



New England

U.S. Department of Housing and Urban Development

Office of Public Housing
Boston Hub
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street
Boston, Massachusetts 02222-1092

Mr. Joseph Hart
Executive Director
Groveland Housing Authority
10 River Pines Road
Groveland, MA 01834

Dear Mr. Hart:

JUN 28 2018

SUBJECT: Violation of 24 CFR 58

After reviewing the monthly Corrective Action Plan (CAP) submission made by your office on June 1st, 2018 and subsequent communication with you, it has been determined that the Groveland Housing Authority (GHA) has violated the National Environmental Protection Act as codified by 24 CFR 58 by taking the choice limiting action of both contracting and construction of exterior gutters and downspout work with Arsenalt Construction.

Although the Environmental Review (ER) requirements for operation of HUD Public Housing programs have been in place for many years, your office was informed of the requirement for an ER to be completed prior committing HUD funds as part of the 2017 Capital Fund Processing instructions your office was sent on June 30th, 2017. Additionally, you received direct and individual instructions to complete the ER prior to commitment of HUD funds from this office as follows:

- August 31st, 2017: Approval letter for 2017 CFP Annual Contributions Contract (ACC) that reference ER requirements.
- December 20th, 2017: Email from Michael Coughlin (attached)
- December 27th, 2017: Email from Ryan Cusick (attached)
- February 15th, 2018: Email from Ryan Cusick (attached)

Despite these direct instructions, your office issued and executed the attached contract with Arsenalt Construction on April 2nd, 2018 without having completed the ER as required by 24 CFR 58.

The GHA did send an ER record to this office on May 18th, 2018 via email and received a response within 30 minutes from this office that your ER was incomplete as presented because the Responsible Entity (RE, The Town of Groveland) had made a determination of "Finding of No Significant Impact" (FONSI) which triggers a public notice process. There was no evidence presented that the public notice process was completed. When notified of this requirement you failed to inform this office that work had already begun, and as of the date of this letter no evidence has been provided to this office to show completion of this requirement.

The commitment of HUD funds without the completion of the environmental review process is considered a statutory violation of the United States Housing Act of 1937, as it is explained in PIH Notice 2016-22, section 11:

A commitment of HUD funds for a choice limiting action prior to submission of an RROF and certification is a statutory violation of Section 26 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437x); waivers cannot be provided for statutory violations, only regulatory violations

The range of remedies for noncompliance in a case such as this range from: Mandatory training of PHA staff to suspension or recapture of HUD awarded funds, or even suspension or debarment of PHA or staff. Given that this is a first-time offense for the Groveland Housing Authority and that no environmental harm is likely to have occurred (see below for details), the Boston Field Office is issuing the following corrective actions which must be completed within 90 days of this letter:

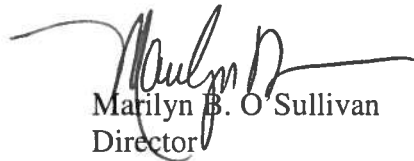
1. All GHA staff involved in the contracting of Capital Fund work shall complete the list of modules from HUD's Web-Based Instructional System for Environmental Review (WISER): Getting Started: Part 58, Getting Started: Tools and Resources, Environmental Assessment Factors, Site Contamination, Water Elements, Historic Preservation, Explosive and Flammable Materials, Noise Abatement and Control, Environmental Justice, Air Quality, Endangered Species, Airport Hazards, Farmlands, Wild and Scenic Rivers
2. All GHA Board of Commissioners members shall complete HUD's Web-Based Instructional System for Environmental Review (WISER) module: Getting Started: Part 58
3. The RE for the Town of Groveland shall complete HUD's Web-Based Instructional System for Environmental Review (WISER) module: Getting Started: Part 58 and Explosive and Flammable Materials
4. Upon completion of the above training, the GHA and the RE shall reconduct the environmental review for this work item and submit the results to this office.
5. The GHA shall submit all modernization contracts to this office, along with the completed ER prior to execution until further notice.

