

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date:** February 23, 2010       Consent  Regular  
     Public Hearing

**Department:** Housing and Community Development

**Submitted By:** Housing and Community Development

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: A "Request for Release of Funds (RROF) and Certification" (HUD-7015.15) to comply with environmental grant conditions for a project proposed to be funded under the HOME Investment Partnership (HOME) Program.

**Summary:** HOME-funded projects approved under the County's Fiscal Year 2009-2010 Action Plan (R2009-1209) must comply with 24 CFR Part 58, which establishes regulations concerning the Environmental Review procedures for the HOME Program. Under these regulations, the County is required to: A) aggregate geographically or functionally, all activities into projects; B) determine which project is in need of an environmental assessment and, where applicable, issue an environmental clearance finding; C) publish the finding to receive public input; and D) submit Form HUD-7015.15 to the U.S. Department of Housing and Urban Development (HUD). Steps A through C have been finalized for the HOME Community Housing Development Organization (CHDO) administered activities, which entails the rehabilitation of existing single family housing or the new construction of single family housing for first-time homebuyers; and direct homebuyer assistance to first time homebuyers by CHDOs. Approval of Form HUD-7015.15 and its submission to HUD will accomplish Step D. This form documents and certifies that all steps have been taken with respect to HUD's environmental procedures. Before expending any HOME funds for these activities, the County must receive a notification from HUD of the removal of environmental grant conditions. **These are HOME Program funds which require a local match that will be provided by program income from the Palm Beach County Housing Finance Authority Universal Housing Trust Fund.** Countywide (TKF)

**Background and Justification:** Under Part 58, Palm Beach County assumes the responsibilities that would otherwise apply to HUD under the National Environmental Policy Act (NEPA), in addition to whatever other responsibilities the County may have to comply with (local, state and federal environmental laws and authorities). As part of the process, the County must group together and evaluate as a single project, all individual activities which are related either geographically or functionally; and maintain a written record (Environmental Review Record or ERR) for the environmental review undertaken for each project.

HCD has completed an environmental review for the HOME CHDO Administered Activities Project. A Notice of Intent to Request Release of Funds was issued for the project, and was published in the Palm Beach Post on November 23, 2009 to receive public input. The public comment period expired on December 8, 2009.

After submission to HUD of the Request for Release of Funds and Certification, HUD will issue a removal of grant conditions and release the HOME funds. Palm Beach County will have satisfied the Environmental Review process for the project.

**Attachments:**

1. Request for Release of Funds and Certification Form (3 original copies); and
2. Copy of the "Notice of Intent to Request Release of Funds".

<b>Recommended By:</b>	<i>Edward D. [Signature]</i>	<i>2/2/2010</i>	
	Department Director	Date	
<b>Approved By:</b>	<i>Sharon [Signature]</i>	<i>2/10/10</i>	
	Assistant County Administrator	Date	

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

<u>Fiscal Years</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs:	_____	_____	_____	_____	_____
External Revenues:	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County):	_____	_____	_____	_____	_____
NET FISCAL IMPACT:	_____	_____	_____	_____	_____
 	_____	_____	_____	_____	_____
# OF ADDITIONAL FTE POSITIONS (Cumulative):	_____	_____	_____	_____	_____

Is Item Included In Current Budget?                      Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account #:    Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_

Program Code/Program Period \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

No fiscal impact – Approval of the agenda item will satisfy a HUD environmental regulation that will allow HCD to enter into future HOME Program contracts.

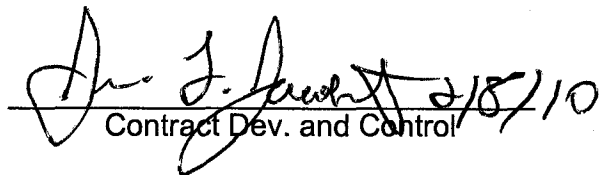
**C. Departmental Fiscal Review:**

  
 Fiscal Manager I

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Administration Comments:**

  
 OFMB      2/8/10

  
 Contract Dev. and Control      2/8/10

**B. Legal Sufficiency:**

  
 Senior Assistant County Attorney      2/9/10

**C. Other Department Review:**

\_\_\_\_\_ Department Director

# 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. 3/31/2011)

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>HOME Investment Partnership Program</b>	2. HUD/State Identification Number <b>M-09-UC-12-0215</b>	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) <b>CFDA 14.239</b>	5. Name and address of responsible entity <b>Palm Beach County P.O. Box 1989 West Palm Beach, FL 33401</b>	
6. For information about this request, contact (name & phone number) <b>Edward W. Lowery (561) 233-3600</b>	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request <b>HUD Florida State Office Brickell Plaza Federal Building 909 SE 1st Avenue, Suite 500 Miami, Florida 33131</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**

