
THE HFA INSTITUTE

HOME Environmental Reviews

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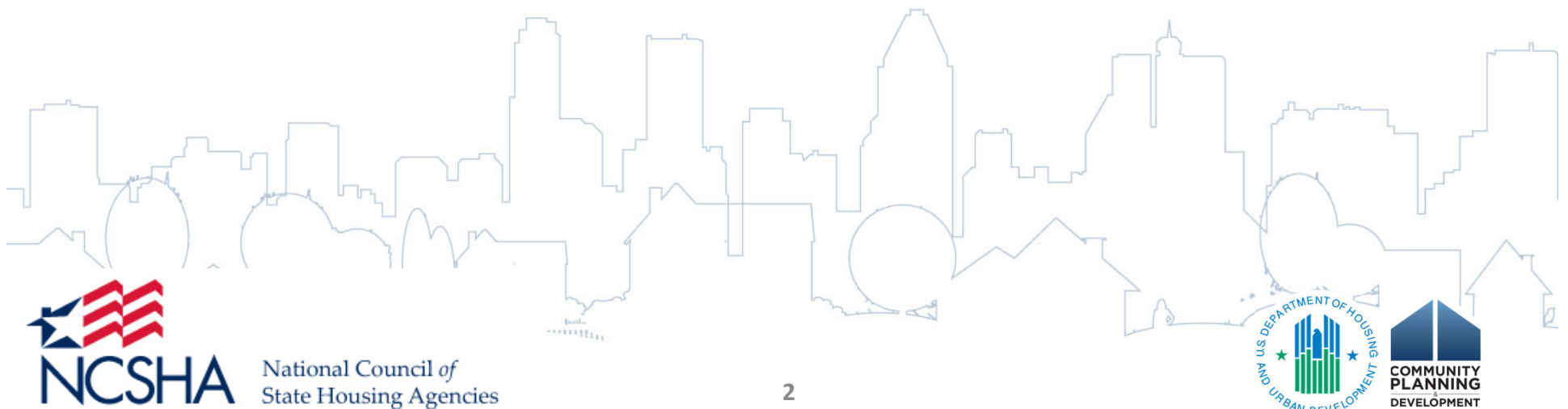


National Council of
State Housing Agencies



Topics

- Defining/classifying HOME projects
- Making HOME commitments
- HTF differences (briefly)



PJ Role in Environmental Review

- Statutes & regulations:
 - NEPA & Other Federal laws & authorities
 - 24 CFR Part 58
- Roles
 - “Responsible Entity” – PJ (or local State Recipient)
 - “Review authority” – HUD
 - Or State PJ when State Recipient is the RE

The Process

1. Define the Project Scope

2. Classify the Project

3. Conduct the Review

4. Create the Environmental Review Record

5. Notify the Public & Submit RROF*

6. Commit to Project after ROF*



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Define the Project Scope

- Aggregation - Group integrally related activities into single ER
 - All funding sources/activities, not just HOME
 - Also aggregate activities part of multi-year project
- Tiered Review - sites not yet selected (e.g., multi-site housing programs)
 - Tier I - parameters as sites are identified; RROF
 - Tier II - site-specific reviews; no notices or RROF if no impacts beyond Tier 1; no project work until Tier 2 completed

Classify the Project

Exempt
(58.34)

Categorically
Excluded
(58.35(b))

Categorically
Excluded
(58.35(a))

Subject to
NEPA (58.36)



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Exempt (58.34)

- Typical HOME actions that are “Exempt” under 58.34 include:
 - Administration
 - Environmental studies
 - Design/engineering
 - TA/training & loan payments
 - Some emergency actions
- Do not require public notice; PJs should document exempt basis

Categorically Excluded (58.35(b))

- Categorically Excluded 58.35(b) – HOME activities that are primarily financial and do not alter physical conditions, e.g.:
 - Tenant based rental assistance
 - Homebuyer financing assistance (for existing and housing already under construction)
- Statutory Checklist for 58.6 – if no env effect, convert to exempt; no public notice

Categorically Excluded (58.35(a))

