



## Travis County Commissioners Court Agenda Request

**Meeting Date:** May 27, 2014

**Prepared By/Phone Number:** Christy Moffett 512-854-3460

**Elected/Appointed Official/Dept. Head:**

Sherri E. Fleming, County Executive of Travis County  
Health and Human Services & Veterans Service

**COMMISSIONERS COURT SPONSOR:** Judge Samuel T. Biscoe

### **AGENDA LANGUAGE:**

Consider and take appropriate action on the following items related to the Community Development Block Grant made available through HUD:

- A. Briefing on the Program Year 2015-2017 Urban County Renewal Process;
- B. Certify the environmental review for The Housing Authority of Travis County's Continuum of Care Program with funding provided by HUD for two rental assistance projects; and
- C. Certify the Tier One environmental review for the Program Year 2013 Owner Occupied Home Rehabilitation program including:
  1. Certify the results of the Tier One;
  2. Approve postings to notify the public of the certification of the Tier One and of the Notice of Intent to Request Release of Funds;
  3. Authorize the County Judge to sign the required forms;
  4. Authorize the submission to the HUD San Antonio Region VI field office if no comments are received during the ten day posting period; and
  5. Delegate authority to the County Executive of Health and Human Services and Veterans Service to sign subsequent site specific environmental reviews.

### **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

Under the provisions of Title 1 of the Housing and Community Development Act of 1974 (42 USC 5301), the Federal government sponsors a program that provides annual grants to cities and counties to

develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities for low and moderate - income persons. Travis County became an urban entitlement community in 2006.

- A. Every three years, HUD requires counties receiving CDBG funds to renew their entitlement status as urban counties and to consider whether to include previously non-participating communities in their CDBG program. For 2012-2014 renewal period, the Village of Webberville participated in the Urban County.

To maintain its eligibility to receive CDBG funds from HUD, Travis County must renew its qualification for the upcoming 2015-2017 period. Final decisions including cooperation agreements with renewing and joining municipalities must be complete by July 15, 2014. Below is a full timeline for the renewal process:

Timeline for Urban County Renewal	
Action Needed	Due Date
Notification to non-participating cities about the ability to join	May 16, 2014
Notification to participating cities about renewal	May 30, 2014
Notification by participating cities if choose not to renew	June 20, 2014
Execution of Cooperative Agreement by Cities/Villages	No later than July 15, 2014
Execution of Cooperative Agreement by TCCC	July 22, 2014
Travis County submits all required documents to HUD	July 25, 2014

- B. Every HUD-funded project must go through the appropriate level of environmental review as required by HUD. The level of environmental review is attributed to the nature of each project and its potential impact on the environment.

Responsible Entities (RE) that receive assistance directly from HUD must assume responsibility for the environmental reviews, decision-making, and other actions that would otherwise apply to HUD under the National Environmental Policy Act (NEPA) and other provisions of NEPA, as specified in 24 CFR §58.5 and §58.6. REs assume this responsibility through the execution of a grant agreement with HUD and/or a legally

binding document such as the certification contained on form HUD-7015.15, Request for Release of Funds (RROF), which certifies the RE's assumption of environmental responsibilities.

The Housing Authority of Travis County (HATC) applied for renewal of HUD funding of its Continuum of Care (CoC) Program to provide rental assistance under projects SP-1 (Grant# TX0037L6J031205) and SP-2 (Grant# TX0235L6J031204). Typically, HUD has acted as the RE for the environmental clearance of this funding stream, but from this year forward, HUD is delegating that responsibility to entitlements. As our role as RE, it is appropriate for the delegation of responsibility to shift to the County.

The projects provide tenant-based rental assistance (TRR) for permanent supportive housing to literally and chronically homeless persons with severe and persistent mental illness and/or substance abuse issues in Travis County. The following supportive services are also provided to clients: assessment of service needs, assistance with moving costs, case management, employment assistant and job training, housing search and counseling services, life skills training, mental health services, outpatient health services, outreach services, substance abuse treatment services, and utility deposits.

The appropriate level of environmental review is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b). Excerpts from 24 CFR 58.35(b):

*b) Categorical exclusions not subject to §58.5. The Department has determined that the following categorically excluded activities would not alter any conditions that would require a review or compliance determination under the Federal laws and authorities cited in §58.5. When the following kinds of activities are undertaken, the responsible entity does not have to publish a NOI/RROF or execute a certification and the recipient does not have to submit a RROF to HUD (or the State) except in the circumstances described in paragraph (c) of this section. Following the award of the assistance, no further approval from HUD or the State will be needed with respect to environmental requirements, except where paragraph (c) of this section applies. The recipient remains responsible for carrying out any applicable requirements under §58.6.*

*(1) Tenant-based rental assistance;*

*(2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;*

This means that although the activity is categorically excluded from NEPA requirements, the grantee must nevertheless demonstrate compliance with the laws, authorities, and the Executive Orders listed in §58.5.

Furthermore, when the following kinds of activities are undertaken, the responsible entity does not have to publish a NOI/RROF or execute a certification and the recipient does not have to submit a RROF to HUD (or the State), except in any applicable circumstances described in paragraph (c) of 24 CFR 58.35.

The HATC’s rental assistance projects outline above fall under this category of environmental review because the following conditions are met:

- The project only involves tenant-based rental assistance and related supportive services.
- The supportive services fall under the supportive services allowed under 24 CFR 58.35(b)(2), as outlined in the table below:

<b>Supportive service to be provided under projects SP-1 &amp; SP-2</b>	<b>Supportive service allowed per 24 CFR 58.35(b)(2)</b>
Assessment of service needs	Other supportive services
Assistance with moving costs	Housing services
Case management	Other supportive services
Employment assistant and job training	Other supportive services
Housing search and counseling services	Housing services
Life skills training	Other supportive services
Mental health services	Health care
Outpatient health services	Health care
Outreach services	Other supportive services
Substance abuse treatment services	Health care
Utility deposits	Short-term payments for rent, mortgage, and/or utility costs

### **Certifying Officer**

HUD regulations, pertaining to environmental reviews, requires designation of a Certifying Officer to carry out certain responsibilities and authorizations.

- The Certifying Officer represents the Responsible Entity (RE) , and serves as the “responsible Federal official,” who has the legal capacity to carry out the responsibilities of §58.13, and is authorized to certify Request for Release Of Funds (RROF) and represent the RE in federal court.
- The Certifying Officer for a State is the Governor. The Certifying Officer for a city is the Mayor or City Manager. The Certifying Officer for a county (or equivalent) is the highest elected official; which is the County Judge.

**C.** The Travis County CDBG Owner-Occupied Home Rehabilitation program’s purpose is to improve the quality of housing stock in the CDBG service area for low-to-moderate income owner occupied houses. For Program Year 2013, \$450,000 has been allocated. This project will continue funding minor home repair services for low- and moderate-income homeowners in the unincorporated areas of Travis County and the Village of Webberville, to move homes towards Housing Quality Standards. The program seeks to improve the energy efficiency, physical living conditions, and safety in owner-occupied homes. A 0% interest, forgivable 5-year loan up to \$24,999 with no required annual or monthly payments is available. The deferred loan is forgiven at a pro-rata rate of 20% for each year of home ownership. Examples of potential improvements include, but are not limited to: foundation repair, roofing, flooring, electrical, plumbing, accessibility modifications, connection of houses to long-term viable sources of water (not part of a stand-alone infrastructure project), weatherization, noise attenuation, septic tank repairs and installation, and related engineering and/or design for improvements.

These funds are targeted toward homeowners at or below 80% Median Family Income (MFI) in the CDBG service area. This project will be administered by a Meals on Wheels and More, Inc, which has been administering the CDBG Home Rehabilitation Program since its inception.

1. The appropriate level of environmental review is Categorically Excluded Activity Subject to §58.5. This means that although the activity is categorically excluded from NEPA requirements, the grantee must nevertheless demonstrate compliance with the laws, authorities, and the Executive Orders listed in §58.5.

Home Rehabilitation falls under this category of environmental review because the following conditions are met:

- Only residential properties with one to four units will be rehabilitated,
- The density is not increased beyond four units,
- The land use is not changed, and
- If the building is located in a floodplain or in a wetland, the footprint of the building is not increased.

The CDBG Office has chosen to tier its environmental review of the housing rehabilitation program in a similar manner as was done in PY12. According to 24 CFR Part 58, a responsible entity may tier its environmental review and assessments to eliminate the repetitive discussions of the same issues at subsequent levels of review. Tiering is appropriate when there is a requirement to evaluate a policy or proposal early in the stages of development or when site specific analysis of mitigation is not initially feasible and a more narrow or focused analysis is better done at a later date. Due to the nature of this program, specific sites will require additional review based on their location within the CDBG service area. Site specific reviews will contain information on Historic Properties, Floodplain Management, Airport Hazards, and Contamination and Toxic Substances. The remaining areas of environmental review will be covered in the Tier One environmental review since they are repetitive.

The Tier One was completed by CDBG staff and may be located in Attachment E.

2. For Travis County to be able to move forward with contracting the funds, the results of the Tier One and a Notice of Intent/ Request for Release of Funds (NOI/RROF) must be completed. To do this, a notice, Attachment F, must be posted to notify the public of Travis County's 10 day comment period and HUD's 15 day comment period. After satisfactorily meeting both comment periods, HUD can release the funds for construction use. Travis County's comment period is proposed to start May 28, 2014 and last through June 6, 2014. HUD's 15 day comment period begins after receipt of the RROF which staff anticipates will be on or about June 9, 2014.

The posting will be placed on the Travis County website, the seven Travis County Community Centers, Commissioners Court Members' Offices, and the Ned Granger building. Additionally, notices will be mailed or emailed to neighborhood associations, school districts and other interested parties to notify the public of the County's 10-day comment period regarding the result of the project's environmental review and HUD's 15-day comment period to allow the release of funds.

3. In 24 CFR Part 58.2(A)(2), it states "Certifying Officer means the official who is authorized to execute the Request for Release of Funds and Certification and has the legal capacity to carry out the responsibilities of Sec. 58.13." In 58.13, it states " Under the terms of the certification required by Sec. 58.71, a responsible entity's certifying officer is the ``responsible Federal official" as that term is used in section 102 of NEPA and in statutory provisions cited in Sec. 58.1(b). The Certifying Officer is therefore responsible for all the requirements of section 102 of NEPA and the related provisions in 40 CFR parts 1500 through 1508, and 24 CFR part 58, including the related Federal authorities listed in Sec. 58.5. The Certifying Officer must also:
  - a) Represent the responsible entity and be subject to the jurisdiction of the Federal courts. The Certifying Officer will not be represented by the Department of Justice in court; and
  - b) Ensure that the responsible entity reviews and comments on all EISs prepared for Federal projects that may have an impact on the recipient's program.

In the past, the County Attorney's Office has determined that the County Judge is identified as the Certifying Official; and is therefore responsible for signing the forms on behalf of the County.

The required form for signature is found in Attachment G.

4. Typically, no comments are received during the 10 day comment period. In order to be more expeditious, staff would like to refrain from coming back to the Commissioners Court to report that no comments were received prior to the Court authorizing submission to HUD. If any comments are received, staff would bring the item back to the Commissioners Court prior to submission to HUD. Form

7015.15 (Attachment G) is all that is submitted to HUD for this process.

5. For the Program Year 2012 home rehabilitation site specific determinations, the Commissioners Court delegated authority to the County Executive for Health and Human Services and Veterans Service to sign off on the work rather than bringing numerous requests to Court.

For this project, it is possible that upwards of 20 homes will be repaired using these funds over the next twelve months which translates to 20 agenda items. Additionally, each home will have a different time frame for construction to start. Therefore, in the interest of time and efficiency in handling these transactions, the CDBG Office found that the Certifying Officer is allowed to delegate signature authority as per the excerpt below from HUD's Region VI Environmental Office Compliance Book (May 2012, page 3).

### ***Certifying Officer***

1. *The Certifying Officer represents the Responsible Entity (RE), and serves as the "responsible Federal official," who has the legal capacity to carry out the responsibilities of §58.13, and is authorized to certify Request for Release Of Funds (RROF) and represent the RE in federal court.*
2. *The Certifying Officer for a State is the Governor. The Certifying Officer for a city is the Mayor or City Manager. The Certifying Officer for a county (or equivalent) is the highest elected official.*
3. *A formal written delegation is required to transfer Certifying Officer responsibility from Governor, Mayor, City Manager, or elected county judge to another individual. This written documentation must be included as part of the Environmental Review Record.*
4. *The Certifying Officer ensures all project mitigation and conditions are included in awards, contracts and other agreements pertaining to the project.*



5. *Although the Certifying Officer must sign the RROF, s/he does NOT need to approve or sign environmental review forms. A manager within the RE's agency may be authorized to approve and sign environmental review forms on the RE's behalf.*

For the project, the County Judge, aka the Certifying Officer, signed the RROF in January and staff submitted it to HUD. The Tier 2 forms are considered environmental review forms (see Attachment E). The Commissioners Court may delegate that authority to a manager within the Responsible Entity's agency to sign these forms.

### **STAFF RECOMMENDATIONS:**

- A. Once HUD released its official guidance regarding the urban county renewal timelines, the Department set a schedule and began to move forward ascertaining the interest of municipalities in joining the urban county. On May 16, 2014, the Department sent a letter, additional information and the Cooperation Agreement (Attachment "A") to the 17 non –entitlement and non-participating incorporated areas of the County. Interested municipalities must execute a cooperation agreement, currently under development, by July 15, 2014.

On May 30, 2014, a letter to the Village of Webberville will be sent along with an amendment to the current Cooperation Agreement (Attachment "B"). The agreement required amendment to include updates to fair housing and civil rights language and a new clause about funding. The amendment is attached and must be executed by July 15, 2014. If the Village of Webberville does not want to renew their participation, they must notify the County by June 20, 2014.

- B. Staff recommends that the County Judge, as the Certifying Official, certify the results of the environmental document. Please see the attached report (Attachments C & D).
- C. Staff recommends approval of the tier one, approval the NOI/RROF for posting, approval the Judge to sign the 7015.15 form for submission to HUD after the 10 – day comment period ends, approval of submission to HUD without coming back to Commissioners Court if no comments are received and delegation of signature authority for the site specific determinations to the County Executive of HHS/VS.

**ISSUES AND OPPORTUNITIES:**

- A. Allowing municipalities join the urban county allows more flexibility with projects and builds on inter-governmental relationships, infrastructure and housing planning. Eligible residents of participating municipalities can participate in the CDBG funded home repair project, expanded social work services, and the expanded fair housing and tenant’s rights counseling.
- B. Completing this process allows the County, and specifically the HATC, to come into compliance with its rental assistance projects under the Continuum of Care Program. The documentation is required by May 30, 2014.
- C. Allowing the signature authority to be delegated to the TCHHS/VS County Executive for the second tier of environmental reviews allows the program to move quickly and ensures that environmental clearance does not delay construction starts. Additionally, it reduces the burden to the Court’s agenda and protects the privacy of homeowners.

**FISCAL IMPACT AND SOURCE OF FUNDING:**

- A. No general fund impact. The inclusions of municipalities will likely increase the annual CDBG allocation, however, by how much, is unknown.
- B. None.
- C. None.

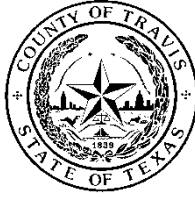
**REQUIRED AUTHORIZATIONS:**

Legal.

cc:

- |  |                               |
|--|-------------------------------|
| Leslie Browder, PBO                          | Jessica Rio, PBO              |
| Aerin Toussaint, PBO                         | Cyd Grimes, Purchasing Office |
| Jason Walker, Purchasing Office              | Kathleen Haas, TCHHS&VS       |
| Nicki Riley, Auditor’s Office                | DeDe Bell, Auditor’s Office   |
| Janice Cohoon, Auditor’s Office              | Steven Manilla, TNR           |
| Lee Turner, TNR                              | Deece Eckstein, IGR           |
| Mary Etta Gerhardt, County Attorney’s Office |                               |
| Jon White, TNR                               |                               |

Attachment "A"



**TRAVIS COUNTY HEALTH and HUMAN SERVICES  
And VETERANS SERVICE  
100 North I.H. 35  
P. O. Box 1748  
Austin, Texas 78767**

**Sherri E. Fleming  
County Executive  
(512) 854-4100  
Fax (512) 854-4115**

May 16, 2014

The Honorable XXXXXX  
Mayor  
City of XXXXX  
Address  
Address

Re: Travis County Urban County Re-Qualification for Community Development Block Grant

Dear Mayor:

In 2006, Travis County was identified as an Urban County Entitlement for the Community Development Block Grant (CDBG) Program through the U.S. Department of Housing and Urban Development (HUD). The County has received CDBG funding for the past eight years and has allocated those funds to assist low- and moderate-income individuals and households residing in the unincorporated areas of the County and the Village of Webberville. Thus far, projects include the planning for and the improvement of infrastructure, acquisition of land necessary for increasing affordable housing, rehabilitation of homes to improve the safe and decent housing stock, homebuyer assistance to respond to the tightening mortgage credit market, increasing access to fair housing and tenant's rights counseling, and improving access to social services.

In accordance with HUD regulations, every three years urban counties receiving CDBG funds must re-affirm their urban county entitlement status. As part of the qualification process, Travis County may invite non-entitlement cities and villages to participate in the Travis County CDBG program.

