

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

Used by: Responsible Entity (RE) or grantee requesting HUD funding

Description: This is a sample of the information that the RE must either publish, or disseminate, when preparing a Notice of Intent to Request the Release of Funds (NOI/RROF) prior to requesting the release of funds (RROF). This notification is a precondition to HUD releasing funds assigned to a project. This notification describes actions required in the Code of Federal Regulations, specifically 24 CFR Part 58, Subpart H and Parts 58.43 and 58.45. While public notification is required, there is no prescribed format for the notification. This sample format is one example of a format that contains all the required information of which the underlined portions would provide information relevant to each specific project.

If the RE has completed an environmental review pursuant to 24 C.F.R. Part 58 and intends to request a release of funds, it must prepare a NOI/RROF, using the current HUD-recommended format or an equivalent format. As a minimum, the RE must send the NOI/RROF to individuals and groups known to be interested in the activities, to the local news media, to the appropriate tribal, local, State and Federal agencies; to the Regional Offices of the Environmental Protection Agency having jurisdiction and to the HUD Field Office (or the State where applicable). The RE may also publish a notice of a Finding of No Significant Impact (FONSI) in a newspaper of general circulation in the affected community. If the notice is not published, it must also be prominently displayed in public buildings, such as the local Post Office and within the project area or in accordance with procedures established as part of the citizen participation process.

The RE may disseminate or publish a NOI/RROF at the same time it disseminates or publishes the FONSI notice required by Sec. 58.43. If the notices are released as a combined notice, the combined notice shall: (1) Clearly indicate that it is intended to meet two separate procedural requirements; and (2) Advise the public to specify in their comments which "notice" their comments address.

The RE must consider the comments and make modifications, if appropriate, in response to the comments, before it completes its environmental certification, required by Section 58.71, and before the recipient submits its RROF. If funds will be used in Presidentially-declared disaster areas, modifications resulting from public comment, if appropriate, must be made before proceeding with the expenditure of funds.

Required notices must afford the public the following minimum comment periods:

Notice of Finding of No Significant Impact (FONSI).....	15 days when published or, if no publication, 18 days when mailing and posting
Notice of Intent to Request Release of Funds (NOI-RROF).....	7 days when published or, if no publication, 10 days when mailing and posting
Concurrent or combined notices.....	15 days when published or, if no publication, 18 days when mailing and posting

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**SAMPLE**  
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### NOTICE OF INTENT TO REQUEST THE RELEASE OF FUNDS

(Date of Notice)

(Name of Responsible Entity)

(Complete Address of Responsible Entity)

(Telephone Number of the Responsible Entity Preparer Agency)

This notice shall satisfy procedural requirements for activities to be undertaken by the (Name of Responsible Entity or Grantee, as applicable).

### REQUEST FOR THE RELEASE OF FUNDS

On or about (At least one day after the end of the comment period) the (Name of the Responsible Entity) will submit a request to the (U.S. Department of Housing and Urban Development or State administering agency, as applicable) on behalf of (Name of Grantee) for the release of (Name of grant program funds) under (Title/Section) of the (Name of the Act) of (Year of the Act), as amended, to undertake a project known as (Project title), for the purpose of (Nature and scope of the project, estimated funding, and project location (latter, if applicable)).

The activities proposed (Alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act requirements or Alternative #2: comprise a project for which a Finding of No Significant Impact on the environment was (published/posted) on (date of finding publication/posting)). Additional project information is contained in the Environmental Review Record (ERR) on file at (Name and complete address of the Responsible Entity office where the ERR can be examined and the name and address of other locations where the record is available for review) and may be examined or copied weekdays ( ) A.M. to ( ) P.M.

### PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the (Responsible Entity designated office responsible for receiving and responding to comments). All comments received by (If the notice is published: the date of the notice plus seven days; if the notice is posted: the date of posting plus ten days) will be considered by the (Name of the Responsible Entity) prior to authorizing submission of a request for release of funds.

### RELEASE OF FUNDS

The (Name of the Responsible Entity) certifies to the (U.S. Department of Housing and Urban Development or State administering agency, as applicable) that (Name of the certifying officer) in (His/her) capacity as (Official title) 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. The (U.S. Department of Housing and Urban Development's or State administering agency's, as applicable) approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the (Name of the grantee) to use Program funds.

### OBJECTIONS TO THE RELEASE OF FUNDS

The (U.S. Department of Housing and Urban Development or State administering agency, as applicable) will accept objections to its release of funds and the (Responsible Entity's) certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is late) only if they are made on one of the following bases: (a) the certification was not executed by the Certifying Officer of the (Name of the Responsible Entity); (b) the (Responsible Entity) has omitted a step or failed to make a decision or finding required by U.S. Department of Housing and Urban Development regulations at 24 CFR Part 58; (c) the grant

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recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before the approval of a release of funds by the (U.S. Department of Housing and Urban Development or State administering agency, as applicable); 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 of 24 CFR Part 58 and shall be addressed to the (U.S. Department of Housing and Urban Development, Region VIII Office, 8ADE, 1670 Broadway Street, Colorado 80202-4801, or State administering agency office (provide the complete address of the State administering agency office), as applicable). Potential objectors should contact the (U.S. Department of Housing and Urban Development or State administering agency, as applicable) to verify the actual last day of the objection period.

(Name and title of the Responsible Entity Certifying Officer)