

SUMMARY OF ENVIRONMENTAL REVIEW REQUIREMENTS

Under 24 CFR Part 58

**ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES ASSUMING HUD
ENVIRONMENTAL REVIEW RESPONSIBILITIES**

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Applicable to Reviews by HUD Grant Recipients and Responsible Entities

National Environmental Policy Act of 1969 (NEPA)

- Created Council on Environmental Quality (CEQ)
- CEQ regulations at 24 CFR Part 1500-1508 establish general procedures, including Environmental Impact Statements, Environmental Assessments, and Categorical Exclusions

Housing and Community Development Act of 1974, as amended

- Decent housing in a suitable living environment
- Energy conservation
- Delegation of environmental responsibilities to local and state government
- Sec. 104(g) Request for Release of Funds (RROF)

Executive Orders 11988 and 11990 (1977) (Floodplain Management and Protection of Wetlands)

- Water Resources Council Floodplain Management Guidelines (1978) (8 Step Process)

Multifamily Housing Property Disposition Reform Act of 1994

- Permits states and general local governments to assume environmental review responsibilities for certain non-governmental or quasi-governmental recipients (non-profits, public housing agencies, housing finance agencies, etc.)

HUD Environmental Review Procedures at 24 CFR Part 58

- incorporates CEQ regulations
- applicable to many programs
- establishes thresholds and guidelines for EIS and Environmental Assessments
- defines Categorical Exclusions and Exemptions
- defines procedures for Request for Release of Funds
- defines assumption procedures for Responsible Entities

Sec. 58.5 Other Federal Laws and Authorities

- Historic Properties
- Floodplain Management* and Wetland Protection
- Coastal Zone Management
- Sole Source Aquifers
- Endangered Species
- Wild and Scenic Rivers
- Air Quality
- Farmlands Protection
- HUD Environmental Standards: 24 CFR Part 51
 - Noise Abatement and Control [51(B)]
 - Explosive or Flammable Hazards [51(C)]
 - Siting in Airport Clear Zones [51(D)]
 - Toxic or Radioactive Sites (HUD Notice 79-33)
- Environmental Justice (Executive Order 12898)

Sec. 58.6 Other Requirements

- Flood Insurance
- Coastal Barriers
- Runway Clear Zone Notification

* HUD implementing regulations published at 24 CFR Parts 50, 55, 58 & 200

ENVIRONMENTAL REVIEW PROCEDURES

Reviews by Grant Recipients that are Responsible Entities

Summary of Environmental Review Procedures

- 58.32 Define project considering aggregation, non-HUD funding, and cumulative effects
Conduct an appropriate level of review (including determination of exemptions)
Revise or mitigate project actions, if necessary
- 58.15 Consider tiering (i.e. multi-year community-wide housing rehabilitation project)
- 58.38 Document review in public Environmental Review Record (ERR)
If necessary, disseminate and post or publish public Notice (RROF or RROF and FONSI) Submit a HUD-7015.15, Request for Release of Funds and Certification (RROF/C) (when required)
- 58.22 Do not commit or spend funds [except for exempt or 58.35(b) activities] until RROF/C is approved by HUD (or State). Do not commit non-HUD funds if activity would have adverse environmental impact or limit choice of alternatives.
- 58.47 Revise or update review, if necessary
& (New Public Notice, FONSI & RROF may be needed)
58.32(d)(2)

Level of Review Required

- 58.34(a) Exempt (i.e., administration, planning, public services)
- requires compliance with 58.6
(Request for Release of Funds not required)
- 58.35(b) Categorically Excluded, not subject to 58.5 (pre-determined by HUD)
- requires compliance with 58.6
(Request for Release of Funds not required)
- 58.34(a)(12) Categorically Excluded, determined to be Exempt
- no circumstances requiring compliance with 58.5 laws and authorities documented
- requires compliance with 58.6
(Request for Release of Funds not required)
- 58.35(a) Categorically Excluded (from NEPA requirement for Environmental Assessment or EIS)
- requires review of 58.5 Other Laws and Authorities
- requires compliance with 58.6
- requires Request for Release of Funds
- 58.36 Environmental Assessment (leads to FONSI or EIS)
- includes 58.5 review and 58.6 compliance
- requires FONSI & Request for Release of Funds
(FONSI & NOI/RROF may be combined)
- 58.37 Environmental Impact Statement
- high thresholds, e.g. construction of 2,500 or more housing units
- includes 58.5 review and 58.6 compliance
- requires publication of various notices, draft & final EIS, etc.
- requires Request for Release of Funds