To remain eligible to receive CDBG funds, Travis County is in the process of renewing its urban county status for 2015-2017. The timeline for completion of this work is as follows:

<b>Timeline for Urban County Renewal</b>	
<b>Action Needed</b>	<b>Due Date</b>
<b>Notification to non-participating cities about the ability to join</b>	<b>May 16, 2014</b>
Notification to participating cities about renewal	May 30, 2014
Notification by participating cities if choose not to renew	June 20, 2014
<b>Execution of Cooperative Agreement by Cities/Villages</b>	<b>No later than July 15, 2014</b>
Execution of Cooperative Agreement by TCCC	July 22, 2014
Travis County submits all required documents to HUD	July 25, 2014

For those cities and villages that choose to participate with Travis County, doing so will allow low-to-moderate income residents to access the CDBG-funded owner occupied home rehabilitation program and expanded fair housing counseling and social work services. Furthermore, participating cities will be able to submit eligible infrastructure, housing and social service projects for CDBG funding consideration. Finally, participation will bar those municipalities from applying to the State for CDBG funds as well as other funding sources such as the Texas Capital Fund. For more information on the County's CDBG Program, please see the attached handout.

If your municipality has interest in considering participation with Travis County's Urban County Program, please execute the attached Cooperation Agreement and return to the County no later than July 15, 2014.

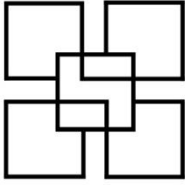
If you have additional questions, please do not hesitate to contact Christy Moffett, CDBG Planning Manager, at 512-854-3460 or myself at 512-854-4581.

Regards,

Sherri E. Fleming  
County Executive

cc: Christy Moffett, MSSW, CDBG Planning Manager





**Travis County's Community Development Block Grant Program**  
**Summary of Program & Urban County Participation Opportunity**  
[www.co.travis.tx.us/cdbg](http://www.co.travis.tx.us/cdbg)

Travis County's Community Development Block Grant (CDBG) Program has been operational since October 2006. CDBG targets low- and moderate-income areas, as defined by HUD's Area Median Income guidelines, with few exceptions. Below is a brief summary of the current program and the requirements for participation.

### **CDBG PROGRAM OVERVIEW**

The Community Development Block Grant (CDBG) initiative is a federal grant program administered by the U.S. Department of Housing and Urban Development (HUD). It provides annual grants to cities and counties to carry out community development activities aimed at revitalizing neighborhoods, improving affordable housing options, and providing improved community facilities and services.

Based on its population, in 2006, Travis County qualified as an urban county, a federal designation which afforded the County the opportunity to apply for CDBG funds. That year, Travis County applied and received CDBG funds for the first time and has continued to receive funding for the past eight years. The County's annual allocation is based on a HUD-designed formula that takes into account the county's population size, poverty rate, housing overcrowding, and age of housing.

Usage of CDBG funds must meet a number of parameters set nationally by HUD and locally by the County. Federal regulation requires that a minimum of 70% of the CDBG funds focus on projects for low- to moderate-income residents. Additionally, Travis County's allocation specifically targets residents living in the unincorporated areas of the county and the Village of Webberville and to be eligible, the activities must meet one of the following HUD national objectives:

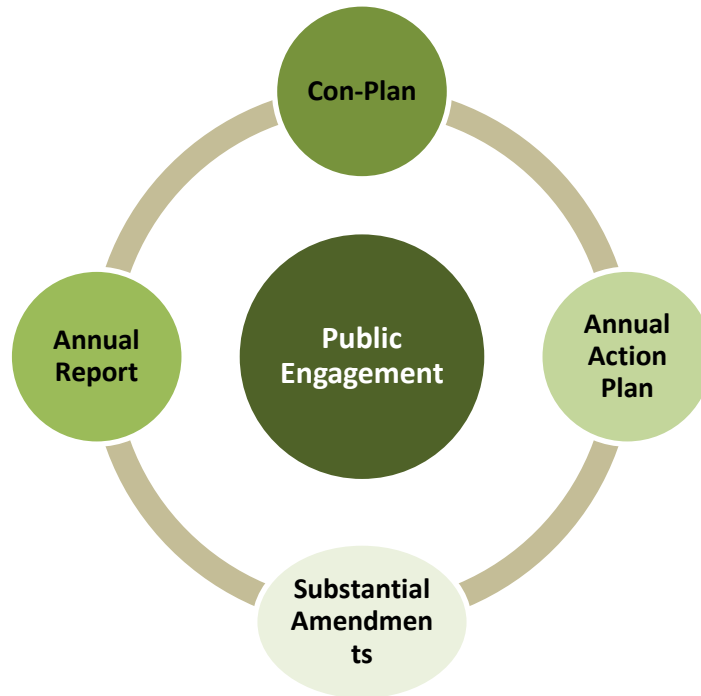
- Benefit low- and moderate-income persons;
- Aid in the prevention or elimination of slums and blight; or
- Address other community development needs that present a serious and immediate threat to the health and welfare of the community.

The administration of the CDBG program follows a cycle that includes the drafting of a Consolidated Plan, an Action Plan, and an annual evaluation. The Consolidated Plan (Con-Plan) identifies the County's community and housing needs and outlines the strategies to address those needs over a three-, five-, or six-year period. The Annual Action Plan (AP) defines the specific activities to be undertaken during each program year (PY) to address the priorities established in the Con-Plan. An evaluation is conducted annually to assess yearly

accomplishments. The evaluation is called the Consolidated Annual Performance Report (CAPER). Changes made to the Consolidated Plan and Action Plans require formal amendments; if substantial enough, these amendments must go through a public input process.

The following figure is a simplified visual representation of the CDBG cycle. As shown, citizens have a central role in setting the priorities to be addressed and defining projects to tackle identified needs.

**Figure 1: CDBG Cycle**



The Travis County Health and Human Services & Veterans Service Department (HHS/VS) is the lead agency designated by the County to administer the CDBG grant and the single point of contact with HUD.

### **COUNTY PRIORITIES FOR PROGRAM YEARS 2015-2017**

The Urban County Renewal Period extends from Program Year 2015 through Program Year 2017. At present, CDBG staff is working on the next strategic plan which covers Program Years 2014-2018. The Travis County Commissioners Court (TCCC) has approved the strategic direction for PY14-PY18. Categories ranked as high indicate areas of certain investment over the next five years, while categories ranked low indicate areas of possible investment. Below is a table that identifies the high and low priorities for the next five years.

<b>Prioritization of Categories for the PY 2014 – 2018 Consolidated Plan</b>	
<b>Category</b>	<b>Priority</b>
Infrastructure	High
Housing	High
Community Services	High
Populations with Specialized Needs / Services	High
Public Facilities	Low
Business & Jobs	Low

Priorities are set based on data relating to community need and the results of public participation. Since 2006, Infrastructure, Housing and Community Services (social services) have consistently been identified as high priorities. Traditionally, only high priority projects get funded, with few exceptions.

### **QUESTIONS ABOUT PARTICIPATION**

#### **Will our municipality be guaranteed funding?**

No. Projects for participating cities would go through a competitive process for consideration. That being said, low-to-moderate income residents in participating cities would be able to apply for current projects that are not neighborhood- or place-based. The Travis County Owner Occupied Home Rehabilitation program is an example of such a project. This project provides a deferred, forgivable 5-year loan for home repairs of up to \$24,999. This program is administered by Meals on Wheels and More, Inc., who is responsible for developing the scope of work, bidding the project, construction and contractor management, and close-out for each home.

#### **When would our municipality be able to compete for funding?**

The cycle begins with the Federal Fiscal Year 2015 and continues through 2017, which covers the period from October 1, 2015 to September 30, 2018. Applications from participating cities would be accepted in the Late Winter/Early Spring of 2015.

#### **Would our municipality have to develop CDBG capacity and administration expertise?**

We have not had a participating city apply for funding to date. Based on the complexity of the program, it is possible that the County would manage the project; however, that decision can be made on a case-by-case basis.

#### **What is the County’s funding history with CDBG?**

Overall, the funding increased annually for the first eight years.

PY 2006	\$838,659	PY 2009	\$866,432	PY 2007	\$848,248
PY 2010	\$942,749	PY 2008	\$833,133	PY 2011	\$790,119
PY 2012	\$896,341	PY 2013	\$909,925	PY 2014	\$997,664



**COMMUNITY DEVELOPMENT BLOCK GRANT**  
**COOPERATIVE AGREEMENT BETWEEN**  
**TRAVIS COUNTY AND**

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This Community Development Block Grant ("CDBG") Cooperative Agreement ("Agreement") is entered into by and between Travis County ("County"), a political subdivision of the State of Texas, and \_\_\_\_\_, \_\_\_\_\_ ("City"), an incorporated municipality within the geographical boundaries of County, referred to in this Agreement individually as "Party" or collectively as "Parties."

**RECITALS**

County has the authority to provide for the care of indigents and other qualified recipients (TEX. LOC. GOV'T. CODE, Section 81.027, and other statutes) and County has the authority to provide for public health education and information services (TEX. HEALTH AND SAFETY CODE, Chapters 121 and 122, and other statutes), and provision of the above services constitutes a public purpose.

Travis County Health, Human Services and Veterans' Services ("Department") has the authority to perform all public health functions that County can perform through TEX. HEALTH & SAFETY CODE ANN., Section 121.032.

Title I of the Housing and Community Act of 1974, as amended through the Housing and Community Act of 1992 ("Act"), establishes a program of community development block grants for the specific purpose of developing viable communities by providing decent housing and suitable living environment and expanding economic opportunities principally for low and moderate income individuals.

County has entered into a Grant agreement with the United States Department of Housing and Urban Development ("HUD") for financial assistance to conduct a Community Development Block ("CDBG") Grant Program ("CDBG Program") pursuant to Title I of the Housing and Community Development Act of 1974 ("Act"), as amended, and the Rules and Regulations promulgated by HUD governing the conduct of CDBG programs, 24 Code of Federal Regulations ("CFR") Part 570, as amended, ("Rules and Regulations").

County has been designated an "Urban County" by the Department of Housing and Urban Development entitled to a formula share of CDBG funds provided County; and CDBG regulations require counties to re-qualify as an Urban County under the CDBG program every three years.

County has the authority to administer or otherwise engage in community and economic development projects authorized under HUD and authorized by Title I of the Act or under any federal law creating community development and economic development programs (including Texas Local Government Code, Chapter 381).

County has received and is responsible for administration of Grant funds made available through the Act.

County has received certain funds from HUD under the Act for utilization in connection with its CDBG Program.

Department is the County's designated administrator for HUD grants governed by regulation codified under Title 24, Code of Federal Regulations.

County has adopted Annual Action Plans for HUD as part of its Consolidated Plan.

Article III, Section 64 of the Texas Constitution authorizes Texas counties to enter into cooperative agreements with local governments for essential Community Development and Housing Assistance activities.

Through cooperative agreements, County has the authority to carry out activities funded from annual CDBG Allocations from Federal Fiscal Years 2015, 2016, and 2017 appropriations and from any program income generated from the expenditure of such funds.

County is not obligated by any cooperative agreement to select projects for CDBG funding from any cooperating jurisdiction and funds will be allocated on a competitive basis as determined by County.

County and City agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities under the following terms:

## **1.0 GENERAL PROVISIONS**

**1.1 County Authority.** This Agreement gives County authority to undertake, or assist in undertaking, activities that will be funded from the CDBG program and from any program income generated from the expenditure of such funds.

**1.2 City/County Cooperation.** County and City agree to cooperate, to undertake or to assist in undertaking community renewal and lower-income housing assistance activities.

**1.3 Programs.** This Agreement covers the CDBG Entitlement program and, where applicable, the HOME Investment Partnership ("HOME") and Emergency Shelter Grants ("ESG") Programs.

**1.4 Recitals.** The Parties agree that the information in the Recitals is true and correct and a part of this agreement.

**1.5 Authorization.** By signature of this Agreement the governing bodies of County and City authorize this Agreement.

## **2.0 TERM**

**2.1 Effective Period.** This Agreement is effective the date it is signed by both Parties, and remains in effect until CDBG and income received to the federal fiscal 2012, 2013 and 2014 year, and to any successive qualification periods provided through the automatic renewal of this Agreement are expended and the funded activities completed. Neither County nor City may terminate or withdraw from this Agreement while the Agreement remains in effect.

**2.2 Renewal.** The Parties understand and agree that this Agreement will automatically be renewed for participation in successive three-year qualification periods, unless County or City provides written notice it elects not to participate in a new qualification period.

**2.3 Notice.** County will notify City in writing of its right to make such election (to participate or not participate) on the date specified by the U.S. Department of Housing and Urban Development in HUD's urban county qualification notice for the net qualification period. City will notify County in writing no later than the date specified in County's notification that City elects not to participate in the next three-year Urban County Program. County will send copies of all notifications required by this Section \_\_\_ to the HUD Field Office.

**2.4 Amendment to Qualification.** Any amendments or changes contained within the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period must be adopted by County and City, and submitted to HUD as provided. Failure by either party to adopt such an amendment to the agreement will void the automatic renewal of this Agreement.

### **3.0 COUNTY RESPONSIBILITIES AND AGREEMENTS**

**3.1 Fair Housing Certification.** County will not fund activities in support of any cooperating unit of general government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with its fair housing certification.

**3.2 Subrecipient Agreements.** Prior to disbursing any CDBG Program funds to a subrecipient, County will sign a written agreement with such subrecipient.

**3.3 Program Requirements.** County is responsible for ensuring that CDBG funds are used in accordance with all program requirements, including monitoring and reporting to U.S. Department of Housing and Urban Development on the use of program income.

### **4.0 CITY RESPONSIBILITIES AND AGREEMENTS**

**4.1 City Election to Participate.** City, by executing this Agreement, gives notice of its election to participate in an Urban County Community Development Block Grant program.

#### **4.2 City Limitation.**

**4.2.1 No Application.** By executing this Agreement, City understands and agrees that it will not apply for grants under the State CDBG Program from appropriations for fiscal years during the period in which it is participating in County's program.

**4.2.2 No Other Participation.** By executing this Agreement, City understands and agrees that it may receive a formula allocation under the HOME Program only through the County; that City will not participate in a HOME consortium except through County, regardless of whether or not County receives a HOME formula allocation.; that if County does not receive a HOME formula allocation, City cannot form a HOME consortium.

**4.2.3 Allocation.** By executing this Agreement, City understands and agrees that it may receive a formula allocation under the ESG Program only through County. Currently, it is understood that County does not receive any ESG formula allocation.

**4.3. Income Report.** City agrees to inform County of any income generated by the expenditure of CDBG funds received and that any such program income must be paid to County to be used for eligible activities in accordance with all CDBG Program requirements.

**4.4 City Policies.** City agrees that it has adopted and will maintain and enforce: a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and a policy of enforcing applicable State and local laws against physically barring entrances to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within the jurisdiction.

**4.5 Request for Inclusion.** City supports the application for and receipt of funding from Housing and Community Development Act of 1974, as amended by County, and asks that its population be included for three successive years (or the remaining term of the Grant period for County, if less than three years) with that of County to carry out Community Development Program Activities Eligible for Assistance under Public Law 93-383, and authorizes the Mayor of City to sign such additional forms as requested by the Department of Housing and Urban Development pursuant to the purposes of this Agreement.

**4.6 Final Responsibility.** City understands that County will have final responsibility for selecting CDBG (and, where applicable, HOME and ESG) projects, submitting the Consolidated Plan to HUD and filing annual grant reports and requests.

**4.7 Fair Housing Support.** City agrees that CDBG funding for activities in, or in support of City are prohibited if City does not affirmatively further fair housing within its own jurisdiction or impedes County actions to comply with its fair housing certification.

**4.8 City Plan.** City will develop a community development plan for the period of this Agreement which identifies community development and housing needs and specifies both short and long-term community development objectives.

**4.9 Subrecipient Requirements.** In accordance with 24 CFR 570.501(b), City agrees that City is subject to the same requirements applicable to subrecipients, including the requirement of a written agreement as described in 24 CFR 570.503.

**4.10 Good Faith Performance.** City agrees to act in good faith and with due diligence in performance of City obligations and responsibilities under this Agreement and under any subrecipient agreements. City further agrees that it will fully cooperate with County in all things required and appropriate to comply with the provisions of any grant agreements received by County pursuant to the Act and its Regulations.

**4.11 Citizen Participation.** City agrees to comply with applicable federal citizen participation requirements, including those in 24 CFR 570.301.

**4.12 City Records.** City agrees to maintain records of activities for any projects undertaken pursuant to the program and said records shall be open and available for inspection by auditors assigned by HUD and/or County on reasonable notice during the normal business hours of City.

## **5.0 JOINT RESPONSIBILITIES AND AGREEMENTS**

**5.1 Certification Compliance.** County and City shall take all actions necessary to assure compliance with the Urban County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968, Section 109 of Title I of the Housing Community Development Act of 1874, and other applicable laws, and affirmatively furthering fair housing.

**5.2 County Requirements.** In accordance with 24 CFR 570.501(b), the Parties agree that Travis County is responsible for ensuring that CDBG funds are used in accordance with all program requirements, including monitoring and reporting to U.S. Department of Housing and Urban Development on the use of program income, and that, in the event of close-out or change in status of City, any program income that is on hand or received subsequent to the close-out or change in status, shall be paid to County; and that the use of designated public agencies, subrecipients or contracts does not relieve Travis County of the responsibility for ensuring that CDBG funds are used in accordance with all program requirements.