9. Program Activity(ies)/Project Name(s) <b>HOME CHDO Administered Activities</b>	10. Location (Street address, city, county, State) <b>Countywide, Palm Beach County</b>
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11. Program Activity/Project Description  
**This project consists of the rehabilitation of existing single family housing or the new construction of single family housing for first time homebuyers; and direct homebuyer assistance to first time homebuyers which will be implemented by Community Housing Development Organizations (CHDOs) throughout Palm Beach County, excluding the Cities of West Palm Beach, Delray Beach, Boynton Beach and Boca Raton. The total project cost is estimated to be \$2,099,500.**

**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. 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.
4. 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.
5. 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.
6. 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:

7. 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.
8. 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  X	Title of Certifying Officer <b>Burt Aaronson, Chair- Palm Beach County Board of County Commissioners</b>
	Date signed

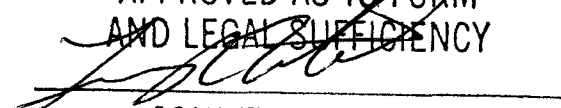
Address of Certifying Officer  
301 N. Olive Avenue, West Palm Beach, FL 33401

**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  X	Title of Authorized Officer
	Date signed

**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)

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
  
COUNTY ATTORNEY

NO. 4881229R  
**PALM BEACH COUNTY  
NOTICE OF INTENT TO  
REQUEST RELEASE OF FUNDS**

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

This notice shall satisfy a procedural requirement for activities to be undertaken by Palm Beach County.

**REQUEST FOR RELEASE OF FUNDS**

On or about December 20, 2009, Palm Beach County will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of HOME Investment Partnership (HOME) Program funds under Title II of the HOME Investment Partnership Act of 1990, to undertake the project listed below:

**HOME CHDO Administered Activities:** This project consists of the rehabilitation of existing single family housing or the new construction of single family housing for first time homebuyers; and direct homebuyer assistance to first time homebuyers and will be implemented by Community Housing Development Organizations (CHDOs) throughout Palm Beach County, excluding the Cities of West Palm Beach, Delray Beach, Boynton Beach and Boca Raton. (Total project cost: \$2,099,500)

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58.35(a) from National Environmental Policy Act requirements. Additional project information is contained in the Environmental Review Record (ERR) on file at Palm Beach County Housing & Community Development located at 100 Australian Avenue, Suite 500, West Palm Beach, FL 33406 and may be examined weekdays 8:00 A.M. to 5:00 P.M.

**PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the project to Palm Beach County's Department of Housing and Community Development. All comments received within seven (7) days of the publication date of this notice will be considered by Palm Beach County prior to authorizing submission of a Request for Release of Funds.

**RELEASE OF FUNDS**

Palm Beach County Board of County Commissioners certifies to HUD that Bur Aaronson, in his official capacity as Chairman of the Palm Beach County Board of County Commissioners, 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 Palm Beach County to use Program funds.

**OBJECTIONS**

HUD will accept objections to its release of funds and Palm Beach 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 the following bases: (a) the certification was not executed by Certifying Officer of Palm Beach County; (b) Palm Beach 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 has committed funds or incurred cost not authorized by 24 CFR Part 58 before approval of a release of funds by the Florida Department of Community Affairs; 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) and shall be address to the U.S. Department of Housing and Urban Development, Office of Field Director, Brickell Plaza Federal Building, 909 SE 1<sup>st</sup> Avenue, Suite 600 Miami, Florida 33131. Potential objectors should contact HUD at (305) 536-5678, to verify the actual last day of the objection period.

**IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS AD AND DOCUMENTS LISTED ABOVE MAY BE REQUESTED IN AN ALTERNATE FORMAT. PLEASE CONTACT HCD AT (561) 233-3616.**

**PUB: November 23, 2009**