



U.S. Department of Housing and Urban Development

MASSACHUSETTS STATE OFFICE, NEW ENGLAND AREA
Office of Community Planning and Development
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7/15/2025

SUBJECT: Objections to the Town of Amherst's Request for Release of Funds for Jones Library Renovation & Expansion project (CPF Grant B-23-CP-MA-0655)

Dear Attorney Makarious:

The U.S. Department of Housing and Urban Development (HUD or Department) is in receipt of the Amherst Historic Preservation Coalition's objections regarding the Town of Amherst's Request for Release of Funds and Certification (RROF) for the Jones Library Renovation & Expansion Community Project Funding Program (CPF) project. The RROF was submitted to HUD's Boston Regional Office, on May 15, 2025 which included associated public comments, the Town's responses to public comments, and construction contract documentation. I am writing to inform you of HUD's determination after review of AHPC's objection.

HUD's review of the RROF documentation identified the following:

- The AHPC's comment provided on April 28, 2025, objects to HUD's approval of the Town's environmental certification and to HUD's release of funds for this project if the Town executed a construction contract. The Town's response to this comment, dated May 15, 2025, failed to address the concern and rather provided justification in the RROF submission to HUD. HUD finds that AHPC's objection meets the requirements of § 58.73.
- The construction contract was executed on April 18, 2025 and included a provision stating that the contract is conditioned on the successful completion of the HUD environmental review process. No work under the contract has begun, so no physical actions affecting the environment have occurred. While HUD regulations at §58.22(d) permit the use of conditional or option contracts for real property acquisition, this provision does not extend to other Choice Limiting Actions under §58.22(a), including construction contracts.
- The Town relied on HUD's Choice Limiting Action Violation Fact Sheet when executing the construction contract.


HUD determined that a regulatory violation of 24 CFR 58.22(a) occurred when Jones Library, Inc. signed a construction contract after the federal nexus was established but before HUD issued an Authority to Use Grant Funds (AUGF). On June 17, 2025, HUD notified the Responsible Entity, the Town of Amherst (the Town), and the grantee, Jones Library, Inc., of the regulatory violation and provided guidance on how to resolve the violation. The Town submitted the environmental review record on June 17, 2025 for HUD's review and determination on whether unmitigated adverse environmental

impacts will result. The Town submitted additional information supplementing the environmental review record based on HUD comments on June 27, 2025.

When a regulatory violation of §58.22(a) is identified, HUD may not approve the use of HUD assistance for the proposed project unless, after a review of the circumstances, HUD determines there is good cause to approve the funding, the violation was inadvertent, and no unmitigated adverse environmental impacts will result from the project proceeding. HUD finds that there is good cause to approve the funding, and the violation was inadvertent as evident by the Town's reliance on HUD guidance and inclusion of conditional language in the construction contract. Based on the environmental review, provided supplemental information, and assuming full implementation of the mitigation measures described therein, HUD determined that implementation of the project is not expected to result in unmitigated, adverse environmental impacts. Therefore, HUD has approved the AUGF for the subject project based on review of the Request for Release of Funds and supporting documentation.

If you have questions regarding this matter, please contact Christopher Day, Senior Community Planning and Development Representative at Christopher.s.day@hud.gov.

Sincerely,

Signed by:

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Mark Sorbo,
Boston CPD Director (Acting)
Office of Community Planning and Development

cc:

Robert Peirent, Town of Amherst Special Capital Projects Coordinator
Saron Sharry, Jones Library, Inc. Director
Christopher Day, HUD CPD Representative
Julia Perry, HUD Field Environmental Officer
Lauren McNamara, HUD Environmental Review Division Director