This office is requiring the GHA and RE to reconduct the ER for this work item after completing this training because a review by the HUD PIH Program Environmental Clearance Officer has determined that the RE's determination of FONSI was incorrect due to a misunderstanding of the applicability of the Explosives and Flammables portions of the Part 58 review. It is due to this incorrect determination as well as the known scope of work that leads this office to believe no environmental harm was done and therefore chose the less severe remedy choices. However, even if the determination of the RE at the time had been "exempt" or

“converts to exempt,” the GHA still would have committed a statutory violation because the choice limiting action occurred at contracting, not when the work began.

If there are any questions regarding this matter, please contact Ryan Cusick at (617) 994-8421 and Ryan.c.cusick@hud.gov.

Very sincerely yours,



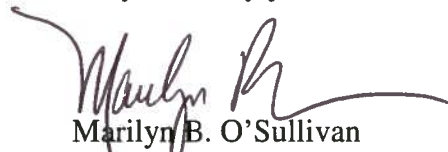
Marilyn B. O'Sullivan
Director

Enc.

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Very sincerely yours,



Marilyn B. O'Sullivan
Director

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AUG 31 2017

Mr. Joeseeph Hart
Executive Director
Groveland Housing Authority
10 River Pines Road
Groveland, MA 01834

Dear Mr. Hart:

Enclosed for your files is a copy of a fully executed Capital Fund Program (CFP) Amendment to the Consolidated Annual Contributions Contract form HUD-52840-A which provides increased funding under grant number: MA01P13250117.

PHAs are reminded of the requirement to submit an environmental review (ER) for the FY 2017 CFP prior to the release of funds. The ER should be completed by the Responsible Entity (RE) in accordance with 24 CFR 58. It is recommended that you consult with your local planning office for assistance in completing the Part 58 environmental review. Please refer to HUD's Environmental Review Requirements found at: <https://www.hudexchange.info/environmental-review/>. After an environmental determination is made, the budget line items will be entered into the Line of Credit Control System (LOCCS), consistent with the Annual Statement included in the application. The Groveland Housing Authority (GHA) would then be authorized to undertake the modernization activities set forth in a program budget consistent with your application.

Please be advised that all of the Groveland Housing Authority's CFP assistance for this grant is considered available for the purposes of statutory obligation and expenditure time periods as of the obligation start date on this CFP amendment.

If you have any questions please contact Ryan Cusick of my staff at (617) 994-8421.

Very sincerely yours,

A handwritten signature in black ink, appearing to read "Marilyn B. O'Sullivan".

Marilyn B. O'Sullivan
Director

Enclosure

Cusick, Ryan C

From: Coughlin, Michael A
Sent: Wednesday, December 20, 2017 10:44 AM
To: Joseph A. Hart (joe@haverhillhousing.com); director@grovelandha.org
Cc: Cusick, Ryan C
Subject: MA132 2017 CFP
Attachments: 20170831_MA132_2017_ACC_& Approval_Letter.pdf

Hi Joe,

Ryan is out on vacation, but I see that you've submitted a voucher for the entirety of the 2017 CFP grant in LOCCS out of BLI 1480. What is the status of GHA's environmental determination? PHAs cannot commit funds without first achieving environmental clearance on the associated work activities. HUD cannot approve the voucher without the ER determination. For more on this requirement, please review the information in the link provided in the funding approval letter from August (attached).

If you have any questions on this while Ryan is out the next week, please don't hesitate to ask. Once we have the ER determination covering the planned work items, the GHA can obligate and expend the grant.

Best,
-Mike

MA01P132501-17 GROVELAND HOUSING AUTHORITY (MA132) Capital Fund Program (CFP)

Voucher Number:	092-00868941	eLOCCS entered by:	JOSEPH HART
Voucher Total:	61,915.00		12-19-2017 09:00 AM EST
Status:	Out For Review	Region/Office:	01/01
Grant:	MA01P132501-17		

Review Reasons:

- Manual Review-Pending HUD Review of ER determination

Banking Information

Recipient Name: GROVELAND HOUSING AUTHORITY
ABA No.: 2113-7005-3 HAVERHILL BANK
Acct No.: 82226129 Checking
Payee Id.: 04-2676650

Line Item	Name	Amount
1480	General Capital Activity	61,915.00

Cusick, Ryan C

From: Cusick, Ryan C
Sent: Wednesday, December 27, 2017 7:50 AM
To: Joseph Hart
Cc: Cwieka, Robert P
Subject: FW: Vouchers for Review

Joe,

I see you submitted the below voucher request in LOCCS, however your 2017 grant is still on hold pending my receiving an environmental review to cover the two work items in the 2017 grant (gutters & downspouts, Paving Improvements). If you believe these works items are covered by an ER submitted in a previous year, please let me know what year and I will go pull it from the cabinets.