Request for Release of Funds and Certification

- 58.22 HUD approval of RROF required before commitment of HUD or non-HUD funds
Exceptions: Exempt activities [58.34(a)]
Categorically Excluded activities not subject to 58.5 [58.35(b)]
Categorically Excluded activities determined to be exempt [58.34(a)(12)]
Non-HUD funds that would not have adverse environmental impact
or limit choice of alternatives
- 58.43 Disseminate and post or publish NOI/RROF, FONSI, or combined FONSI/NOI/RROF
- Send notices to: interested individuals and groups
local news media
appropriate tribal, local, State & Federal agencies
Regional Office of EPA
HUD Field Office
 - Newspaper publication optional
 - If no publication, send Notices as above and display them:
in public buildings
in project area
(or as determined by citizen participation process)
- 58.45 Minimum Public Comment Periods*
- FONSI: 15 days if published
18 days if posted
 - NOI/RROF 7 days if published
10 days if posted
 - Concurrent/combined FONSI and NOI/RROF: Same as FONSI Notice
A FONSI and NOI/RROF are usually combined, with a 15 (if published) or 18 (if posted)-
day local comment period. If a FONSI is published before the NOI/RROF, a 15 or 18-day
comment period is required, **and** the subsequent NOI/RROF then requires an **additional** 7 (if
published) or 10 (if posted)-day comment period before submission of the RROF. Unless
otherwise specified, the Responsible Entity is to use an RROF/C form (HUD-7015.15).
- 58.46 FONSI requires 30-day comment period for exceptional circumstances
- 58.43(c) Consider comments (and make modifications, if appropriate) before submission of RROF /C
- 58.71 Submit RROF/C signed by Certifying Officer along with a copy of the environmental Notice as
published/posted (RROF package) to HUD (or State) at least one day after local comment period ends
- 58.73 Statutory Objection Period (HUD/State): The later of date in Notice, or 15 days after receipt of RROF*
- 58.32(d) Multi-Year projects: one submission of RROF/C
- 58.33 Emergencies (Presidentially-declared disasters): FONSI/NOI/RROF may be submitted to
HUD (or State) simultaneously with dissemination and posting or publishing public
Notice
- 58.72- HUD Field Office (or State) issues Release of Funds to Recipient after end of the Objection
58.77 Period

*Per 58.21: the date of posting/publication in a newspaper is not counted as one of the days in the “comment”
period; and, the date an RROF/C is received by HUD (or State) is not counted in the 15-day “objection” period

When Grant Recipient is not a Responsible Entity

Recipients and Responsible Entities

- 58.2(a)(7) Responsible Entity must exercise land use responsibility
i.e., - unit of general local government
- county
- State government
- Indian tribe or Alaska native village
- 58.2(7)(i) Recipient is a Responsible Entity
(has statutory authority to conduct environmental reviews)
i.e., - CDBG
- Emergency Shelter Grant
- Shelter Plus Care
- HOME
- Lead Abatement Grants
- 58.2(7)(ii) Recipient is not a Responsible Entity
i.e., - Public Housing Agency
- Indian Housing Agency
- Qualified Housing Finance Agencies
- Non-profit organizations & other entities
(Responsible Entity or HUD must conduct environmental reviews)

Procedure When Recipient is not a Responsible Entity

- 58.71(b) Recipient requests Responsible Entity to perform environmental review and provides all available project and environmental information [see Note 3, below]
- Recipient must not undertake physical activities or choice limiting actions until HUD approves its Request for Release of Funds
- Responsible Entity signs-off on ERR and has NOI/RROF (or combined FONSI/NOIRROF, as appropriate) posted/published and disseminated [See Note 1, below]
- Responsible Entity prepares RROF/C. Certifying Officer signs Part 2 of RROF/C. Responsible Entity transmits it to Recipient along with environmental Notice as published/posted, the ERR, a statement of any special environmental conditions that must be complied with, and instructions
- Recipient signs and dates Part 3 of RROF/C and submits RROF package to HUD Field Office (or State, if appropriate) with a cover letter agreeing to adhere to any special environmental conditions and agreeing to advise the Responsible Entity of any proposed change in the scope of the project or any change in environmental conditions [See Note 2, below]
- 58.72- HUD Field Office (or State) issues Release of Funds to Recipient after
58.77 15-day Objection Period

When Grant Recipient is not a Responsible Entity

Procedure When Sub-Recipient of Non-Responsible Entity Grant Recipient Carries Out Project

(i.e., local affiliate of Habitat for Humanity International under Self-Help Homeownership Opportunity Program)

58.71(b) Sub-Recipient requests Responsible Entity to perform environmental review and provides all available project and environmental information [see Note 3, below]

Sub-Recipient does not undertake physical activities or choice-limiting actions until HUD approves the Request for Release of Funds

Responsible Entity signs-off on environmental review and has NOI/RROF (or combined FONSI/NOIRROF, as appropriate) posted/published and disseminated [See Note 1, below]

Responsible Entity prepares RROF/C. Certifying Officer signs Part 2 of RROF/C. RROF package is then transmitted by Responsible Entity to Sub-Recipient, along with a copy of the ERR, a statement identifying any special conditions that must be complied with, and instructions

Sub-Recipient transmits to the Recipient the RROF package, a copy of the ERR, and a cover letter agreeing to adhere to any special environmental conditions and advise the Responsible Entity of any proposed change in the scope of the project or any change in environmental conditions [See Note 2, below]

Recipient signs and dates Part 3 of RROF/C and submits RROF package and cover letter to HUD Field Office (or State, if appropriate.)

58.72- HUD Field Office (or State) issues Release of Funds to Recipient after 15-day
58.77 Objection Period

Recipient notifies Sub-Recipient that it may expend funds.