**5.3 Adequacy of Performance.** The Parties agree that, Travis County is responsible for determining the adequacy of performance under subrecipient agreements and procurement contracts, and for taking appropriate action when performance problems arise, such as the actions described in Section 570.910; and that, where a city is participating with, or as part of Travis County Urban County, as a participating unit, or as part of a metropolitan city, the County is responsible for applying to the unit of general local government the same requirements as are applicable to subrecipients, except that the five-year period identified under Section 570.503(b)(8)(i) shall begin with the date that the unit of general local government is no longer considered by HUD to be a part of the metropolitan city or urban county, as applicable, instead of the date the subrecipient agreement expires.

**5.4 Compliance.** County and City will comply with the applicable provisions of the Act and those federal regulations promulgated by HUD pursuant to the Act, as the same currently exists or as may be amended. County and City will take all actions necessary to assure compliance with County's certifications required by Section 104(b) of Title I of the Act. County and City will comply with the provisions of the following: National Environmental Policy Act of 1969; Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968; and Title 24 Code of Federal Regulations part 570; the Fair Housing Act; Cranston-Gonzales National Affordable Housing Act (Public Law 101-635); Section 109 Title I of the Housing and Community Development Act of 1974 (42 U.S.C., Section 5309) which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975; Executive Order 11063, as amended by Executive Order 12259; Executive Order 11988; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C., Section 4630, et seq.); and other federal or state statute or regulation applicable to the use of CDBG or HOME Investment Partnerships Act (enacted as Title II of the National Affordable Housing Act of 1990) funds.

**5.5 Consolidated Plan.** The Parties agree that no provision of this Agreement may be interpreted to provide for veto or other restriction that would allow any Party to obstruct the implementation of the approved Consolidated Plan during the period covered by the Agreement.

**5.6 Authorization.** By executing this Agreement, the County Commissioners Court and City Council of City authorize this Agreement and the execution of this Agreement by the appropriate official.

**5.7 Transfer of Funds.** The Parties agree that any unit of local government may not sell, trade, or otherwise transfer all or any portion of funds received pursuant to this Agreement to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Act. (See Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76)

**6.0 MISCELLANEOUS TERMS**

**6.1 Notice.** Official notice of amendments or changes applicable for a subsequent three-year urban county agreement shall be in writing and be mailed by certified mail to:

For City:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For County:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6.2 Indemnification.** City agrees to indemnify, defend and hold harmless County and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages and/or liability arising from City acts, errors or omissions and for any costs or expenses incurred by County on account of any claim therefore. City shall promptly notify County in writing of the occurrence of any such claims, actions, losses, damages and/or liability. City shall indemnify and hold harmless County against any liability, claims, losses, demands and actions incurred by County as a result of the determination by HUD or its successor that activities undertaken by City fail to comply with any laws, regulations or policies applicable thereto or that any funds billed by and disbursed to City under this Agreement were improperly expended.

**6.3 Entire Agreement.** It is expressly agreed that this Agreement embodies the entire agreement of the Parties in relation to the subject matter hereof, and that no other agreement or understanding, verbal or otherwise, relative to this subject matter exists between the Parties.

**6.4 Severability.** Each provision of this Agreement is severable from each other provision, and if any provision or part thereof is declared invalid, the remaining provisions shall remain in full force and effect.

**6.5 Assignment.** Neither Party will assign any of the rights or duties under this Agreement without the prior written approval of the other Party.

**6.6 Binding Agreement.** This Agreement shall be binding upon the successors, assigns, administrators and legal representatives of the Parties.

**6.7 Law and Venue.** This Agreement is governed by the laws of the State of Texas and all obligations under this Agreement will be performable in the City of Austin, Texas or in Travis County, Texas. IT is expressly understood that any lawsuit, litigation, or dispute arising out of or relating to this Agreement will take place in Travis County, Texas.

**6.8 Immunity or Defense.** It is expressly understood and agreed by all Parties that, neither the execution of this Agreement, nor any conduct of any representative of County relating to this Agreement, shall be considered to waive, nor shall it be deemed to have waived, any immunity or defense that would otherwise be available to it against claims arising in the exercise of its governmental powers and functions, nor shall it be considered a waiver of sovereign immunity to suit.

**6.9 Conflict of Interest.** City shall ensure that no person who is an employee, agent, consultant, officer, or elected or appointed official of City, or member of City's governing body, who exercises or has exercised any functions or responsibilities with respect to activities performed pursuant to this Agreement or who is in a position to participate in a decision-making process or gain inside information with regard to these activities has or may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect to it, or the proceeds under it, either for him or herself or those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

**6.10 Gratuities.** City agrees that City has not and will not accept gratuities in the form of entertainment, gifts, or otherwise were offered or given by City or any agent or representative to any County official or employee with a view toward securing favorable treatment with respect to the performing of this Agreement. City's employees, officers and agents shall neither solicit nor accept gratuities, favors or anything of monetary value from subcontractors or potential subcontractors. City will establish safeguards to prohibit its employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

**6.11 Nepotism.** City agrees that it will comply with the guidelines set forth for public officials under TEX. GOVERNMENT CODE ANN, Ch. 573, by ensuring that no officer, employee or member of the governing body of City shall vote or confirm the employment of any person related within the second degree by affinity or third degree by consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person without written approval by County.

**TRAVIS COUNTY**

BY: \_\_\_\_\_  
Samuel T. Biscoe  
Travis County Judge  
Chief Executive Officer, Travis County

Date: \_\_\_\_\_

Approved that the terms and provisions of this Agreement are fully authorized under State and local law and that this Agreement provides full legal authority for County; and that County has the authority to undertake or assist in undertaking essential community renewal and lower income housing assistance activities.

By: \_\_\_\_\_  
Assistant County Attorney

Date: \_\_\_\_\_

**CITY**

\_\_\_\_\_

By: \_\_\_\_\_  
Authorized Representative and  
Chief Executive Officer

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**Attachment B**

**AMENDMENT OF COMMUNITY BLOCK GRANT  
COOPERATIVE AGREEMENT  
BETWEEN TRAVIS COUNTY AND  
THE VILLAGE OF WEBBERVILLE**

This Amendment of Community Block Grant Cooperative Agreement ("Amendment") is entered into by the following parties: Travis County, a political subdivision of Texas ("County"), and the Village of Webberville, Texas ("City"), an incorporated municipality within the geographical boundaries of County, referred to in this Agreement individually as "Party" or collectively as "Parties."

**II. RECITALS**

County has the authority to provide for the care of indigents and other qualified recipients (TEX. LOC. GOVT. CODE, Section 81.027, and other statutes) and County has the authority to provide for public health education and information services (TEX. HEALTH AND SAFETY CODE, Chapters 121 and 122, and other statutes), and provision of the above services constitutes a public purpose.

Travis County Health, Human Services and Veterans' Services ("Department") has the authority to perform all public health functions that County can perform through TEX. HEALTH & SAFETY CODE ANN., Section 121.032.

Title I of the Housing and Community Act of 1974, as amended through the Housing and Community Act of 1992 ("Act"), establishes a program of community development block grants for the specific purpose of developing viable communities by providing decent housing and suitable living environment and expanding economic opportunities principally for low and moderate income individuals.

County has entered into a Grant agreement with the United States Department of Housing and Urban Development ("HUD") for financial assistance to conduct a Community Development Block ("CDBG") Grant Program ("CDBG Program") pursuant to Title I of the Housing and Community Development Act of 1974 ("Act"), as amended, and the Rules and Regulations promulgated by HUD governing the conduct of CDBG programs, 24 Code of Federal Regulations ("CFR") Part 570, as amended, ("Rules and Regulations").

County has been designated an "Urban County" by the Department of Housing and Urban Development entitled to a formula share of CDBG funds provided County; and CDBG regulations require counties to re-qualify as an Urban County under the CDBG program every three years.

Article III, Section 64 of the Texas Constitution authorizes Texas counties to enter into cooperative agreements with local governments for essential Community Development and Housing Assistance activities.

Through cooperative agreements, County has the authority to carry out activities funded from annual CDBG Allocations from Federal Fiscal Years 2015, 2016 and 2017 appropriations and from any program income generated from the expenditure of such funds.

County is not obligated by any cooperative agreement to select projects for CDBG funding from any cooperating jurisdiction and funds will be allocated on a competitive basis as determined by County.

County and Village agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities under the following terms:

The Parties desire to amend the Agreement to reflect mutually agreed to changes.

NOW, THEREFORE, in consideration of the hereinafter set forth agreements, covenants, and payments, the amount and sufficiency of which are acknowledged, the County and City agree to the amend the Agreement as follows:

## **1.0 GENERAL PROVISIONS**

1.1 **Authorization**. The Parties agree to amend Section 1.0, of the Agreement ("General Provisions") by adding the following:

1.5 **Authorization**. By signature of this Amendment, the governing bodies of County and City authorize the Agreement as amended.

## **2.0 JOINT RESPONSIBILITIES AND AGREEMENTS**

2.1 **Certification Compliance**. The Parties agree to amend Section 5.1 of the Agreement ("Certification Compliance") by adding the phrase "and affirmatively furthering fair housing" to the end of the provision.

2.2 **Compliance**. The Parties agree to amend Section 5.4 of the Agreement ("Compliance") by adding the language underlined as follows:

... Section 109 Title I of the Housing and Community Development Act of 1974 (42 U.S.C., Section 5309) which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975; ...

2.3 **Transfer of Funds**. The Parties agree to amend Section 5.0 of the Agreement ("Joint Responsibilities and Agreements") by adding the following:

5.7 **Transfer of Funds**. The Parties agree that any unit of local government may not sell, trade, or otherwise transfer all or any portion of funds received pursuant to this Agreement to another such metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Act. (See Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76)

## **3.0 INCORPORATION**

3.01 County and City hereby incorporate the Agreement into this Amendment. Except for the changes made in this Amendment, County and City hereby ratify all the terms and conditions of the Agreement, as amended. The Agreement, with the changes made in this Amendment, constitutes the entire agreement between the Parties and supersedes any prior undertaking or written or oral agreements or representations between the Parties with respect to the subject matter hereof.

**TRAVIS COUNTY**

By:  
Samuel T. Biscoe, County Judge  
Its Duly Authorized Representative and Chief Executive Officer  
Date:

Approved as to Legal Form:

Approved that the terms and provisions of this Agreement are fully authorized under State and local law and that this Agreement provides full legal authority for County; and that County has the authority to undertake or assist in undertaking essential community renewal and lower income housing assistance activities.

By: \_\_\_\_\_  
Assistant County Attorney  
Date: \_\_\_\_\_

**VILLAGE OF WEBBERVILLE**

By: \_\_\_\_\_  
Authorized Representative and Chief Executive Officer  
Printed  
Name: \_\_\_\_\_  
Date: \_\_\_\_\_

**Environmental Review  
for Activity/Project that is Exempt or  
Categorically Excluded Not Subject to Section 58.5  
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)**

**Project Information**

**Project Name:** SP 1

**Responsible Entity:** Housing Authority of Travis County

**Grant Recipient** (if different than Responsible Entity): N/A

**State/Local Identifier:** TX0037L6J031205

**Preparer:** Elena Rivera/Travis County Health & Human Services and Veterans Service

**Certifying Officer Name and Title:** Samuel T. Biscoe, Travis County Judget

**Consultant** (if applicable): N/A

**Project Location:** 480264 (Travis County, TX)

**Description of the Proposed Project** [24 CFR 58.32; 40 CFR 1508.25]:

The project provides tenant-based rental assistance (TRR) for permanent supportive housing to literally and chronically homeless persons with severe and persistent mental illness and/or substance abuse issues.

Subrecipients provide the following supportive services to clients: assessment of service needs, assistance with moving costs, case management, employment assistant and job training, housing search and counseling services, life skills training, mental health services, outpatient health services, outreach services, substance abuse treatment services, and utility deposits.

**Level of Environmental Review Determination:**

Activity/Project is Exempt per 24 CFR 58.34(a): -

\_\_\_\_\_

Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):

(1) Tenant-based rental assistance; and (2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services.

**Funding Information**

<b>Grant Number</b>	<b>HUD Program</b>	<b>Funding Amount</b>
TX0037L6J031205	Continuum of Care	\$583,032

**Estimated Total HUD Funded Amount: \$583,032**

**This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable): (In-kind match from Texas Department of Mental Health and Mental Retardation) \$140,499**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$723,531**

**Compliance with 24 CFR §50.4 and §58.6 Laws and Authorities**

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6</b>		
<b>Airport Runway Clear Zones and Accident Potential Zones</b>  24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Not applicable since the project does not involve the sale or purchase of existing property. The project only involves tenant-based rental assistance and supporting services.

<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Not applicable since the project does not involve new construction, conversion of land uses, major rehabilitation, minor rehabilitation of existing structure, or acquisition of undeveloped land. The project only involves tenant-based rental assistance and supporting services.
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Not applicable since the project does not involve new construction, major rehabilitation, minor rehabilitation, improvements, acquisition, management, new loans, loan refinancing or mortgage insurance. The project only involves tenant-based rental assistance and supporting services.

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan. NOT APPLICABLE

Law, Authority, or Factor	Mitigation Measure

Preparer Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name/Title/Organization: Elena Rivera / Planner/Travis County Health & Human Services and Veterans Service

Responsible Entity Agency Official Signature:

\_\_\_\_\_  
Date: \_\_\_\_\_

Name/Title: Samuel T. Biscoe / County Judge

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

**Environmental Review  
for Activity/Project that is Exempt or  
Categorically Excluded Not Subject to Section 58.5  
Pursuant to 24 CFR Part 58.34(a) and 58.35(b)**

**Project Information**

**Project Name:** SP 2

**Responsible Entity:** Housing Authority of Travis County

**Grant Recipient** (if different than Responsible Entity): N/A

**State/Local Identifier:** TX0235L6J031204

**Preparer:** Elena Rivera/Travis County Health & Human Services and Veterans Service

**Certifying Officer Name and Title:** Samuel T. Biscoe, Travis County Judge

**Consultant** (if applicable): N/A

**Project Location:** 480264 (Travis County, TX)

**Description of the Proposed Project** [24 CFR 58.32; 40 CFR 1508.25]:

The project provides tenant-based rental assistance (TRR) for permanent supportive housing to literally and chronically homeless persons with severe and persistent mental illness and/or substance abuse issues. Subrecipients provide the following supportive services to clients: assessment of service needs, assistance with moving costs, case management, employment assistant and job training, housing search and counseling services, life skills training, mental health services, outpatient health services, outreach services, substance abuse treatment services, and utility deposits.

**Level of Environmental Review Determination:**

Activity/Project is Exempt per 24 CFR 58.34(a): -

\_\_\_\_\_



Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):

(1) Tenant-based rental assistance; and (2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services.

**Funding Information**

<b>Grant Number</b>	<b>HUD Program</b>	<b>Funding Amount</b>
TX0235L6J031204	Continuum of Care	\$210,528

**Estimated Total HUD Funded Amount: \$210,528**

**This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable): (In-kind match from Texas Department of Mental Health and Mental Retardation) \$50,844**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$261,372**

**Compliance with 24 CFR §50.4 and §58.6 Laws and Authorities**

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6</b>		
<b>Airport Runway Clear Zones and Accident Potential Zones</b>  24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Not applicable since the project does not involve the sale or purchase of existing property. The project only involves tenant-based rental assistance and supporting services.

<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Not applicable since the project does not involve new construction, conversion of land uses, major rehabilitation, minor rehabilitation of existing structure, or acquisition of undeveloped land. The project only involves tenant-based rental assistance and supporting services.
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	Not applicable since the project does not involve new construction, major rehabilitation, minor rehabilitation, improvements, acquisition, management, new loans, loan refinancing or mortgage insurance. The project only involves tenant-based rental assistance and supporting services.

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan. NOT APPLICABLE

Law, Authority, or Factor	Mitigation Measure

Preparer                      Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Name/Title/Organization: Elena Rivera / Planner/Travis County Health & Human Services and Veterans Service

Responsible Entity Agency Official Signature:

\_\_\_\_\_  
Date: \_\_\_\_\_

Name/Title: Samuel T. Biscoe / County Judge

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Attachment E

# Travis County CDBG Owner-Occupied Home Rehabilitation Program

## **Tier One and Site Specific Determination Plan Environmental Review Record (ERR)**

*Categorical Exclusion Subject to 24 CFR Part  
58.5*

May 20, 2014

Prepared by Travis County Health and Human Services & Veterans Service,  
CDBG Office

# **Tier One & Site Specific Determination Plan - Environmental Review Record (ERR)**

## **Purpose**

The purpose of the environmental review process is to analyze the effect a proposed project will have on the people and the natural environment within a designated project area, and the effect the material and social environment may have on a project.

As the responsible entity, grantees who receive CDBG funds must complete an environmental review of all project activities prior to obligating CDBG funds.

The four environmental classifications are: Exempt Activities, Categorically Excluded Activities, Activities Requiring an Environment Assessment, or Activities Requiring an Environmental Impact Statement. This Categorically Excluded Activities classification is further divided into activities subject to 24 CFR §58.5 and activities not subject to §58.5. The activities associated with the Home Rehabilitation project fall are Categorically Excluded Activities Subject to §58.5.

