



Legislation Text

File #: 2024-0378, **Version:** 1

To: Sonoma County Board of Supervisors
Department or Agency Name(s): Department of Health Services
Staff Name and Phone Number: Tina Rivera 707-565-4774
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:

Department of Health Services Delegated Authority to Approve Environmental Reviews for Homelessness Projects

Recommended Action:

Adopt a Resolution delegating authority from the Board Chair to the Sonoma County Department of Health Services Director to execute Certifying Officer responsibility to approve environmental reviews for Homelessness Programs under the Department of Housing and Urban Development (HUD) Continuum of Care Program funding.

Executive Summary:

The Department of Health Services (hereinafter, "DHS" or "the Department") requests approval from the Sonoma County Board of Supervisors, as the County's highest elected officials (per the Department of Housing and Urban Development funding requirements, to delegate to the Director of the Department of Health Services, serving as head departmental representative for the Sonoma County Homeless Coalition (formerly the Continuum of Care) Lead Agency, as Certifying Officer with authority to approve environmental reviews for federal HUD Continuum of Care projects as required by statute.

Discussion:

An environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it complies with the National Environmental Policy Act (NEPA) and related laws and authorities. All HUD-assisted projects are required to undergo an environmental review to evaluate environmental impacts. The analysis includes both how the project can affect the environment and how the environment can affect the project, site, and end users. An environmental review must be performed before any funds, regardless of source, are committed to a project. HUD channels its funding streams and related contract obligations to conduct and comply with environmental reviews to the local Continuum of Care delegated Lead Agency Officer. Previously, the Community Development Commission (CDC) held the role of Lead Agency for the local Continuum of Care funding passthroughs and environmental review per HUD requirements, making the Director of the CDC the required delegated authority for environmental reviews, prior to contractors moving forward with an approved site-related project. In January 2023, the Lead Agency passed from the CDC to DHS with the transfer of the local Continuum of Care supporting Ending Homelessness unit to DHS. Now HUD requires the new Lead Agency to have recorded authority delegated by the highest elected body in the County memorialized and communicated back to HUD. This transfer of Lead Agency, and delegated authority to review and approve environmental reviews does not change the standard County

environmental review processes, but is simply clarifying the delegated environmental review ability. Awardees of HUD funds would firstly be responsible to initiate environmental reviews on proposed sites and submit findings as part of their contract requests to DHS. If a NEPA/CEQA trigger occurred, DHS acting as the Lead Agency would work with County Counsel and other County Departments (such as Permit Sonoma) to resolve and mitigate issues before the DHS Director could approve or based on consultation with County Counsel potentially bring to the Board of Supervisors for concurrence on environmental issues. Existing department staff skills and capacity are available to conduct timely reviews in consultation with County Counsel.

Regulations at 24 CFR Part 58 with HUD authorize units of general local government to conduct environmental reviews for projects funded with HUD money permitted by program legislation. Local governments performing environmental review responsibilities under Part 58 are known as Responsible Entities (RE). When a HUD recipient is a unit of general local government, it must conduct the environmental review and does not have the option to push the responsibility of the review to HUD.

As approved by the Board on February 28, 2023, the Sonoma County Community Development Commission's Ending Homelessness team moved to DHS under the Homelessness Services Division. Due to this changed administrative oversight, the Lead Agency Certifying Officer for environmental reviews must be approved by the Sonoma County Board of Supervisors. The Certifying Officer is the responsible official, ensuring compliance with the National Environmental Policy Act (NEPA) designated by formal resolution of the County governing body.

Each responsible entity must prepare and maintain a written record of the environmental review undertaken for each project. This written record or file is called the Environmental Review Record (ERR), and it must be available for public review upon request. The ERR shall contain all the environmental review documents, public notices (and proof of their publication), and written determinations or environmental findings required by 24 CFR Part 58 as evidence of review, decision making and actions pertaining to a particular project. The document shall:

- Describe the project and each of the activities comprising the project, regardless of individual activity funding source;
- Evaluate the effects of the project or the activities on the human environment;
- Document compliance with applicable statutes and authorities; and
- Record the written determinations and other review findings required by 24 CFR Part 58.

The ERR will vary in length and content depending upon the level of review required for the categories of activities. Public comments, concerns and appropriate resolution by the recipient are extremely important and must be fully documented in the ERR.

- Exempt or Categorically Excluded Not Subject to 58.5 (CENST) - For projects without any new environmental risks or impacts, including tenant-based rental assistance, tenant-based leasing, supportive services, and administrative costs, including leasing office or emergency shelter space.
- Categorically Excluded Subject to 58.5 (CEST) - For projects with minor new risks and impacts, including project-based rental assistance and minor rehab.
- Environmental Assessment (EA) - For any projects that include larger environmental impacts such as major rehabilitation, new construction, and demolition.

Strategic Plan:

This item directly supports the County’s Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Healthy and Safe Communities

Goal: Goal 4: Reduce the County’s overall homeless population by 10% each year by enhancing services through improved coordination and collaboration.

Objective: Objective 5: Continue to collaborate with local partners, including Continuum of Care, to advance planning and policies to address homelessness.

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

On May 24, 2022, the Board A) Received staff recommendation to move the Community Development Commission’s (CDC) Ending Homelessness team to the Department of Health Services (DHS) under a new Homelessness Services Division, and direct staff to return during the June budget hearings with more financial details for consideration of the proposed reorganization; and B) Received an update on the implementation of recommendations presented in the April 20, 2021 consultant report: Improving Integration & Outcomes to Benefit County Residents: Assessment of Housing and Homeless Services and Programs.

FISCAL SUMMARY

Expenditures	FY23-24 Adopted	FY24-25 Projected	FY25-26 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures	0	0	0
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources	0	0	0

Narrative Explanation of Fiscal Impacts:

There are no fiscal impacts with this item.

Staffing Impacts:

Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

Attachment 1 - Resolution Delegating Authority to Certifying Officer

Attachment 2 - Delegation of Certifying Officer Letter

Related Items "On File" with the Clerk of the Board:

None