

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

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Department of Housing Stability
City and County of Denver
201 West Colfax Avenue
Denver, Colorado 80202

On or after 24 February 2025 the Denver Department of Housing Stability (HOST) will submit a request to the US Department of Housing and Urban Development (HUD) for the release of Community Development Block Grants (CDBG) funds under Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), as amended, to undertake the following project:

Tier 1 Broad Review Project/Program Title: Denver Urban Renewal Authority (DURA) Housing Rehabilitation Programs

Purpose: This project provides the Denver Urban Renewal Authority (DURA) with CDBG funds for two housing rehabilitation programs:

The *Emergency Home Repair (EHR) Program* provides no-interest deferred loans up to \$10,000 to homeowners at or below 80% of the Area Median Income to address emergency home repairs. These repairs include plumbing, electrical, heating, roof, sewer, and other systems that may pose an immediate danger to the health and safety of the household.

The *Rental/Homeowner Access & Modification Program (RHAMP)* provides households at or below 50% of the Area Median Income with grants up to \$10,000 to address applicants' accessibility modifications and repairs. Improvements may include installation of roll-in bathtubs or showers, grab bars, stair lifts, handrails, ramps, and other accessibility improvements.

All projects in these programs involve existing residences in urbanized areas that have already been disturbed by previous development and rights of way. Any project not meeting that criteria will need a full and independent review separate from this tiered review.

Location: Projects funded by this program will be scattered throughout the City and County of Denver and will not be tied to specific neighborhoods. Specific addresses will be assessed in the site-specific, or Tier 2, reviews.

Project/Program Description: The purpose of this project is to assist homeowners at or below 80% of the Area Median Income (AMI) or 50% of the AMI, depending on the specific program (EHR or RHAMP), with home repairs or acceptability improvements that will allow them to stay safe in their existing homes and keep the residence habitable for the long-term. 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: These programs are Categorically Excluded per HUD regulations at 24 CFR Part 58.35(a)(2): Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped

persons, and/or 24 CFR Part 58.35(a)(3)(i): Rehabilitation of buildings and improvements of a building for residential use (with one to four units), where the density is not increased beyond four units, and the land use is not changed.

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 Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a], HUD Contamination and Toxic Substances Standards at 24 CFR 50.3(i) & 58.5(i)(2), Floodplain Management per Executive Order 11988 [particularly section 2(a)] and 24 CFR Part 55, National Historic Preservation Act of 1966 (particularly sections 106 & 110) and 36 CFR Part 800, and Wetlands Projection per Executive Order 11990, particularly sections 2 & 5.

Mitigation Measures/Conditions/Permits (if any):

Flood Insurance (Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]): To determine compliance with Flood Insurance requirements, a National Flood Hazard Layer map will be obtained from <https://www.fema.gov/flood-maps/national-flood-hazard-layer> to determine whether the project location is in a floodplain and what sort of mitigation, if any, is needed. Mitigation will be determined on a case-by-case basis as each project site and scope of work is unique.

HUD Contamination and Toxic Substances Standards at 24 CFR 50.3(i) & 58.5(i)(2): To determine compliance with Contamination and Toxic Substances requirements, a NEPAssist Report will be obtained from <https://nepassisttool.epa.gov/nepassist/nepamap.aspx> to determine whether the project location is in an area that might have contamination or toxic substance issues. Further studies, such as a Phase I Environmental Site Assessment (ESA) or other study might be needed depending on the location of the project site.

Floodplain Management per Executive Order 11988 [particularly section 2(a)] and 24 CFR Part 55: To determine compliance with Floodplain management requirements, a National Flood Hazard Layer map will be obtained from <https://www.fema.gov/flood-maps/national-flood-hazard-layer> to determine whether the project location is in a floodplain and what sort of mitigation, if any, is needed. Mitigation will be determined on a case-by-case basis as each project site and scope of work is unique.

National Historic Preservation Act of 1966 (particularly sections 106 & 110) and 36 CFR Part 800: To determine compliance with Historic Preservation requirements, a property record will be obtained from <https://www.denvergov.org/property> to determine the age of the structure. This and the project description will then be compared with the City's PA with the Colorado SHPO to see if the project is exempted from SHPO review by the terms of the PA. If not, then consultation with the SHPO will be initiated per Section 106.

Wetlands Projection per Executive Order 11990, particularly sections 2 & 5: To determine compliance with Wetlands Projection requirements, a wetlands map will be obtained from <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper> to determine whether the project location is in or near a designated wetland and what sort of mitigation, if any, is required. Mitigation will be determined on a case-by-case basis as each project site and scope of work is unique.

Estimated Project Cost: *HUD funding for this project is all Community Development Block Grant (CDBG) funds in the amount of \$75,000.00 for the EHR program and \$230,000.00 for the RHAMP program, for a total of \$305,000.00. The estimated project cost for both programs is \$305,000.00.*

The activity/activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements per at 24 CFR Part 58.35(a)(2) and 24 CFR Part 58.35(a)(3)(i). Due to staff working primarily remotely, the Environmental Review Record (ERR) that documents the environmental determinations for this project will be made available to the public for review electronically via email. Please submit your request to Brian Ray James, HOST Environmental Officer, at brian.james@denvergov.org or leave a message at 720-913-1707.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to HOST. All comments received by 21 February 2025 will be considered by HOST prior to authorizing submission of a request for release of funds.

ENVIRONMENTAL CERTIFICATION

HOST certifies to HUD that Mayor Mike Johnston, in his capacity 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 HOST to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of fund and HOST'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 HOST; (b) HOST 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; 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 Noemi Ghirghi, CPD Region VIII Director, at CPDRROFDEN@hud.gov. Potential objectors should contact CPDRROFDEN@hud.gov to verify the actual last day of the objection period.

Mike Johnston, Mayor, City and County of Denver, Certifying Officer