## **Categorically Excluded Activities Subject to §58.5**

A Categorically Excluded Activity Subject to §58.5 means that the activity is categorically excluded from NEPA requirements; however, the grantee must still demonstrate compliance with the laws, authorities, and Executive Orders listed in §58.5.

The activities associated with the Home Rehabilitation project fall under this category of environmental review because the following conditions are met:

- Only residential properties with one to four units will be rehabilitated;
- The density is not increased beyond four units; and
- The land use is not changed.

## **Tiering**

Under 24 CFR Part 58, it is stated that a responsible entity may tier its environmental reviews and assessments to eliminate repetitive discussions of the same issues at subsequent levels of review. Tiering is appropriate when there is a requirement to evaluate a policy or proposal in the early stages of development or when site specific analysis or mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date.

## **Project Purpose, Name & Description**

The project purpose is to improve the quality of housing stock in the CDBG service area for low to moderate income owner-occupied houses.

The project is the Travis County CDBG Owner-Occupied Home Rehabilitation Project.

This project will fund minor home repair services for low and moderate income homeowners in the unincorporated areas of Travis County and the Village of Webberville, to move homes towards Housing Quality Standards. The program seeks to improve the energy efficiency, physical living conditions, and safety in owner-occupied homes. A 0% interest, forgivable 5-year

loan up to \$24,999 with no required annual or monthly payments is available. The deferred loan is forgiven at a pro-rata rate of 20% for each year of home ownership. Examples of potential improvements include, but are not limited to: foundation repair, roofing, flooring, electrical, plumbing, accessibility modifications, connection of houses to long-term viable sources of water (not part of a stand-alone infrastructure project), weatherization, noise attenuation, septic tank repairs and installation, and related engineering or design for improvements.

These funds are targeted toward homeowners at or below 80% MFI in the CDBG service area. This project will be administered by a nonprofit, designated as a subrecipient, identified through a formal application. Additionally, some of the allocation will partially fund a CDBG Planner position to complete environmental paperwork, final inspections and sign off, and any other needed project delivery related costs.

### Project Funding

This project is fully funded by Community Development Block Grant dollars received from the U.S. Department of Housing and Urban Development (HUD) from several grant years. The breakdown in funding by year is as follows:

Grant Number	Grant Year	Dollar Amount
B-10-UC-48-0503	Program Year 2010	\$206,844.70
B-11-UC-48-0503	Program Year 2011	\$33,885.40
B-12-UC-48-0503	Program Year 2012	\$74,841.90
B-13-UC-48-0503	Program Year 2013	\$134,428
<b>TOTAL:</b>		<b>\$450,000</b>

### Project Location

This project will be provided throughout the CDBG Service area which includes the unincorporated areas of Travis County and the Village of Webberville. At this time, the Program does not have specific homes approved for rehabilitation; therefore, the County is using a tiering strategy for the environmental review.

### Tiering Process

This report includes the first tier of a two-part environmental clearance. Travis County has chosen to tier its environmental review of its housing rehabilitation program. According to 24 CFR Part 58, a responsible entity may tier its environmental review and assessments to eliminate the repetitive discussions of the same issues at subsequent levels of review. Due to the nature of this program, specific sites will require additional review based on their location within the CDBG service area. Tiering is appropriate in this case when there is a requirement to evaluate a policy or proposal early in the stages of development or when site specific analysis of mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date.

## Tier One

This report clears the following items from any further review for each home to be rehabilitated:

- 24 CFR 58.35(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]
- §58.35(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) &(d)]
- §58.35(d) Sole Source Aquifers [40 CFR 149]
- §58.35(e) Endangered Species [50 CFR 402]
- §58.35(f) Wild and Scenic Rivers [36 CFR 297]
- §58.35(g) Air Quality [CFR parts 6,51,93]
- §58.35(h) Farmland Protection [7 CFR 658]
- §58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]
- §58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]
- 58.5(j) Environmental Justice [Executive Order 12898]

The worksheets and other supporting documentation for the Tier One review are included in Appendix A.

## Site Specific Determination

As the County becomes aware of individual properties being considered for the Home Rehabilitation Program, the remaining items will be reviewed on a site specific basis for each property. The strategy for the site specific determination can be found in Appendix B. The items to be reviewed in this final level of clearance are:

- §58.5(a) Historic Properties [36 CFR 800]
- §58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 119988]
- §58.5(i)(1) Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]
- §58.5(i)(2)(i) Contamination and Toxic Substances [24 CFR 58.5 (i)(2)]

The Site Specific Environmental Determination Worksheet (see Appendix B, Attachment 2) covering each of the items listed above, and the Compliance Checklist for 24 CFR §58.6 (Appendix B, Attachment 3) will be completed for each property prior to beginning work.

Appendix A  
**Tier One**  
**Supporting Documentation**



Attachment 1 (to Appendix A)  
**Tier One**  
**Statutory Checklist for**  
**Compliance with 24 CFR**  
**§58.5**

**Statutory Checklist for Compliance with 24 CFR §58.5 – NEPA Related  
Federal Laws and Authorities**

Use this worksheet for projects that are Categorically Excluded Subject to 24 CFR §58.5 listed at 24 CFR §58.35(a) and for projects that require an Environmental Assessment.

Project Name: Travis County CDBG Owner Occupied Home Rehabilitation Program

ERR FILE # Applicable to all the properties in this program.

**Definitions:**     **A:** The project is in compliance.  
                          **B:** The project requires an additional compliance step or action.

<b>Statute, Authority, Executive Order Cited in cited at 24 CFR §58.5</b>	<b>A</b>	<b>B</b>	<b>COMPLIANCE FINDING</b>	<b>SOURCE DOCUMENTATION</b>
1. 58.5(a) Historic Properties [36 CFR 800]			The specific locations of the homes to be repaired are unknown at this time; therefore, a determination will be made as part of the Site Specific Determination.	See attached documentation for written site specific strategy.
2. 58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 11988]			Although this requirement is not applicable since the project only includes minor repairs or improvements, the County's program voluntarily excludes homes in the 100-year floodplain. Therefore, floodplain status will be determined and documented on the Site Specific Environmental checklist for Floodplain Management.	See attached documentation for written site specific strategy.
3. 58.35(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]	X		The project does not involve new construction, land use conversion, major rehabilitation or substantial improvements; therefore not applicable and compliance with this section is complete.	See Tier One ERR (Worksheet for Preparing 24 CFR 58.5 Statutory Checklist).
4. 58.35(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	X		The project only involves minor home rehabilitation. Additionally, Travis County is over 100 miles from the Coastal Barrier Resources System (CBRS) boundaries. Therefore, not applicable and compliance with this section is complete.	See Tier One ERR (Worksheet for Preparing 24 CFR 58.5 Statutory Checklist, and Map 1 (CBRS Boundary Map) in Appendix A).
5. 58.35(d) Sole Source Aquifers [40 CFR 149]	X		The project does not include new construction or land use conversion; therefore, not applicable and compliance with this section is complete.	See Tier One ERR (Worksheet for Preparing 24 CFR 58.5 Statutory Checklist).
6. 58.35(e) Endangered Species [50 CFR 402]	X		Due to the nature of the project (minor rehabilitation of existing structures), the project is likely to have no effect on endangered species; therefore, not applicable and compliance with this section is complete.	See Tier One ERR (Worksheet for Preparing 24 CFR 58.5 Statutory Checklist and Attachment 4 to Appendix A - Memorandum Regarding Endangered Species).

7.	58.35(f) Wild and Scenic Rivers [36 CFR 297]	X		The project does not involve new construction, land use conversion, major rehabilitation or substantial improvements; therefore not applicable and compliance with this section is complete. It is worth noting that the only wild and scenic river in Texas is over 200 miles from Travis County.	See Tier One ERR (Worksheet for Preparing 24 CFR 58.5 Statutory Checklist and Map 2 (Texas Wild & Scenic Rivers Map) in Appendix A).
8.	58.35(g) Air Quality [CFR parts 6, 51, 93]	X		The project does not involve 5 or more dwelling units, acquisition of undeveloped land, change in land use, demolition, major rehabilitation or new construction; therefore, not applicable and compliance with this section is complete.	See Tier One ERR (Worksheet for Preparing 24 CFR 58.5 Statutory Checklist).
9.	58.35(h) Farmland Protection [7 CFR 658]	X		The project does not involve acquisition of undeveloped land, conversion of undeveloped land, new construction or site clearance; therefore, not applicable and compliance with this section is complete.	See Tier One ERR (Worksheet for Preparing 24 CFR 58.5 Statutory Checklist).
10.	58.35(i)(1) Noise Control and Abatement [24 CFR 51B]	X		Not applicable since this project only involves minor rehabilitation rather than major or substantial rehabilitation as defined in 24 CFR 51.101. Additionally, there are no military airfields in Travis County and no residences are located within the 65-dB noise contours of any civil airports in the area. Therefore, compliance with this section is complete.	See Tier One ERR (Worksheet for Preparing 24 CFR 58.5 Statutory Checklist).
11.	58.35(i)(1) Explosive and Flammable Operations [24 CFR 51C]	X		Not applicable since this project does not involve "rehabilitation and modernization" activities as defined in 24 CFR 51.201. Therefore, compliance with this section is complete.	See Tier One ERR (Worksheet for Preparing 24 CFR 58.5 Statutory Checklist).
12.	58.5(i)(1) Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]			The specific locations of the homes to be repaired are unknown at this time; therefore, a determination will be made as part of the Site Specific Determination.	See attached documentation for written site specific strategy.
13.	58.5(i)(2)(i) Contamination and Toxic Substances [24 CFR 58.5 (i)(2)]			The specific locations of the homes to be repaired are unknown at this time; therefore, a determination will be made as part of the Site Specific Determination.	See attached documentation for written site specific strategy.
14.	58.5(j) Environmental Justice [Executive Order 12898]	X		The program is available to homeowners living in the unincorporated areas of Travis County and the Village of Webberville and is not targeted to a particular neighborhood. The program will assist people living at or below 80% of the Area MFI, and is intended to improve the quality of beneficiaries' housing; therefore, no adverse impact is expected and this section is not applicable and compliance with this section is complete.	See Tier One ERR (Worksheet for Preparing 24 CFR 58.5 Statutory Checklist).

**DETERMINATION:**

- Box “A” has been checked for all authorities.** If Categorically Excluded pursuant to §58.35(a), the project can convert to Exempt, per §58.34(a) (12), since the project does not require any compliance measure (e.g. consultation, mitigation, permit or approval) with respect to any law or authority cited at §58.5. The project is now made Exempt and **funds may be drawn down; OR**
- Box “B” has been checked for one or more authority.** The project cannot convert to Exempt since one or more authority requires compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. **Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7105.15), and obtain HUD’s Authority to Use Grant Funds (HUD-7015.16) per §58.70 and §58.71 before committing funds; OR**
- This project may result in a significant environmental impact to the environment and requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

**MITIGATION MEASURES AND CONDITIONS FOR PROJECT APPROVAL:** *(If Box B is checked, provide details regarding further consultation, mitigation, permit requirements or approvals required to be incorporated into public notices and project requirements such as contracts, grants, loan conditions, etc. as described in Statutory Worksheet.)*

PREPARER:

\_\_\_\_\_  
Preparer’s Signature  
**Elena Rivera**  
\_\_\_\_\_  
Preparer’s Name (printed)

\_\_\_\_\_  
Date  
**CDBG Planner**  
\_\_\_\_\_  
Title (printed)

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

\_\_\_\_\_  
Authorized Responsible Entity Signature  
**Samuel T. Biscoe**  
\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Date  
**County Judge**  
\_\_\_\_\_  
Title (printed)

Attachment 2 (to Appendix A)  
**Tier One**  
**Worksheet for Preparing**  
**24 CFR §58.5 Statutory**  
**Checklist**

## Worksheet for Preparing 24 CFR §58.5 Statutory Checklist

*[Attach to Statutory Checklist]*

### 1. §58.5(a) Historical Properties [36 CFR Part 800]

#### Historic Properties

- a. Does the project include the type of activity that would have the potential to affect historic properties such as acquisition, demolition, disposition, ground disturbance, new construction or rehabilitation?

Yes  No

**If Yes**, continue.

**If No**, the project is not the type of activity that has the potential to affect historic properties. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Do the RE and State Historic Preservation Office (SHPO) have a Programmatic Agreement (PA) that does not require consultation for this type of activity?

Yes  No

**If Yes**, document compliance with the PA. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**If No**, continue.

- c. Is the project located within or directly adjacent to a historic district?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

- d. Is the structure or surrounding structures listed on or eligible for listing on the National Register of Historic Places (e.g. greater than 45 years old)?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

- e. Were any properties of historical, architectural, religious or cultural significance identified in the project’s Area of Potential Effect (APE)?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes to any of the questions above**, continue.

**If No to all of the questions above**, the project will not affect historic properties. A concurrence from the SHPO that “no historic properties will be affected” is required. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- f. Have you consulted with the SHPO to determine whether the project will have “No Adverse Effect on Historic Properties?”

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes**, continue.

**If No**, consultation with the SHPO is required.

- g. Does the SHPO concurrence letter received for this project require mitigation or have conditions?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- h. Have the SHPO and RE agreed on required mitigation or conditions?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes**, include mitigation requirements and/or conditions from the SHPO in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

**If No**, continue with consultation until resolved.

**Historic properties of religious and cultural significance to tribes and Native Hawaiian organizations**

- i. Does the project include the types of activities such as those listed below that have the potential to affect historic properties of religious and cultural significance to tribes?

- Ground disturbance (digging);
- New construction in undeveloped natural areas
- Incongruent visual changes – impairment of the vista or viewshed from an observation point in the natural landscape;
- Incongruent audible changes – increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience;
- Incongruent atmospheric changes – introduction of lights that create skyglow in an area with a dark night sky;
- Work on a building with significant tribal association;
- Transfer, lease or sale of a historic property of religious and cultural significance.

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information. Some homes**

**may involve a water service line to a permanent water source or the repair or installation of a septic tank.**

**If Yes**, continue.

**If No**, tribal consultation is not required.

- j. Does HUD's Tribal Directory Assessment Tool indicate that tribes have an interest in the location where the project is sited?

([http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/tribal](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/tribal))

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes**, contact federally recognized tribe(s) and invite consultation. Continue.

**If No**, document the result in the ERR. Tribal consultation is not required.

- k. Did the tribe(s) respond that they want to be a consulting party?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes**, continue.

**If No**, (no response within 30 days or responded that they do not wish to consult), document response or lack of response in ERR. Further consultation is not required.

- l. After consulting with the tribe(s) and discussing the project, were any properties of religious or cultural significance to the tribe(s) identified in the project's APE?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes**, continue.

**If No**, notify tribe(s) and other consulting parties of your finding of "No Historic Properties Affected." Tribe(s) has 30 days to object to a finding.

- m. After consulting with the tribe(s), will the project have an adverse effect on properties of religious or cultural significance to the tribe(s)?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes**, consult with tribe(s) and other consulting parties to resolve adverse effects, including considering alternatives and mitigation measures that would avoid or minimize adverse effects.

**If No**, notify tribe(s) and other consulting parties of your finding of "No Adverse Effects." Tribe(s) has 30 days to object to a finding.

- n. Were any objections to a finding received from a consulting tribe?



Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes**, continue with consultation until resolved.

**If No**, consultation is complete.

## 2. §58.5(b) (1) Floodplain Management [24 CFR Part 55]

- a. Does the project include minor repairs or improvements on up to four dwelling units that do not meet the thresholds for “substantial improvement” under §55.2(b)(8)?

Yes  No

**The project is minor home repair up to \$24,999, and will not meet thresholds for substantial improvement. However, our program guidelines dictate that the program will not repair a home in the 100-year flood plain; therefore, site specific determinations will be made. See site specific determination strategy for additional information.**

**If Yes**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**If No**, continue.

- b. Is the project located within (or have an impact on) a 100 year floodplain (Zones A or V) identified by FEMA maps?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

- c. Does the project involve a “critical action,” per §55.2(b)(2)(i), located within a 500 year floodplain (Zone B) identified by FEMA maps?

Yes  No

**Not applicable.**

**If Yes to (b) or (c)**, follow HUD’s Floodplain Management Regulations 8-Step decision-making process of §55.20 to comply with 24 CFR Part 55. The 8-Step decision-making process must show that there are no practicable alternatives to locating the project in the floodplain, and if there are no alternatives, define measures to mitigate impacts to floodplains and location of the project in the floodplain.

Completion of the 8-Step decision-making process must be completed before the completion of an EA per §55.10(a). See Attachment 1 for an example of the 8-Step decision-making process. The findings of the decision-making process must be included in the ERR and summarized in Part 55 and Part 58 public notices. Mark box “B” on the Statutory Checklist for this authority.

**If No to (b) and (c)**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

### 3. §58.5(b) (2) Wetlands Protection (E.O. 11990)

- a. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?

Yes  No

**Not applicable since this project only involves minor home rehabilitation.**

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the project within or adjacent to or will it affect wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the US Fish & Wildlife Service (USFWS) or U.S. Army Corps of Engineers (Corps)?

Yes  No

**Not applicable.**

- c. Are there drainage ways, streams, rivers, or coastlines on or near the site?

