

## NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (Tiered Review)

May 7, 2025

Erie County

95 Franklin St

Buffalo, NY 14202

(716) 961-6800

On or about May 15, 2025 the Erie County Department of Health will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Lead Based Paint Hazard Control Grant Program (LBPHC) funds under the Consolidated Appropriations Act, as amended, to undertake the following multi-year program/project: Lead Hazard Reduction Grant (LHR) for the purpose of lead hazard reduction via interim controls and limited abatement in 300 residential units in Erie County with a focus on rental units in the Cities of Buffalo and Lackawanna. Erie County is requesting the release of \$7,000,000 in Lead Hazard Reduction Funds and \$750,000 of Healthy Homes Supplemental Funds for the performance period 3/2025 – 3/2029

The proposed [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. Compliance with other applicable environmental laws and authorities will be met when individual projects are reviewed, i.e., Flood Insurance, Historic Preservation, Contamination/Toxics. 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. 26

An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at Erie County Department of Health, 503 Kensington Avenue, Buffalo, NY 14214 and may be examined or copied on weekdays from 9:00 a.m. to 3:00 p.m.

## PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Erie County Department of Health. All comments received by May 14, 2025 will be considered by The Erie County Department of Health prior to authorizing submission of a Request for Release of Funds and Environmental Certification to HUD.

## RELEASE OF FUNDS

The County of Erie certifies to HUD that Lisa Chimera in her official capacity as Deputy County 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 Erie County Department of Health to utilize federal funds and implement the Program.

## OBJECTIONS TO RELEASE OF FUNDS

HUD will consider objections to its release of funds and the Erie County Health Department 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 Erie County Health Department; (b) the Erie County Health Department has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the Erie County Health Department 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 and sent to the email address: [OLHCHHPECOS@hud.gov](mailto:OLHCHHPECOS@hud.gov)

Lisa Chimera

Deputy County Executive