Office* to verify the actual last day of the objection period.

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CHARLES P. POTUCEK, CITY MANAGER, Certifying Officer