Yes  No

**Not applicable.**

- d. Are there ponds, marshes, bogs, swamps or other wetlands on or near the site?

Yes  No

**Not applicable.**

- e. Does the project involve new construction and/or filling located within a wetland designated on a USFWS National Wetlands Inventory map?

Yes  No

**Not applicable.**

**If Yes to any of the above**, comply with wetlands decision-making process of 24 CFR §55.20. (Use proposed Part 55 published in the Federal Register January 2012 for wetland procedures). Continue.

**If No to all of the above**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- f. Will the project require a permit from the Corps under Section 404 of the Clean Water Act and/or will USFWS require wetland mitigation?

Yes  No

**Not applicable.**

**If Yes**, ensure this is noted in Part 55 and Part 58 public notices. Include all mitigation measures and permit requirements in the mitigation section of the Statutory Checklist. Compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “B” on the Statutory Checklist for this authority.

#### 4. §58.5(c) Coastal Zone Management [Coastal Zone Management Act of 1972, Sections 307(c) & (d)]

- a. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?

Yes  No

**Not applicable since this project only involves minor home rehabilitation.**

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the project located within a Coastal Zone as defined in your state Coastal Zone Management (CZM) Plan?

Yes  No

**Not applicable. It is worth noting that Travis County is over 100 miles north/northwest from the Coastal Barrier Resources System (CBRS) boundaries. See the CBRS Map (Map 1).**

If Yes, the State CZM Agency must make a finding that the project is consistent with the approved State CZM Plan. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

#### 5. §58.5(d). Sole Source Aquifers [40 CFR Part 149]

- a. Does the project involve new construction or land use conversion?

Yes  No

If Yes, continue.

If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the project located within a U.S. Environmental Protection Agency (EPA)-designated sole source aquifer watershed area per EPA Ground Water Office?

Yes  No

**Not applicable.**

If Yes, consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement appropriate mitigation measures. Include mitigation measures in mitigation section of Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

If No, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

## 6. §58.5(e) Endangered Species [50 CFR Part 402]

- a. Does the project involve the type of activities that are likely to have "no effect on endangered species, such as:
- Demolition and construction or placement of a single family residence within a developed lot, and/or any loans or mortgages affiliated with such construction, demolition or placement provided they are not within 750 feet of habitat for federally-listed species or 300 feet of mapped wetlands, wildlife refuges, fish hatcheries, wildlife management areas, or related significant fish and wildlife resources?  
Yes  No
  - Rehabilitation or renovation activities associated with existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such rehabilitation or renovation?  
Yes  No
  - Acquisition of existing structures (*e.g.*, houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such acquisition.  
Yes  No
  - Purchase and placement of playground equipment within existing parks?  
Yes  No
  - Resurfacing, repairing, or maintaining existing streets, sidewalks, curbs, trails, parking lots and/or any other existing paved surfaces where additional ground disturbance, outside of the existing surface is not necessary?  
Yes  No

**If Yes to any of the above**, the project is likely to have "No Effect" on federally protected species and critical habitat. Informal consultation with the US Fish and Wildlife Service or the National Marine Fisheries Service (Services) is not necessary. The RE is required to make this finding and include a memorandum to the file supporting the finding (note that this finding should be made by the RE, and not by third party contractors and non-RE grant recipients). Compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

**If No to all of the above**, continue.

**"No Effect;" therefore, not applicable. See Memorandum Regarding Endangered Species (Attachment 3).**

- b. Does the project constitute a major construction activity (a major Federal action that modifies the physical environment and would normally require the preparation of an EIS)?  
Yes  No

**Not applicable.**

**If Yes**, formal consultation with the Services is required in accordance with procedural regulations contained in 50 CFR Part 402. Mark box “B” on the Statutory Checklist for this authority.

**If No**, continue.

- c. Have the Services identified federally protected species or critical habitat within the project area?

Yes  No

**Not applicable.**

**If Yes**, continue.

**If No**, the project is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the Services is not necessary.

The RE is required to make this finding and include a memorandum to the file supporting the finding (note that this finding should be made by the RE, and not by third party contractors). Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d. If federally protected species or critical habitat have been identified within the project area, has a special study been conducted by a qualified professional to determine the effects of the project on each species and critical habitat?

Yes  No

**Not applicable.**

**If Yes**, continue.

**If No**, a special study should be conducted to determine the effects of the project on federally protected species and critical habitat. Continue.

- e. Has the RE made a determination based on professional findings that the project is “Not Likely to Adversely Affect” any federally protected (listed or proposed) threatened or endangered species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats?

Yes  No

**Not applicable.**

**If Yes**, Service’s concurrence with findings is required. Mark box “B” on the Statutory Checklist for this authority.

**If No**, continue.

- f. Has the RE determined based on professional findings that the project “May Affect” federally protected (listed or proposed) threatened or endangered species (i.e., plants or animals, fish, or invertebrates), or adversely modify critical habitats?

Yes  No

**Not applicable.**

**If Yes**, formal consultation is required with the Services, in accordance with procedural regulations contained in 50 CFR Part 402, which mandates formal consultation in order to preserve the species. Mark box “B” on the Statutory Checklist for this authority.

**If No**, contact your FEO for assistance in determining impacts to federally protected species and critical habitat.

## 7. §58.5(f) Wild and Scenic Rivers [36 CFR Part 297]

- a. Does the project involve new construction, land use conversion, major rehabilitation, or substantial improvements?

Yes  No

**Not applicable since the project only involves minor home rehabilitation.**

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the project is located within one (1) mile of a designated Wild & Scenic River, or river being studied as a potential component of the Wild & Scenic River system?

Yes  No

**Not applicable. It is worth noting that the only wild and scenic river in Texas (the Rio Grande River) is over 200 miles from Travis County. See the Texas Wild & Scenic Rivers map (Map 2).**

**If Yes**, determination from the National Park Service (NPS) must be obtained, with a finding that the project will not have a direct and adverse effect on the river nor invade or diminish values associated with such rivers. For NRI Rivers, consultation with NPS is recommended to identify and eliminate direct and adverse effects. Mark box “B” on the Statutory Checklist for this authority.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

## 8. §58.5(g) Air Quality [40 CFR Parts 6, 51, 61 and 93]

- a. Does the project involve demolition or renovation of buildings likely to contain asbestos containing materials?

Yes  No

**This project does not involve demolition and only involves minor home rehabilitation.**

**If Yes**, ensure the project is in compliance with EPA’s Asbestos regulations found at 40 CFR Part 61 (NESHAP) and all State and local regulations. Continue.

**If No**, continue.

- b. Does the project involve, for five or more dwelling units, acquisition of undeveloped land, a change of land use, demolition, major rehabilitation, or new construction?

Yes  No

**Not applicable since this project only involves minor home rehabilitation.**

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

c. Is the project located in a Non-Attainment area?

Yes  No

**Not applicable.**

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

d. Is the project consistent with the air quality State Implementation Plan (SIP)?

Yes  No

**Not applicable.**

**If Yes**, obtain letter of consistency showing that the project is consistent with the SIP. Compliance is complete. Mark box "B" on the Statutory Checklist for this authority.

**If No**, continue.

e. Has EPA determined that the proposed activity is one that requires a permit under the SIP?

Yes  No

**Not applicable.**

**If Yes**, continue.

**If No**, compliance is complete. Mark box "B" on the Statutory Checklist for this authority.

f. Will project exceed any of the *de minimis* emissions levels of all non-attainment and maintenance level pollutants or exceed the screening level established by the state or air quality management district?

Yes  No

**Not applicable.**

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box "B" on the Statutory Checklist for this authority. Attach all documents used to make your determination (See Conformity determination thresholds at 40 CFR 93.153(b) Include engineering/construction assessments of emissions during construction and operating phases).

g. Can project be brought into compliance through mitigation?

Yes  No

**Not applicable.**

**If Yes**, list mitigation measures required to achieve conformance with SIP in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

**If No**, Federal assistance may not be used at this location.

**9. §58.5(h) Farmlands Protection [7 CFR Part 658]**

- a. Does the project involve acquisition of undeveloped land, conversion of undeveloped land, new construction or site clearance?

Yes  No

**Not applicable since this project only involves minor home rehabilitation.**

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is project located in an area committed (zoned) to urban uses?

Yes  No

**Not applicable.**

**If Yes**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**If No**, continue.

- c. Does the project site include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) (formerly the Soil Conservation Service)?

Yes  No

**Not applicable.**

**If Yes**, request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands). Mark box “B” on the Statutory Checklist for this authority. Include mitigation measures in the mitigation section of the Statutory Checklist.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**10. §58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]**

- a. Does the project involve a noise sensitive use such as a residential structure, school, hospital, nursing home, library, etc.?

Yes  No

**If Yes**, continue.



If No, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**Based on our responses to paragraph 10a and/or 10b above, it is possible that a noise calculation assessment would be required for this property. However, based on our interpretation of 24 CFR 51.101 (see excerpt below), whereas HUD encourages “noise attenuation features in alterations,” noise attenuation features are not required for minor rehabilitation, such as those covered in our CDBG Home Rehabilitation Program).**

**Excerpt from 24 CFR 51.101:**

*“(5) HUD support of modernization and rehabilitation. For modernization projects located in all noise exposed areas, HUD shall encourage noise attenuation features in alterations. For major or substantial rehabilitation projects in the Normally Unacceptable and Unacceptable noise zones, HUD actively shall seek to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level or exterior noise exposure. In Unacceptable noise zones, HUD shall strongly encourage conversion of noise-exposed sites to land uses compatible with the high noise levels.”*

**Therefore, this section is Not Applicable.**

**Nonetheless, if any rehabilitation work is done that provides an opportunity for noise assessment within the scope and funding of the project (no more than \$24,999 for all repairs), appropriate recommendations will be made to the resident. Implementation of any noise attenuation will be at the discretion of the resident.**

- b. Is the project located within:
- 15 miles of a civilian or military airfield with more than 9,000 carrier operations annually;  
Yes  No
  - 1000 feet of a major highway or busy road;  
Yes  No
  - within 3000 feet of a railroad.  
Yes  No

**Not applicable.**

**If Yes to any the above,** complete a noise calculation assessment. Use adopted DNL contours if the noise source is an airport. Continue.

**If No,** compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- c. Do noise calculations or airport noise contour maps indicate noise levels above 65dB (outside)?  
Yes  No

**Not applicable.**

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- d. Do noise calculations or airport noise contour maps indicate noise levels above 75dB (outside)?  
Yes  No

**Not applicable.**

**If No**, for projects in the normally unacceptable zone (65dB – 75dB), noise attenuation measures are strongly encouraged for rehabilitation and required for new construction to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

**If Yes**, HUD assistance for the construction of new noise sensitive uses is generally prohibited for projects with unacceptable noise exposure (>75dB). Noise attenuation measures are strongly encouraged for rehabilitation projects with unacceptable noise exposure to reduce noise levels to below 65dB (outside). Mark box “B” on the Statutory Checklist for this authority. List all attenuation measures in the mitigation section of the Statutory Checklist.

## 11. §58.5(i) (1) Explosive and Flammable Operations [24 CFR 51C]

- a. Does the project involve development, construction, rehabilitation, modernization or land use conversion of a property intended for residential, institutional, recreational, commercial, or industrial use?  
Yes  No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**The requirements for Explosive and Flammable Operations [24 CFR 51] are not applicable since this does not involve a HUD-assisted project as defined in 24 CFR 51.201 for this subpart (see excerpt from 24 CFR 51.201 below), and as noted on page 4 of the HUD’s Acceptable Separation Distance Guidebook and on the Protocol and example Statutory Checklist for Explosive and Flammable Operations provided in the Community Development Block Grant Toolkit on Crosscutting Issues, Module 2: Environmental Review (under “Other HUD Documents” and under “Sample Grantee Policies/Procedures,” respectively).**

**Per 24 CFR 51.201, a "HUD-assisted project" is defined as follows: "the development, construction, rehabilitation, modernization or conversion with HUD subsidy, grant assistance, loan, loan guarantee, or mortgage insurance, of any project which is intended for residential, institutional, recreational, commercial or industrial use. For purposes of this subpart the terms "rehabilitation" and "modernization" refer only to such repairs and renovation of a building or buildings as will result in an increased number of people being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable."**

**The repairs under this program will not result in increased density, and do not involve converting the type of use of a building to habitation nor making a vacant building habitable. Therefore, the requirements of 24 CFR 51C pertaining to Explosive and Flammable Operations are not applicable.**

- b. Was a field observation performed by a qualified environmental professional which documents that there are above ground storage tanks within line of site of the project?  
Yes  No

**Not applicable.**

- c. Is the project site within 1 mile of current or planned stationary aboveground storage tanks of more than 100 gallon capacity, containing common liquid industrial fuels OR of any capacity, containing hazardous liquids or gases that are not liquid industrial fuels?  
Yes  No

**Not applicable.**

- d. Are industrial facilities handling explosive or fire-prone materials such as liquid propane, gasoline or other storage tanks adjacent to or visible from the project site?  
Yes  No

**Not applicable.**

**If Yes to any of the above,** use HUD Hazards Guide to calculate an Acceptable Separation Distance to comply with 24 CFR Part 51, Subpart C. Continue.

**If No to all of the above,** compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- e. Is the project located at an Acceptable Separation Distance from any aboveground explosive or flammable fuels or chemicals containers as calculated above?  
Yes  No

**Not applicable.**

**If Yes,** compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

**If No,** continue.

- f. Can mitigation measures, such as construction of a barrier of adequate size and strength, reduce the blast overpressure or thermal radiation hazard to protect the project (per 24 CFR §51.205)?

Yes  No

**Not applicable.**

**If Yes,** Mark box “B” on the Statutory Checklist for this authority. List all mitigation measures in the mitigation section of the Statutory Checklist.

**If No,** HUD assistance cannot be used for this project.

## 12. §58.5(i) (1) Airport Hazards [24 CFR 51D]

- a. Will the project use HUD assistance, subsidy or insurance for construction; land development; community development or redevelopment; substantial modernization and rehabilitation which prolongs the physical or economic life of existing facilities; provide facilities and services which make land available for construction; change the use of a facility; increase the density or number of people at the site?

Yes  No

**If Yes,** continue.

**If No,** compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Is the property within 2,500 feet of a civilian airport, the Runway Clear Zone (RCZ)?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.<sup>1</sup>**

- c. Is the project is within 15,000 feet of a military airfield, the Clear Zone (CZ) or Accident Potential Zone (APZ)?

Yes  No

**Not applicable since there are no military airfields in Travis County. Camp Mabry is a military base, but it does not have an airfield. Noise hazard assessments (e.g., determination of the Accident Potential Zone (APZ), etc.) are not required at Camp Mabry since there are no runways and no aircrafts, other than occasional helicopters, flying in/out of the site.**

**If Yes** to either of the above questions, request a written finding from the airport operator stating whether or not the project is located in a RCZ, CZ or APZ. Continue.

**If No** to both of the above questions, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

---

<sup>1</sup>As stated in section 10 above (pertaining to §58.5(i) (1) Noise Abatement and Control [24 CFR Part 51B]), the airport hazard (RCZ) map will also include the airport’s 65-dB noise contours, if available, to document that the property is outside these noise contours.

- d. If the project is within 15,000 feet of a military airfield or within 2,500 feet of a civilian airport, did your written confirmation from the airport operator confirm that the project is located in a RCZ, CZ or APZ?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- e. If the project is located in a military airfield APZ, is the project consistent with the Land Use Compatibility Guidelines for Accident Potential Zones (32 CFR Part 256, DOD Instruction 4165.57).

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

If **Yes**, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

If **No**, HUD funds may not be used for this project.

- f. If the project is in a RCZ/CZ will the project be frequently used or occupied by people?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

If **Yes**, HUD funds may not be used for this project.

If **No**, continue.

- g. If the project will not frequently be used by people, has the airport operator provided a written statement that there are no plans to purchase the land involved with such facilities as part of an RCZ/CZ acquisition program?

Yes  No

**Not applicable. All sites will house people on a daily basis.**

If **Yes**, attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

If **No**, HUD funds may not be used for this project.

### 13. §58.5(i) (2) Contamination and Toxic Substances

- a. Is the property located within the search distances of any of the types of environmental contamination sources?

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
Federal NPL Site List	1		
Federal Delisted NPL Site List	0.5		
Federal CERCLIS List	0.5		
Federal CERCLIS NFRAP Site List	0.5		
Federal RCRA CORRACTS Facilities List	1		
Federal RCRA Non-CORRACTS TSD Facilities List	0.5		
Federal RCRA Generators List	Property/Adjoining Properties		
Federal Institutional Control/Engineering Control Registries	Property Only		
Federal ERNS List	Property Only		
State- and Tribal-Equivalent NPL	1		
State- and Tribal-Equivalent CERCLIS	0.5		
State and Tribal Landfill and/or Solid Waste Disposal Site Lists	0.5		
State and Tribal Leaking Storage Tank Lists	0.5		
State and Tribal Registered Storage Tank Lists	Property/Adjoining Properties		
State and Tribal Institutional Control/Engineering Control Registries	Property Only		
State and Tribal Voluntary Cleanup Sites	0.5		
State and Tribal Brownfield Sites	0.5		

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

b. Did a visual inspection of the site show the following?