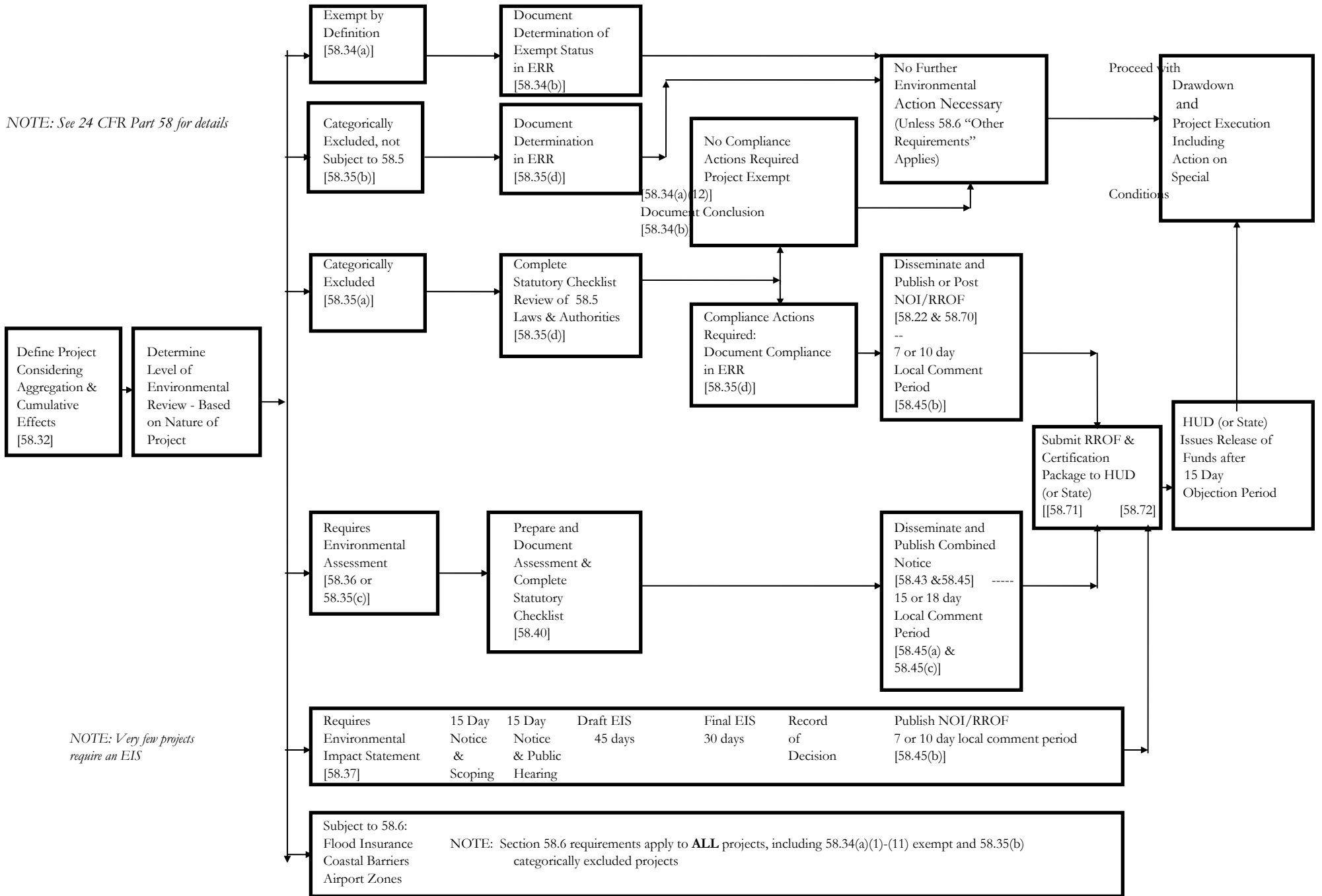
58.71(c) Note 1: If a Responsible Entity determines some activities are exempt (see 58.34) and/or 58.35(b) categorically excluded, the Responsible Entity advises Recipient that it may commit funds for these activities as soon as programmatic authorization is received

58.47 Note 2: If the scope of the project or environmental conditions have changed, the Responsible Entity must re-evaluate the project or properties

58.11 Note 3: If a responsible entity (other than a Recipient) objects to performing an environmental review, HUD may designate another responsible entity to perform the review or may itself conduct the review

ENVIRONMENTAL REVIEW FLOWCHART -- WHEN GRANT RECIPIENT IS RESPONSIBLE ENTITY

NOTE: See 24 CFR Part 58 for details



NOTE: Very few projects require an EIS

Requires Environmental Impact Statement [58.37]	15 Day Notice & Scoping	15 Day Notice & Public Hearing	Draft EIS 45 days	Final EIS 30 days	Record of Decision	Publish NOI/RROF 7 or 10 day local comment period [58.45(b)]
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Subject to 58.6: Flood Insurance Coastal Barriers Airport Zones
 NOTE: Section 58.6 requirements apply to **ALL** projects, including 58.34(a)(1)-(11) exempt and 58.35(b) categorically excluded projects