

## Notice of Intent to Request Release of Funds [Tiered Reviews]

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

**Date of Publication:** 10/14/2024

City of Las Cruces  
PO Box 20000  
Las Cruces, NM 88004  
575-528-3022

**On or after** October 22, 2024, the City of Las Cruces (City) will submit a request to the Albuquerque, NM field office of the U.S. Dept. of Housing and Urban Development (HUD) for the release of Program Year 2024 Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake the following project:

**Tier 1 Broad Review Project/Program Title:** Home Rehabilitation.

**Purpose:** The purpose of the program is preserving and protecting housing conditions for low-low-moderate income residents of the City.

**Location:** Scattered sites within the City limits of Las Cruces, NM

**Project/Program Description:** This program will bring sub-standard housing into compliance with local building codes and housing quality standards. Site-specific reviews will be completed for those laws and authorities not addressed in the broad review for each address under this program when addresses become known. This program also funds the Mobile Home ADA Ramp and Utility Upgrade programs as well.

**Tier 2 site specific reviews will be completed for those laws and authorities not addressed in the tier 1 broad review for each address under this program when addresses become known.**

**Level of Environmental Review Citation:** Home Rehabilitation and Utility Upgrade are excluded under 24 CFR 58.35(a)(3) and (a)(4); Mobile Home Ramps are excluded under 24 CFR 58.35(a)(2)

**Tier 2 Site Specific Review: The site-specific reviews will cover the following laws and authorities not addressed in the Tier 1 broad review** The site-specific reviews will cover the following laws and authorities not addressed in the broad review: Flood Disaster Protection Act of 1973, 24 CFR Part 50.3(i) & 58.5(i)(2), Endangered Species Act of 1973, National Historic Preservation Act of 1966, Noise Control Act of 1972, Executive Order 11990, Executive Order 12898 (Environmental Justice), The Clean Air Act, Farmland protection Policy Act of 1981, the Endangered Species Act of 1973, and be free from explosive and flammable hazards as well as Contamination and toxic substances.

**Mitigation Measures/Conditions/Permits (if any):** The City will test for lead based paint and consult with the State Historic Preservation office and follow all recommendations.

**Estimated Project Cost:** \$453,900.00 of Program Year 2024 CDBG funds have been dedicated to the program.

The activity/activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements per 24 CFR 58.35(a)(3)(i) & 24 CFR 58.35(a)(2). An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at 700 N. Main St., Las Cruces, NM 88001, Room 1131C, P.O. Box 20000, Las Cruces, NM 88004, or via email at: [fairhousing@lascruces.gov](mailto:fairhousing@lascruces.gov) and may be examined or copied Monday - Thursday 8 a.m. to 5 p.m., and Fridays from 7 a.m. to 11 a.m. *or if the review was completed in HEROS* at <https://www.hudexchange.info/programs/environmental-review/environmental-review-records/>. All reviews performed by the City of Las Cruces are completed in the HUD Environmental Review Online System (HEROS).

### **PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the Tier-1 Review to the City of Las Cruces, 700 N. Main St., Las Cruces, NM 88001, Room 1131C, P.O. Box 20000, Las Cruces, NM 88004, or via email at: [fairhousing@lascruces.gov](mailto:fairhousing@lascruces.gov). All comments received by October 21, 2024, will be considered by the City prior to authorizing submission of a Request for Release of Funds (RROF). The public review document can be viewed either in person at City Hall, or electronically here: <https://lascruces.gov/property/housing-resources/>

### **ENVIRONMENTAL CERTIFICATION**

The City of Las Cruces certifies to HUD that Sonya Delgado, Certifying Officer, in her capacity as Assistant City Manager consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's/State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Las Cruces to use HUD program funds.

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

HUD will consider objections to its release of funds and the City of Las Cruces' certification received by **11/5/2024** or a period of fifteen days from its receipt of the request (whichever is later) only on the following bases: (a) the certification was not executed by the Certifying Officer of the City of Las Cruces; (b) the City of Las Cruces 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) and shall be emailed to the following address due to the office being closed for COVID-19: [CPD\\_COVID-19OEE-ABQ@hud.gov](mailto:CPD_COVID-19OEE-ABQ@hud.gov); addressed to Leticia Ibarra, Director, CPD Division, U.S. Dept. of Housing and Urban Development, 500 Gold

Avenue SW., 7<sup>th</sup> Floor, Suite 7301, Albuquerque, NM 87103-0906. Potential objectors should contact HUD to verify the actual last day of the objection period.

***Sonya Delgado, Assistant City Manager  
City of Las Cruces  
P.O. Box 20000  
Las Cruces, NM 88004***