	Yes	No
Distressed vegetation		
Vent or Fill Pipes		
Storage Oil Tanks or Questionable Containers		
Pits, Ponds or Lagoons		
Stained Soil or Pavement (other than water stains)		

	Yes	No
Pungent, Foul or Noxious Odors		
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.		

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

- c. Has the property ever been used for any of the following types of uses?

	Yes	No		Yes	No
Gas Station			Vehicle Repair Shop		
Car Dealership			Auto Garage		
Depot			Commercial Printing Facility		
Industrial or commercial warehouses			Dry Cleaners		
Photo Developing Laboratory			Hospital		
Junkyard or landfill			Agricultural/Farming Operations		
Tannery			Livestock Operations		

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

- d. Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?  
 Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

- e. Is the project site near an industry disposing of chemicals or hazardous wastes?  
 Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If No to all of the above**, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

**If Yes to any of the above**, a qualified environmental professional must undertake investigations necessary to ensure that the project is free of hazardous materials,

contamination, toxic chemicals and gases, and radioactive substances such that there is no hazard which could affect the health and safety of occupants or conflict with the intended utilization of the property. Continue.

- f. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

- g. Are there unresolved concerns that could lead to the RE being determined to be a Potentially Responsible Party (PRP)?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes,** continue.

**If No,** provide written documentation from a qualified environmental professional which documents that identified potential sources of contamination does not pose a hazard which would restrict the intended uses of the property or to the occupants.

- h. Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Note: HUD regulations do not require an ASTM Phase I ESA report for single family homes of 1-4 units. An ASTM Phase I ESA report is required for multifamily (5 or more units) and/or Non-residential properties.)

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

- i. Did the ASTM Phase I ESA or other documentation uncover any Recognized Environmental Conditions (RECs) or recommend a Phase II, special/specific Phase II, or recommend Phase III environmental site assessments?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes,** continue.

**If No,** compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- j. Do ESAs or other documentation conclude that nearby toxic, hazardous or radioactive substances could affect the health and safety of project occupants or conflict with the intended use of the property?

Yes  No



**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- k. Did any of the ESA reports or other documentation identify the need to mitigate the environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- l. Can all adverse environmental conditions identified in any of the ESAs or other documentation be mitigated?

Yes  No

**Unknown at this time. To be determined during site specific review. See site specific determination strategy for additional information.**

**If Yes**, compliance with this section is complete. List specific remedial actions or mitigations in the mitigation section of the Statutory Checklist, according to the requirements of the appropriate Federal, state, or local oversight agency. Mark box “B” on the Statutory Checklist for this authority.

**If No**, HUD cannot provide assistance for the project at this site.

#### **14. §58.5(j) Environmental Justice (E.O. 12898)**

- a. Is the project located in or designed to serve a predominantly minority and low-income neighborhood?

Yes  No

**The project is available in the unincorporated areas of Travis County and the Village of Webberville. It is not targeted to any particular neighborhood. However, the project is intended to assist homeowners living at or below 80% of the Area Median Family Income.**

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**If Yes**, continue.

- b. Would there be an adverse environmental impact caused by the proposed action, or would the proposed action be subject to an existing adverse environmental impact?

Yes  No

**Not applicable.**

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**If Yes**, perform an Environmental Justice (EJ) analysis using census, geographic and other data to determine if a low-income/minority population is disproportionately impacted. Continue.

- c. Will the adverse environmental impact of the proposed action disproportionately impact minority and low-income populations relative to the community-at-large?

Yes  No

**Not applicable.**

**If No**, compliance with this section is complete. Document the determination of no disproportionate impacts. Mark box “A” on the Statutory Checklist for this authority.

**If Yes**, Mitigation or avoidance of adverse impacts must be considered to the extent practicable; and, public participation processes must involve the affected population(s) in the decision-making process. Continue.

- d. Has the mitigation plan been approved by the RE and the impacted community?

Yes  No

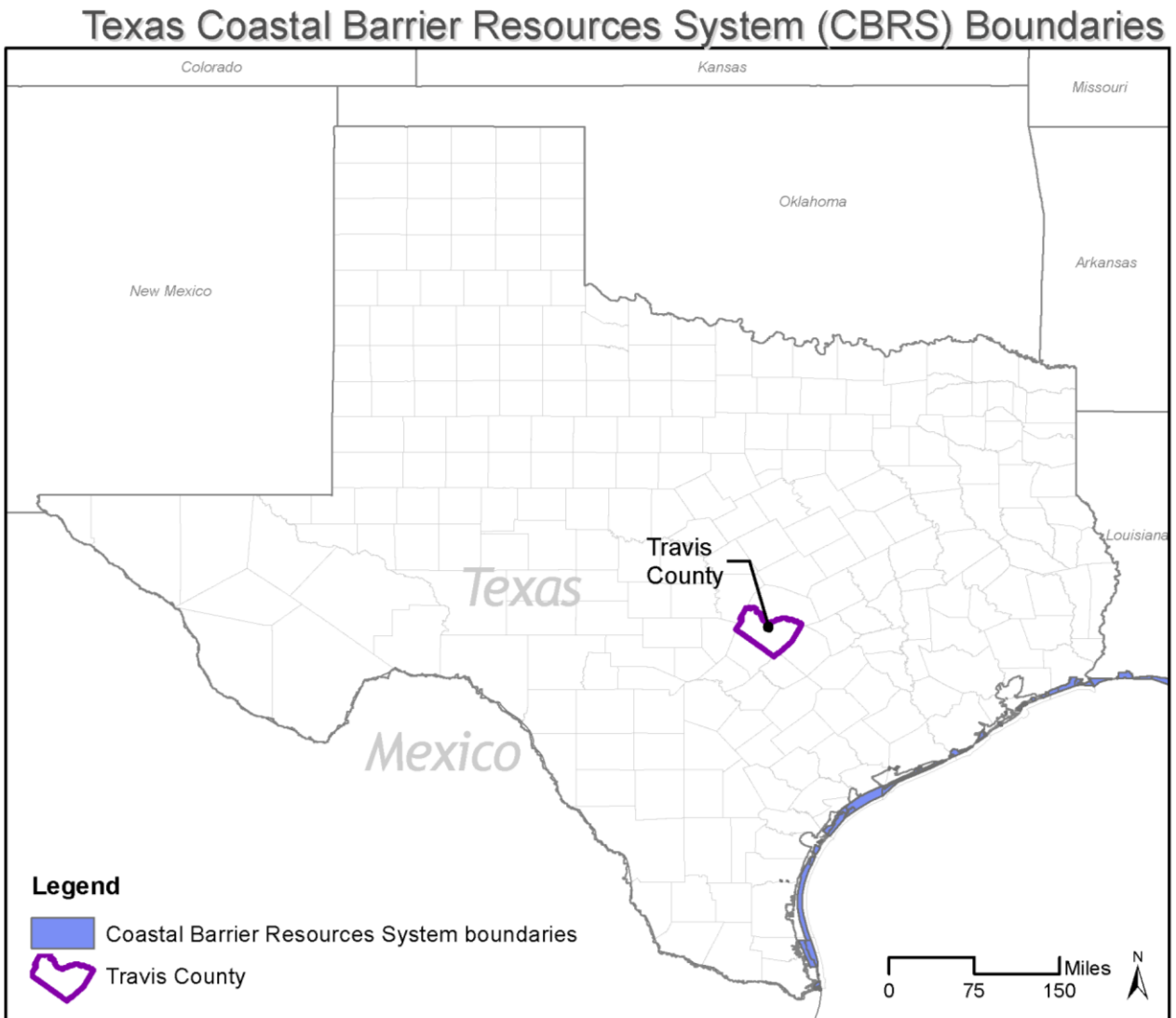
**Not applicable.**

**If Yes**, compliance with this section is complete. Include mitigation plan in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

**If No**, Project cannot move forward until EJ issue is mitigated to the satisfactory of the RE and impacted community.

# Map 1

# COASTAL BARRIER RESOURCES SYSTEM (CBRS) BOUNDARIES MAP

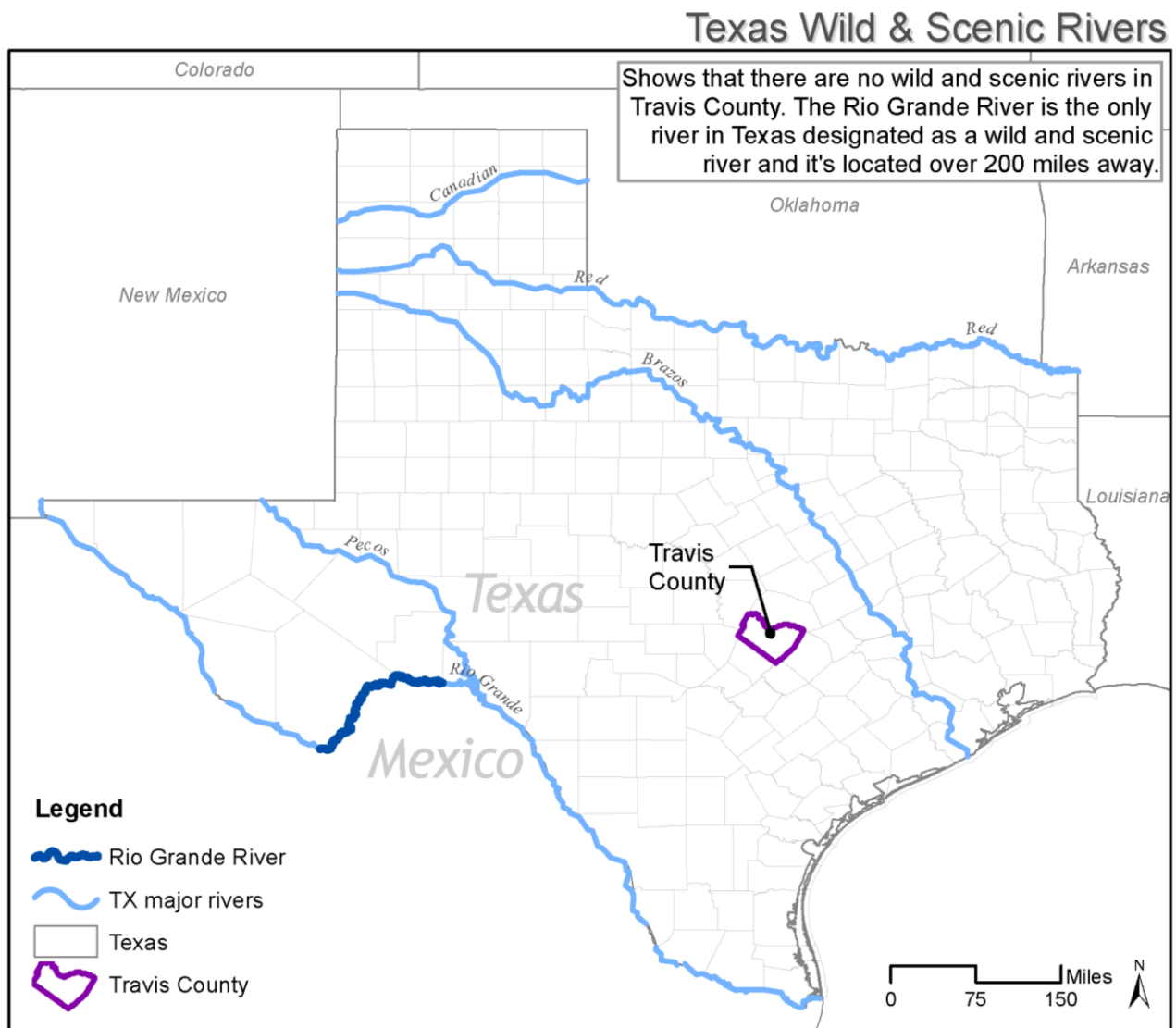


Source: US Fish & Wildlife Service

GIS data downloaded on 1/7/14 from: [http://www.fws.gov/CBRA/Maps/Data\\_Disclaimer\\_Shapefiles.html](http://www.fws.gov/CBRA/Maps/Data_Disclaimer_Shapefiles.html)

Map created by: Travis County HHS/VS, CDBG Office, E.Rivera, January 2014

# Map 2 WILD AND SCENIC RIVERS



According to the National Wild and Scenic River System, Texas has approximately 184,797 miles of river, of which 191.2 miles (Rio Grande River) are designated as wild & scenic. Of this 191.2 miles, 95.2 miles are designated as wild and 96.0 miles are designated as scenic.

Source: National Wild and Scenic River System website  
 Downloaded on 1/8/14 from: <http://www.rivers.gov/mapping-gis.php>  
 Map created by: Travis County HHS/VS, CDBG Office, E.Rivera, January 2014

Attachment 3 (to Appendix A)  
**Memorandum Regarding  
Endangered Species**

## MEMORANDUM

**To:** Judge Samuel T. Biscoe  
Travis County Judge  
PO Box 1748  
Austin, TX 78767

**From:** Christy Moffett  
CDBG Planning Project Manager  
PO Box 1748  
Austin, TX 78767

**Date:** May 20, 2014

**Re:** Travis County Home Rehabilitation Program, Tier 1 Environmental Clearance

According to §58.5(e) Endangered Species [50 CFR Part 402], Travis County finds that its Home Rehabilitation Program is likely to have “No Effect” on federally protected species and critical habitat. Informal consultation with the US Fish and Wildlife Service or the National Marine Fisheries Service (Services) is not necessary.

The program will include:

*Rehabilitation or renovation activities associated with existing structures (e.g., houses, buildings), including additional structures attached to or associated with the primary structure, and/or any loans or mortgages affiliated with such rehabilitation or renovation.*

Therefore, this project involves the type of activities that are likely to have “no effect on endangered species and Travis County finds that no consultation with US Fish and Wildlife Service or the National Marine Fisheries Service (Services) will be necessary for environmental clearance under the The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.* as amended: particularly Section 7 (b) and (c). 50 CFR 402).

Attachment 4 (to Appendix A)  
**Compliance Checklist for  
24 CFR §58.6**

### Compliance Checklist for 24 CFR §58.6, Other Requirements

Complete for all projects, including Exempt (§58.34), Categorically Excluded Subject to §58.5 [§58.35(a)], Categorically Excluded Not Subject to §58.5 [§58.35(b)] and Projects Requiring Environmental Assessments (§58.36)

Project Name: Travis County CDBG Owner Occupied Home Rehabilitation Program - Tier 1

ERR FILE # {streetaddress}(HR#\_\_)

**1. §58.6(a) and (b) Flood Disaster Protection Act of 1973, as amended; national Flood Insurance Reform Act of 1994**

- a. Does the project involve new construction, major rehabilitation, minor rehabilitation, improvements, acquisition, management, new loans, loan refinancing or mortgage insurance?  
 **Yes**       **No**

**If No**, compliance with this section is complete.

**If Yes**, continue.

- b. Is the project located in a FEMA identified Special Flood Hazard Area?  
 **Yes**       **No**

**If No**, compliance with this section is complete.

**If Yes**, continue.

- c. Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?  
 **Yes**       **No**

**If Yes**, Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

**If No**, Federal assistance may not be used in the Special Flood Hazards Area.

Cite and attach source documentation: (Documentation should include a FEMA Flood Map showing project location in reference to flood zone designation. If flood map is not available, use best available information.)

For additional information see:

FEMA Map Service Center: <http://www.store.msc.fema.gov>

NFIP Community Status Book: [www.fema.gov/fema/csb.shtm](http://www.fema.gov/fema/csb.shtm)



2. **§58.6(c) Coastal Barrier Improvement Act, as amended by the Coastal Barriers Improvement Act of 1990 (16 U.S.C. 3501)**

- a. Does the project involve new construction, conversion of land uses, major rehabilitation, minor rehabilitation of existing structure, or acquisition of undeveloped land?

Yes       No

If No, compliance with this section is complete.  
If Yes, continue below.

- b. Is the project located in a coastal barrier resource area?

Yes       No

If No, compliance with this section is complete.  
If Yes, Federal assistance may not be used in such an area.

Cite and attach source documentation: (Documentation should include map (e.g. Google Earth) noting project distance from Coastal Barrier Resources.) For more information see: CBRS maps on US FWS and FEMA websites:  
<http://www.FWS.gov/CBRA>  
<http://www.FWS.gov/CBRA/Maps/index.html>

3. **§58.6(d) Runway Clear Zones and Clear Zones [24 CFR §51.303(a) (3)]**

- a. Does the project involve the sale or purchase of existing property?

Yes       No

If No, compliance with this section is complete.  
If Yes, continue below.

- b. Is the project located within 2,500 feet of the end of a civil airport runway (Civil Airport's Runway Clear Zone) or within 15,000 feet of the end of a military runway (Military Airfield's Clear Zone)?

Yes       No

If No, compliance with this section is complete.  
If Yes, Notice must be provided to buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in this ERR.

Cite and attach source document (Map indicating project site in proximity to end of runway):

For more information see:

Airport Information: <http://www.airnav.com/airports/>

HUD Airport Hazards Q&A:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/review/qa/airport](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/airport)

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:

\_\_\_\_\_  
Authorized Responsible Entity Signature

**Samuel T. Biscoe**

\_\_\_\_\_  
Authorized Responsible Entity Name (printed)

\_\_\_\_\_  
Date

**County Judge**

\_\_\_\_\_  
Title (printed)

Appendix B  
**Site Specific  
Environmental  
Determination Strategy**

## **Appendix B**

### **Site Specific Determination Strategy**

Travis County has chosen to tier its environmental review of its housing rehabilitation programs. According to 24 CFR Part 58, a responsible entity may tier its environmental review and assessments to eliminate the repetitive discussions of the same issues at subsequent levels of review. Due to the nature of this program, specific sites will require additional review based on their location within the unincorporated areas of the county. Tiering is appropriate in this case when there is a requirement to evaluate a policy or proposal early in the stages of development or when site specific analysis of mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date.