Additionally, I need you to forward me copies of the invoices/bills that support these expenditures as it is rather unusual for us to see a grant go from 0% obligated to 100% expended in the same month when there are hard-cost work items in the budget.

Thank you,
Ryan Cusick
Office of Public Housing - Boston
General Engineer
Ryan.C.Cusick@hud.gov
617-994-8421

From: Coughlin, Michael A
Sent: Wednesday, December 20, 2017 10:35 AM
To: Twerago, Jeffrey ; Birchall, Heather E ; Cusick, Ryan C ; Ancil, Foris ; Pope, Talitha M ; Palmer, Benjamin R ; Lima, Kathy T ; Burke, Jewell M
Subject: Vouchers for Review

FYI, it looks like there are 6 CFP, 5 OFND, and 3 ROSS vouchers currently awaiting HUD review in LOCCS:

Region	Office	Prog Area	Call-In Date	Voucher	Name	Amount	Status
01	01	CFP	12/19/2017	<u>092-00868941</u>	GROVELAND HOUSING AUTHORITY	61,915.00	Review

Michael A. Coughlin
US Dept. of Housing and Urban Development

Cusick, Ryan C

From: Cusick, Ryan C
Sent: Thursday, February 15, 2018 2:06 PM
To: Joseph Hart
Cc: Maggie Cleary
Subject: Action Required: 2017 CFP Grant Still Needs Environmental Review for release

Joe,

Just wanted to reach out and remind you that the Boston Field Office has not received an Environmental Review in support of your 2017 CFP grant, and therefore your grant is still locked down. As we are now 4 months into the 24 month obligation window for this grant, I wanted to remind you that this is still required prior to obligating any funds for this grant and ensure that this issue is in the works .

If you have any questions, or believe I should have already received your ER, please let me know.

Thank you,

Ryan Cusick

Office of Public Housing - Boston

General Engineer

Ryan.C.Cusick@hud.gov

617-994-8421

Cusick, Ryan C

From: Joseph Hart <Joe@haverhillhousing.com>
Sent: Friday, May 18, 2018 1:28 PM
To: Cusick, Ryan C
Subject: MA132 Environmental Assessments
Attachments: MA132 Gutters Proj NEPA Env Assessment 18-0504.pdf; MA132 Site Impr Proj NEPA Env Assessment 18-0514.pdf

Hi Ryan,

I got these forms signed on Monday night. What do I do with them now?

Thank you,

Joe Hart

Executive Director
Haverhill Housing Authority
978-372-6761

Cusick, Ryan C

From: Cusick, Ryan C
Sent: Friday, May 18, 2018 1:52 PM
To: 'Joseph Hart'
Cc: Bradley, Ellen M; Cwieka, Robert P
Subject: RE: MA132 Environmental Assessments
Attachments: Environmental_Review_Process_Flowchart.pdf

Joe,

It looks like the RE has determined both work items result in a Finding of No Significant Impact, therefore you need to publish or post the NOI/RROF (Notice of Intent/Request for Release of Funds, HUD Form 7015.15), after the comment period has expired (15 days if you publish, 18 days if you post or mail) you will send the RROF to me, I will hold it an additional 15 days for public comment and then release the funds to you.

§58.43 Dissemination and/or publication of the findings of no significant impact.

(a) If the responsible entity makes a finding of no significant impact, it must prepare a FONSI notice, using the current HUD-recommended format or an equivalent format. As a minimum, the responsible entity must send the FONSI notice 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 responsible entity may also publish the FONSI notice 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.

Let me know if you have further questions,

Ryan Cusick
Office of Public Housing - Boston
General Engineer
Ryan.C.Cusick@hud.gov
617-994-8421

From: Joseph Hart <Joe@haverhillhousing.com>
Sent: Friday, May 18, 2018 1:28 PM
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Subject: MA132 Environmental Assessments

Hi Ryan,