The following section will discuss in detail how each site (once chosen) will comply with laws outlined by HUD and required under 24 CFR 58.5 for home rehabilitation and related improvement activities.

### **Historic Preservation**

According to Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. 470 et seq.), Federal agencies are required to assess the effects of their undertakings on historic sites. This action affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on the project's impact. In the event that sites fall under this law, Travis County staff will adhere to the following guidelines.

According to Section 106, historic properties as they pertain to federal undertakings include any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places. In the case that a home rehabilitation project has the potential to affect a historic property, Travis County must consult with the State Historic Preservation Officer (SHPO) to request a formal determination of eligibility for the National Register of Historic Places from the Texas Historical Commission (THC). Per letter dated July 10, 2013 from the SHPO/THC (see Attachment 1 to Appendix B), only projects of more than 45 years of age must be submitted to the SHPO/THC for historic review.

- 1) At each site, Travis County will determine whether the project could affect historic properties by completing Section 1 (pertaining to §58.5(a) Historical Properties [36 CFR Part 800]) of the site specific environmental determination worksheet (Attachment 2 to Appendix B) and gathering any appropriate supporting documentation.
  
- 2) Properties that are determined to be 45 years old or less, based on TCAD records, will be considered to be in compliance with the historic properties section of the environmental review once it is confirmed (and documented on a map) that the property is not within or directly adjacent to a historic district and that there are no properties of historical, architectural, religious or cultural significance identified in the project's Area of Potential Effect. Note that due to the limited nature of the home repairs in this minor home rehabilitation program, the project's Area of Potential is essentially the footprint of the

house and possibly the area in and around the septic system and/or water system, if these systems are included in the scope of work.

- 3) Any property that are over 45 years old, regardless of its location, and any property that is less than 45 years old and located within or directly adjacent to a historic district will be submitted to the SHPO for consideration. The submittal to the SHPO will include color photos of all facades of the structure and photographs of surrounding structures, a map with the property's geographic location, and a description of the type of work that is being considered.
  - a) If the Texas Historical Commission determines that the property is historic, it will develop a memorandum of agreement to assess possible adverse effects on the historic property based on the Secretary of the Interior's standards for rehabilitation. The memorandum of agreement will outline agreed-upon measures that the County will take to ensure the avoidance, mitigation and/or minimization of the adverse effects on historic properties.
  - b) In the event that Travis County determines that no historic properties are present, it will provide documentation to the Texas Historical Commission which grants a thirty day time-period for any objection to be raised. If the Texas Historical Commission has no objection, Travis County will proceed without any further Section 106 obligations.

## **Floodplain Management**

Executive Order 11988, "Floodplain Management," requires Federal agencies to avoid actions, to the extent practicable that will result in the location of facilities in floodplains and/or affect floodplain values. HUD regulations for protecting floodplains (*24 CFR Part 55 Floodplain Management*) restrict financial support for projects located within the designated 100-year floodplain, unless it can be demonstrated that there are no practicable alternatives outside of the floodplain. No practical alternatives means that the agency cannot; (a) avoid to the extent possible long and short term adverse impacts associated with the occupancy and modification of floodplains, and (b) avoid direct development within or modification of floodplains, wherever there is a practical alternative.

Because the repairs or improvements under the CDBG Home Rehabilitation Program do not meet the thresholds for "substantial improvement", work is allowed in the 100-year floodplain. However, our program-specific guidelines only allow repairs and improvements to houses that are not in the 100-year floodplain. While the County may go through a lengthy process to allow for repairs in the floodplain, including requiring flood insurance, the Program has decided to not to do so,

As part of the Environmental Review Record (ERR) for every property in the program, documentation will be maintained, including a map based on the FEMA panel with site location and a determination of whether or not the site is located in the 100-year floodplain.

## **Airport/ Runway Clear Zones**

For each property, it must be determined whether the property is located within 2,500 feet of a civilian airport, the Runway Clear Zone (RCZ), or within 15,000 feet of a military field, the Clear Zone (CZ) or Accident Potential Zone (APZ). HUD does not fund activities in any of these zones. Although due to the nature of this home rehabilitation project, no new construction will be created, the home rehabilitation work may prolong the physical or economic life of an existing property. Travis County will verify that a property is not within any of these zones prior to environmental clearance or approval of any work.

## **Toxic Chemicals and Radioactive Material**

All properties where activities will occur must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.

Travis County staff will assess, according to applicable HUD guidelines and based on available information, whether the property is free of hazardous materials, contamination, toxic chemicals and gases and radioactive substances at the time that the property is inspected, prior to any work being approved.

Attachment 1 (to Appendix B)  
**July 10, 2013 Letter from  
the Texas Historical  
Commission**

**TEXAS HISTORICAL COMMISSION**  
*real places telling real stories*

July 10, 2013

Elena Rivera  
Travis County Health & Human Services & Veterans Service  
Travis County  
P.O. Box 1748  
Austin, Texas

**Re: Travis County CDBG Owner Occupied Home Rehabilitation Program, Travis County, Texas,  
N10**

Dear Ms. Rivera:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from Mark Wolfe, Executive Director of the Texas Historical Commission and the State Historic Preservation Officer.

Section 106 of the National Historic Preservation Act requires federal agencies, or their designated representatives, to take into account the effects of their undertakings on historic properties. Federal agencies, or their designated representatives, must request the comments of this office when they are considering an action, or if they are assisting, permitting, or licensing an action that may affect archeological sites or historic buildings. The Texas Historical Commission requires submittal for projects of more than 45 years of age at the time of submittal. Under the Antiquities Code of Texas, state agencies and political subdivisions of the State are required to contact us relative to actions on non-federal public lands in the State of Texas.

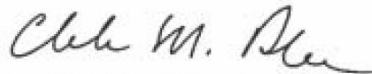
The Texas Historical Commission needs the following additional information as projects are selected, to identify historic properties, such as archeological sites, buildings, structures, objects, or districts, in the project area to determine your project's Area of Potential Effect and the types of historical resources which may be present in your project are a:

1. **A separate cover letter with physical address referenced for the project describing the full scope of work**
2. **High resolution color photographs of all facades of the structure and photographs of surrounding structures**
3. **Site map showing location of subject property**

If architectural historic properties are found within the Area of Potential Effect, additional information will be needed to determine the effect of your project on those properties.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Charles M. Peveto at 512/463-6008.**

Sincerely,



Charles M. Peveto, Historian  
for Mark Wolfe, SHPO



RICK PERRY, GOVERNOR • MATTHEW F. KREISLE, III, CHAIRMAN • MARK WOLFE, EXECUTIVE DIRECTOR  
P.O. BOX 12276 • AUSTIN, TEXAS • 78711-2276 • P 512.463.6100 • F 512.475.4872 • www.thc.state.tx.us



**Travis County Health and Human Services and Veterans Service**

CDBG Program

P.O. Box 1748

Austin, Texas 78767

PH (512) 854-4100 FAX (512) 854-4115

[www.co.travis.tx.us/cdbg](http://www.co.travis.tx.us/cdbg)

**RECEIVED**

JUL 10 2013

July 10, 2013

**History Programs Division**

Mr. Charles Peveto  
Texas Historical Commission  
P.O. Box 12276  
Austin, TX 78711-2276

RE: Historic Property Clearance Request for properties less than 45 years old

Dear Mr. Peveto,

This letter is intended to request historic clearance for any property in the Travis County Community Development Block Grant (CDBG) Owner Occupied Home Rehabilitation Program that is less than 45 years old and that meets the criteria described below. The properties, all of which are located in the unincorporated areas of Travis County or the Village of Webberville, will be rehabilitated/repared under the Home Rehabilitation Program.

The Travis County CDBG Owner Occupied Home Rehabilitation Program receives federal funding from the U.S. Department of Housing and Urban Development (HUD) through CDBG Entitlement Funds under Title I of Housing and Community Development Act of 1974, as amended. The purpose of the program is to improve the quality of housing stock in the CDBG service area for low-to-moderate income homeowners by funding minor home repair services in order to improve energy efficiency, physical living conditions, and safety in owner-occupied homes.

Repairs may include painting, plumbing, electrical, AC/furnace, flooring, accessibility modifications (e.g., walk-in showers, wheelchair ramps, etc.); weatherization activities, such as replacing windows, doors, etc.; septic system repairs, replacement, or installation; water connections and/or water well installation; roofing and other exterior repairs, such as painting or replacement of façade; and similar or related repairs as needed.

Many of the properties are manufactured housing (e.g., mobile homes). This minor rehabilitation work is limited to no more than \$24,999 per home, and does not include acquisition, demolition, disposition, nor new construction. Ground disturbance, if any, would only be associated with plumbing, septic system, and/or water well repairs or installation on an already developed property.

Our in-house documentation will include verification that the property is less than 45 years old, is not within or directly adjacent to a historic district, and is not listed on the National Register of Historic Places.





**Travis County Health and Human Services and Veterans Service**

CDBG Program  
P.O. Box 1748  
Austin, Texas 78767  
PH (512) 854-4100 FAX (512) 854-4115  
[www.co.travis.tx.us/cdbg](http://www.co.travis.tx.us/cdbg)

We believe that these properties do not meet the definition of a historic property per 36 CFR 800(l)(1)-(2) based on age, style, current condition, and the type of rehabilitation work to be done. Therefore, we ask for a general clearance letter that we can include in our documentation for properties currently under consideration as well as future properties that are less than 45 years old and meet the above conditions. This would help facilitate the ongoing implementation of our Home Rehabilitation Program.

Thank you for your attention to our request. Please contact me if you have any questions or need further information.

Best regards,

A handwritten signature in black ink, appearing to read "ER".

Elena Rivera  
CDBG Planner  
Office of the County Executive  
Travis County Health and Human Services & Veterans Service  
P.O. Box 1748, Austin, TX 78767  
P: 512.854.3468 F: 512.279-2197  
[www.traviscountytexas.gov/cdbg](http://www.traviscountytexas.gov/cdbg)

July 10, 2013

2 | Page

Attachment 2 (to Appendix B)

**Site Specific  
Environmental  
Determination Worksheet**

**Worksheet for Preparing 24 CFR §58.5 Statutory Checklist**  
**Site Specific Environmental Determination Worksheet**

Travis County Owner-Occupied Home Rehabilitation Program

[Attach to **Statutory Checklist for Compliance with 24 CFR §58.5 – NEPA Related Federal Laws and Authorities**]

Address: \_\_\_\_\_

**1. §58.5(a) Historical Properties [36 CFR Part 800]**

**Historic Properties**

- a. Does the project include the type of activity that would have the potential to affect historic properties such as acquisition, demolition, disposition, ground disturbance, new construction or rehabilitation?

Yes     No

**If Yes**, continue.

**If No**, the project is not the type of activity that has the potential to affect historic properties. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- b. Do the RE and State Historic Preservation Office (SHPO) have a Programmatic Agreement (PA) that does not require consultation for this type of activity?

Yes     No

**If Yes**, document compliance with the PA. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

**If No**, continue.

- c. Is the project located within or directly adjacent to a historic district?

Yes     No

- d. Is the structure or surrounding structures listed on or eligible for listing on the National Register of Historic Places (e.g. greater than 45 years old)?

Yes     No

- e. Were any properties of historical, architectural, religious or cultural significance identified in the project’s Area of Potential Effect (APE)?

Yes     No

**If Yes any of the questions above**, continue.

**If No to all of the questions above**, the project will not affect historic properties. A concurrence from the SHPO that “no historic properties will be affected” is required. Compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- f. Have you consulted with the SHPO to determine whether the project will have “No Adverse Effect on Historic Properties?”  
 Yes  No

**If Yes**, continue.

**If No**, consultation with the SHPO is required.

- g. Does the SHPO concurrence letter received for this project require mitigation or have conditions?  
 Yes  No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- h. Have the SHPO and RE agreed on required mitigation or conditions?  
 Yes  No

**If Yes**, include mitigation requirements and/or conditions from the SHPO in the mitigation section of the Statutory Checklist. Mark box “B” on the Statutory Checklist for this authority.

**If No**, continue with consultation until resolved.

**Historic properties of religious and cultural significance to tribes and Native Hawaiian organizations**

- i. Does the project include the types of activities such as those listed below that have the potential to affect historic properties of religious and cultural significance to tribes?
- Ground disturbance (digging);
  - New construction in undeveloped natural areas
  - Incongruent visual changes – impairment of the vista or viewshed from an observation point in the natural landscape;
  - Incongruent audible changes – increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience;
  - Incongruent atmospheric changes – introduction of lights that create skyglow in an area with a dark night sky;
  - Work on a building with significant tribal association;
  - Transfer, lease or sale of a historic property of religious and cultural significance.
- Yes  No

**If Yes**, continue.

**If No**, tribal consultation is not required.

- j. Does HUD’s Tribal Directory Assessment Tool indicate that tribes have an interest in the location where the project is sited?  
([http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/tribal](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/tribal))

Yes  No

**If Yes,** contact federally recognized tribe(s) and invite consultation.

Continue.

**If No,** document the result in the ERR. Tribal consultation is not required.

k. Did the tribe(s) respond that they want to be a consulting party?

Yes  No

**If Yes,** continue.

**If No,** (no response within 30 days or responded that they do not wish to consult), document response or lack of response in ERR. Further consultation is not required.

l. After consulting with the tribe(s) and discussing the project, were any properties of religious or cultural significance to the tribe(s) identified in the project's APE?

Yes  No

**If Yes,** continue.

**If No,** notify tribe(s) and other consulting parties of your finding of "No Historic Properties Affected." Tribe(s) has 30 days to object to a finding.

m. After consulting with the tribe(s), will the project have an adverse effect on properties of religious or cultural significance to the tribe(s)?

Yes  No

**If Yes,** consult with tribe(s) and other consulting parties to resolve adverse effects, including considering alternatives and mitigation measures that would avoid or minimize adverse effects.

**If No,** notify tribe(s) and other consulting parties of your finding of "No Adverse Effects." Tribe(s) has 30 days to object to a finding.

n. Were any objections to a finding received from a consulting tribe?

Yes  No

**If Yes,** continue with consultation until resolved.

**If No,** consultation is complete.

---

*Instructions:*

*Cite and attach source documentation: (Correspondence with SHPO/THPO. How determination of "no potential to cause effects" to historic properties was made.)*

*Information Resources:*

*National Register of Historic Places:* <http://nrhp.focus.nps.gov/natreghome.do?searchtype=natreghome>

*National Conference of State Historic Preservation Officers:* <http://ncshpo.org/>

*Map of Currently Recognized THPO's:* <http://www.nathpo.org/map.html>

*HUD Tribal Directory Assessment Tool (TDAT):*

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/tribal](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/tribal)

*Section 106 Agreements Database:*

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/section106](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/section106)

**2. §58.5(b) (1) Floodplain Management [24 CFR Part 55]**

- a. Does the project include minor repairs or improvements on up to four dwelling units that do not meet the thresholds for “substantial improvement” under §55.2(b)(8)?

Yes  No

**If Yes**, compliance with this section is complete. Mark box “A” on the Statutory

Checklist for this authority.

**If No**, continue.

- b. Is the project located within (or have an impact on) a 100 year floodplain (Zones A or V) identified by FEMA maps?

Yes  No

- c. Does the project involve a “critical action,” per §55.2(b)(2)(i), located within

a

500 year floodplain (Zone B) identified by FEMA maps?

Yes  No

**If Yes to (b) or (c)**, follow HUD’s Floodplain Management Regulations 8-Step decision-making process of §55.20 to comply with 24 CFR Part 55. The 8-Step decision-making process must show that there are no practicable alternatives to locating the project in the floodplain, and if there are no alternatives, define measures to mitigate impacts to floodplains and location of the project in the floodplain. Completion of the 8-Step decision-making process must be completed before the completion of an EA per §55.10(a). See Attachment 1 for an example of the 8-Step decision-making process. The findings of the decision-making process must be included in the ERR and summarized in Part 55 and Part 58 public notices. Mark box “B” on the Statutory Checklist for this authority.

**If No to (b) and (c)**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

---

*Instructions:*

*Cite and attach source documentation: (FEMA flood map used to make this finding with the project location marked on the map. Include the community name, map panel number and date of map. As applicable, §55.20 8-Step decision-making process analysis. If FEMA has not published the appropriate flood map, the RE must make a finding based on best available data.)*

*For more information see: FEMA Map Service Center: <http://www.store.msc.fema.gov>*

**12. §58.5(i) (1) Airport Hazards [24 CFR 51D]**

- a. Will the project use HUD assistance, subsidy or insurance for construction; land development; community development or redevelopment; substantial modernization and rehabilitation which

prolongs the physical or economic life of existing facilities; provide facilities and services which make land available for construction; change the use of a facility; increase the density or number of people at the site?

Yes  No

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- b. Is the property within 2,500 feet of a civilian airport, the Runway Clear Zone (RCZ)?

Yes  No

- c. Is the project is within 15,000 feet of a military airfield, the Clear Zone (CZ)

or

Accident Potential Zone (APZ)?

Yes  No

If **Yes** to either of the above questions, request a written finding from the airport operator stating whether or not the project is located in a RCZ, CZ or APZ. Continue.

If **No** to both of the above questions, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- d. If the project is within 15,000 feet of a military airfield or within 2,500 feet of a civilian airport, did your written confirmation from the airport operator confirm that the project is located in a RCZ, CZ or APZ?

Yes  No

If **Yes**, continue.

If **No**, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

- e. If the project is located in a military airfield APZ, is the project consistent with the Land Use Compatibility Guidelines for Accident Potential Zones (32 CFR Part 256, DOD Instruction 4165.57).

Yes  No

If **Yes**, attach copy of written assurance from airport operator. Mark box "B" on the Statutory Checklist for this authority.

If **No**, HUD funds may not be used for this project.

- f. If the project is in a RCZ/CZ will the project be frequently used or occupied by people?

Yes  No

If **Yes**, HUD funds may not be used for this project.

If **No**, continue.

- g.** If the project will not frequently be used by people, has the airport operator provided a written statement that there are no plans to purchase the land involved with such facilities as part of an RCZ/CZ acquisition program?  
 Yes     No

**If Yes,** attach copy of written assurance from airport operator. Mark box “B” on the Statutory Checklist for this authority.

**If No,** HUD funds may not be used for this project.

*Instructions:*

*Cite and attach source documentation: (Map with project location noted showing the distance from civilian airports and/or military airfields. Written confirmation from airport operating stating whether or not project is located in a RCZ, CZ or APZ. Written assurance from airport operator on purchase of property.)*

*For further information see:*

*Airport Information:* <http://www.airnav.com/airports/>

*HUD Airport Hazards Q&A:*

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/review/qa/airport](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/qa/airport)

**13. §58.5(i) (2) Contamination and Toxic Substances**

- a.** Is the property located within the search distances of any of the types of environmental contamination sources?

Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
Federal NPL Site List	1		
Federal Delisted NPL Site List	0.5		
Federal CERCLIS List	0.5		
Federal CERCLIS NFRAP Site List	0.5		
Federal RCRA CORRACTS Facilities List	1		
Federal RCRA Non-CORRACTS TSD Facilities List	0.5		
Federal RCRA Generators List	Property/Adjoining Properties		
Federal Institutional Control/Engineering Control Registries	Property Only		
Federal ERNS List	Property Only		
<b><u>Per guidance from HUD (David Rios/San Antonio office), the State/Tribal requirements below do not apply to Single Family Owner-Occupied Rehab Programs.</u></b>			
State- and Tribal-Equivalent NPL	1		
State- and Tribal-Equivalent CERCLIS	0.5		
State and Tribal Landfill and/or Solid Waste Disposal	0.5		



Standard Environmental Record Sources	Approximate Minimum Search Distance (mi)	Yes	No
Site Lists			
State and Tribal Leaking Storage Tank Lists	0.5		
State and Tribal Registered Storage Tank Lists	Property/Adjoining Properties		
State and Tribal Institutional Control/Engineering Control Registries	Property Only		
State and Tribal Voluntary Cleanup Sites	0.5		
State and Tribal Brownfield Sites	0.5		

**b. Did a visual inspection of the site show the following?**

	Yes	No
Distressed vegetation		
Vent or Fill Pipes		
Storage Oil Tanks or Questionable Containers		
Pits, Ponds or Lagoons		
Stained Soil or Pavement (other than water stains)		
Pungent, Foul or Noxious Odors		
Dumped Material or Soil, Mounds of Dirt, Rubble, Fill, etc.		

**c. Has the property ever been used for any of the following types of uses?**

	Yes	No		Yes	No
Gas Station			Vehicle Repair Shop		
Car Dealership			Auto Garage		
Depot			Commercial Printing Facility		
Industrial or commercial warehouses			Dry Cleaners		
Photo Developing Laboratory			Hospital		
Junkyard or landfill			Agricultural/Farming Operations		
Tannery			Livestock Operations		

d. Does the project have an underground storage tank other than a residential fuel tank, or known or suspected to be contaminated by toxic chemicals or radioactive materials?  
 Yes  No

e. Is the project site near an industry disposing of chemicals or hazardous wastes?  
 Yes  No

**If No to all of the above**, compliance with this section is complete. Mark box "A" on the Statutory Checklist for this authority.

**If Yes to any of the above**, a qualified environmental professional must undertake investigations necessary to ensure that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances such that there is no hazard which could affect the health and safety of occupants or conflict with the intended utilization of the property. Continue.

f. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended use of the property?  
 Yes  No

to be g. Are there unresolved concerns that could lead to the RE being determined a Potentially Responsible Party (PRP)?  
 Yes  No

**If Yes**, continue.

**If No**, provide written documentation from a qualified environmental professional which documents that identified potential sources of contamination does not pose a hazard which would restrict the intended uses of the property or to the occupants.

h. Was an ASTM Phase I Environmental Site Assessment (ESA) report completed for this project? (Note: HUD regulations do not require an ASTM Phase I ESA report for single family homes of 1-4 units. An ASTM Phase I ESA report is required for multifamily (5 or more units) and/or Non-residential properties.)  
 Yes  No

i. Did the ASTM Phase I ESA or other documentation uncover any Recognized Environmental Conditions (RECs) or recommend a Phase II, special/specific Phase II, or recommend Phase III environmental site assessments?  
 Yes  No

If Yes, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- j.** Do ESAs or other documentation conclude that nearby toxic, hazardous or radioactive substances could affect the health and safety of project occupants or conflict with the intended use of the property?  
Yes No

**If Yes**, continue below.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- k.** Did any of the ESA reports or other documentation identify the need to mitigate the environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency?  
Yes No

**If Yes**, continue.

**If No**, compliance with this section is complete. Mark box “A” on the Statutory Checklist for this authority.

- l.** Can all adverse environmental conditions identified in any of the ESAs or other documentation be mitigated?  
Yes No

**If Yes**, compliance with this section is complete. List specific remedial actions or mitigations in the mitigation section of the Statutory Checklist, according to the requirements of the appropriate Federal, state, or local oversight agency. Mark box “B” on the Statutory Checklist for this authority.

**If No**, HUD cannot provide assistance for the project at this site.

---

*Instructions:*

*Cite and attach source documentation: (Maps showing project distance to contaminated sites.*

*Phase I (ASTM) Report. All ESAs and mitigation plans performed for this project.)*

*For additional information see:*

*HUD Information on Hazardous, Toxic or Radioactive Substances*

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/review/hazardous](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/hazardous)

*EPA Envirofacts Data:* <http://www.epa.gov/enviro/>

*EPA Toxic Release Inventory (TRI):* [http://www.epa.gov/enviro/html/toxic\\_releases.html](http://www.epa.gov/enviro/html/toxic_releases.html)

*EPA Maps:* <http://www.epa.gov/emefdata/em4ef.home>

*EPA CERCLIS/NPL – Superfund database:* <http://www.epa.gov/superfund/sites/query/basic.htm>

*ATSDR “ToxFAQs” summaries about hazardous substances:* <http://www.atsdr.cdc.gov/toxfaqs/index.asp>

*Right-To-Know Network:* <http://www.rtknet.org/>

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## Summary of Mitigation Measures:

Compliance Checklist for 24 CFR 58.8 must be completed. Please attach and include any mitigation measures not reflected on this worksheet.

Yes    **The project is cleared and work may proceed; or**

No    **The project is not cleared and work may not proceed for the following reasons:**

---

---

---

\_\_\_\_\_  
Signature of Preparer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Preparer

\_\_\_\_\_  
Signature of the RE Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of the RE Authorized Official

Attachment 3 (to Appendix B)  
**Compliance Checklist for  
24 CFR §58.6**

Attachment F

**NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

**Date of Posting:** May 28, 2014

Travis County  
502 E. Highland Mall Blvd.  
Austin, Texas 78752  
512-854-3460

**On or after June 9, 2014**, Travis County will submit a request to the U.S. Department of Housing and Urban Development (HUD) San Antonio Field Office for the release of Community Development Block Grant (CDBG) Entitlement Funds under Title I of Housing and Community Development Act of 1974, as amended, to undertake the following project:

**PROJECT TITLE:** Program Year 2013 Travis County CDBG Owner Occupied Home Rehabilitation Program

**PURPOSE:** To fund minor home repair services for low and moderate income homeowners in order to move homes towards Housing Quality Standards, by seeking to improve the energy efficiency, physical living conditions, and safety in owner-occupied homes.

**PROJECT DESCRIPTION:** This project will fund minor home repair services for low and moderate income homeowners in the unincorporated areas of Travis County and the Village of Webberville, to move homes towards Housing Quality Standards. The program seeks to improve the energy efficiency, physical living conditions, and safety in owner-occupied homes. A 0% interest, forgivable 5-year loan up to \$24,999 with no required annual or monthly payments is available. Examples of potential improvements include, but are not limited to: foundation repair, roofing, flooring, electrical, plumbing, accessibility modifications, connection of houses to long-term viable sources of water (not part of a stand-alone infrastructure project), weatherization, noise attenuation, septic tank repairs and installation, and related engineering or design for improvements.

**LOCATION:** Specific homes will be located in the unincorporated areas of Travis County and the Village of Webberville and will be selected as qualified residents apply.

**ESTIMATED COST:** This project is fully funded by Community Development Block Grant (CDBG) dollars received from the U.S. Department of Housing and Urban Development (HUD) from several grant years. The breakdown in funding by year is as follows:

Grant Number	Grant Year	Dollar Amount
B-10-UC-48-0503	Program Year 2010	\$206,844.70
B-11-UC-48-0503	Program Year 2011	\$33,885.40
B-12-UC-48-0503	Program Year 2012	\$74,841.90

B-13-UC-48-0503	Program Year 2013	\$134,428
<b>TOTAL:</b>		<b>\$450,000</b>

**ENVIRONMENTAL REVIEW:** The proposed activities are categorically excluded from National Environmental Policy Act (NEPA) requirements under HUD regulations at 24 CFR Part 58.

Travis County has chosen to tier the environmental review of the CDBG Home Rehabilitation program. According to 24 CFR Part 58, a responsible entity may tier its environmental review and assessments to eliminate the repetitive discussions of the same issues at subsequent levels of review. Tiering is appropriate when there is a requirement to evaluate a policy or proposal early in the stages of development or when a site specific analysis of mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date. Due to the nature of the CDBG Home Rehabilitation program, certain aspects of the environmental review can be completed collectively for all the sites or are not applicable, while the remaining areas of environmental review will need to be evaluated at a site-specific level based on their location and site specific conditions. Site specific reviews will contain information on Historic Properties, Floodplain Management, Airport Hazards, and Contamination and Toxic Substances.

An Environmental Review Record (ERR) that documents the environmental determinations for this project is maintained on file at the Travis County Health and Human Services and Veterans Service Office, CDBG Office at 502 E. Highland Mall Blvd, Austin, TX, 78752 and may be examined or copied weekdays (8 am to 5 pm).

#### **PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the Travis County HHS/VS, CDBG Office, P.O. Box 1748, Austin, TX, 78767. All comments received by Friday, June 6, 2014, will be considered by Travis County prior to authorizing submission of a request for release of funds.

#### **ENVIRONMENTAL CERTIFICATION AND RELEASE OF FUNDS**

Travis County certifies to HUD that Samuel T. Biscoe in his capacity as County Judge 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 Travis County to use HUD program funds.

#### **OBJECTIONS TO RELEASE OF FUNDS**

HUD will accept objections to its release of fund and Travis County’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 Travis County; (b) Travis County 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 HUD at H.F. Garcia Federal Building/U.S. Courthouse, 615 E. Houston St., Suite 347, San Antonio, TX 78205. Potential objectors should contact HUD to verify the actual last day of the objection period.

Samuel T. Biscoe  
Travis County Judge/Certifying Officer



## Attachment G

### Request for Release of Funds and Certification

U.S. Department of Housing  
and Urban Development  
Office of Community Planning  
and Development

OMB No. 2506-0087  
(exp. 10/31/2014)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

**Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)**

1. Program Title(s) <b>Travis County</b>	2. HUD/State Identification Number <b>Multiple (see below)</b>	3. Recipient Identification Number (optional) 030908842
4. OMB Catalog Number(s) CFDA No. 14.218	5. Name and address of responsible entity <b>Travis County P.O. Box 1748 Austin, TX 78767</b>	
6. For information about this request, contact (name & phone number) <b>Christy Moffett 512-854-3460</b>		
8. HUD or State Agency and office unit to receive request <b>U.S. Department of Housing and Urban Development San Antonio Field Office Region VI</b>	7. Name and address of recipient (if different than responsible entity)	
<b>The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following</b>		
9. Program Activity(ies)/Project Name(s) PY 13 Travis County CDBG Owner Occupied Home Rehabilitation Program	10. Location (Street address, city, county, State) Various addresses to be determined, all within the unincorporated areas of Travis County, TX and the Village of Webberville, TX	

11. Program Activity/Project Description

The project purpose is to improve the quality of housing stock in the CDBG service area for low to moderate income owner occupied houses.

This project will fund minor home repair services for low and moderate income homeowners in the unincorporated areas of Travis County and the Village of Webberville, to move homes towards Housing Quality Standards. The program seeks to improve the energy efficiency, physical living conditions, and safety in owner-occupied homes. A 0% interest, forgivable 5-year loan up to \$24,999 with no required annual or monthly payments is available. The deferred loan is forgiven at a pro-rata rate of 20% for each year of home ownership. Examples of potential improvements include, but are not limited to: foundation repair, roofing, flooring, electrical, plumbing, accessibility modifications, connection of houses to long-term viable sources of water (not part of a stand-alone infrastructure project), weatherization, noise attenuation, septic tank repairs and installation, and related engineering or design for improvements.

These funds are targeted toward homeowners at or below 80% MFI in the CDBG service area. This project will be administered by a nonprofit, designated as a subrecipient, identified through a formal application. Additionally, some of the allocation will partially fund a CDBG Planner position to complete environmental paperwork, final inspections and sign off, and any other needed project delivery related costs.

Due to space constraints, see attached for the project funding and tiering process.

**Part 2. Environmental Certification** (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did  did not  require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer <b>Travis County Judge</b>
	Date signed

**X**

Address of Certifying Officer

**P.O. Box 1748, Austin, TX, 78767**

**Part 3. To be completed when the Recipient is not the Responsible Entity**

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
	Date signed

**X**

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

**Additional Project Description Information for HUD Form 7015.15  
PY 2013 Travis County CDBG Owner Occupied Home Repair Project**

**Project Funding**

This project is fully funded by Community Development Block Grant dollars received from the U.S. Department of Housing and Urban Development (HUD) from several grant years. The breakdown in funding by year is as follows:

Grant Number	Grant Year	Dollar Amount
B-10-UC-48-0503	Program Year 2010	\$206,844.70
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B-12-UC-48-0503	Program Year 2012	\$74,841.90
B-13-UC-48-0503	Program Year 2013	\$134,428
<b>TOTAL:</b>		<b>\$450,000</b>

**Project Location**

This project will be provided throughout the CDBG Service area which includes the unincorporated areas of Travis County and the Village of Webberville. At this time, the Program does not have specific homes approved for rehabilitation; therefore, the County is using a tiering strategy for the environmental review.

**Tiering Process**

This report includes the first tier of a two-part environmental clearance. Travis County has chosen to tier its environmental review of its housing rehabilitation program. According to 24 CFR Part 58, a responsible entity may tier its environmental review and assessments to eliminate the repetitive discussions of the same issues at subsequent levels of review. Due to the nature of this program, specific sites will require additional review based on their location within the CDBG service area. Tiering is appropriate in this case when there is a requirement to evaluate a policy or proposal early in the stages of development or when site specific analysis of mitigation is not currently feasible and a more narrow or focused analysis is better done at a later date.

**Tier One**

This report clears the following items from any further review for each home to be rehabilitated:

1. 24 CFR 58.35(b)(2) Wetland Protection [24 CFR 55, Executive Order 11990]
2. 58.35(c) Coastal Zone Management [Coastal Zone Management Act sections 307(c) &(d)]
3. 58.35(d) Sole Source Aquifers [40 CFR 149]
4. 58.35(e) Endangered Species [50 CFR 402]
5. 58.35(f) Wild and Scenic Rivers [36 CFR 297]
6. 58.35(g) Air Quality [CFR parts 6,51,93]
7. 58.35(h) Farmland Protection [7 CFR 658]
8. 58.35(i)(1) Explosive and Flammable Operations [24 CFR 51C]
9. 58.35(i)(1) Noise Control and Abatement [24 CFR 51B]
10. 58.5(j) Environmental Justice [Executive Order 12898]

**Site Specific Determination**

The remaining items will be cleared on a site specific basis once the County knows which potential homes will be repaired. The Site Specific Environmental Determination Worksheet and Checklist as well as the Compliance Checklist for 24 CFR 58.8 will be completed for each address prior to beginning work. The items to be reviewed in this final level of clearance are:

1. 58.5(a) Historic Properties [36 CFR 800]
2. 58.5(b)(1) Floodplain Management [24 CFR 55, Executive Order 119988]
3. 58.5(i)(1) Airport Hazards (Runway Clear Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]
4. 58.5(i)(2)(i) Contamination and Toxic Substances [24 CFR 58.5 (i)(2)]