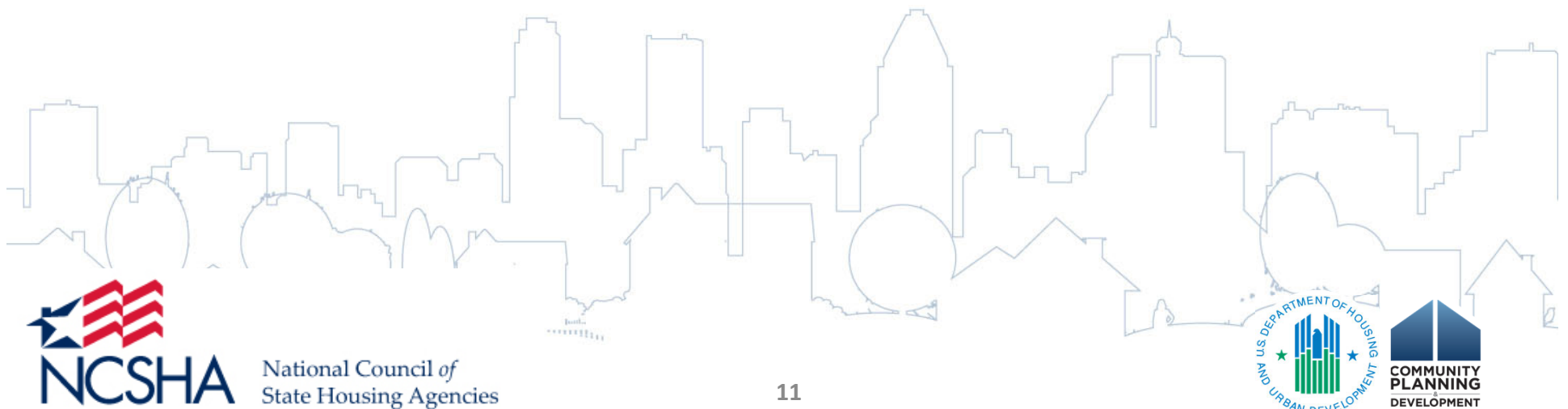
- Excluded from NEPA but subject to both 58.5 & 58.6
 - HOME activities such as:
 - Some 1-4 unit rehab with no density increase, land use change or footprint change in floodplain
 - 5+ unit rehab – density change less than 20%, not conversion, rehab cost < 75% replacement cost
 - Individual action (not rehab) on 1-4 unit or 5+ scattered
 - Acquisition/disposition of existing structure or vacant land for same use
 - Complete Statutory Checklist
 - If no mitigation required, convert to exempt, no notice
 - If mitigation required, notice & RROF

Subject to NEPA (58.36)

- Projects that are not Exempt or Categorically Excluded 58.35(a) or (b) are subject to NEPA
- Typical HOME activities
 - Multi-family new construction or subst. rehab
 - Conversions of changes in land use
- Environmental Assessment (Checklist(s))
- After the analysis, develop mitigating actions (& include in final design & specifications)
- Publish FONSI/RROF, or FOSI & proceed to EIS

Environmental Impact Statements

- EIS (58.37) may be required if:
 - Environmental Assessment indicates may have potentially significant impact on the environment
 - Project is large scale (e.g., 2,500 housing units)
 - Don't have to complete EA if EIS is indicated



Conduct the Review

- Review varies by project classification; generally, two main types of reviews:
 1. Compliance Determination – for Categorically Excluded, Statutory Checklist(s)
 2. Environmental Assessment – for projects not exempt or excluded, environmental assessment plus Statutory Checklists
 - If finding of impact, Environmental Impact Statement

• <https://www.hudexchange.info/programs/environmental-review/>

Reviews by Other Agencies

- If recently prepared by another agency
 - Document the other EA adequately addresses all areas of compliance; compliance areas not covered modified/supplemented accordingly
 - Formally adopt the EA as meeting HOME requirements
 - Follow same process – public notice & RROF



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Prohibited Actions Prior to Clearance

- Until review completed and funds released, the PJ (and its partners) may not:
 - Commit (execute legally binding agreements) or expend HOME funds
 - Commit or expend non-HUD funds
 - Undertake a “choice limiting” action, e.g.:
 - Acquisition, demolition/movement, construction/rehab
 - PJ & partners can incur project planning & other exempt costs prior to release, but at risk until commitment allowed & project proceeds



Conditional Commitment

- 58.22 says jurisdiction may not commit or expend funds until clearance
- However, HOME conditional commitment workaround to permit obligation of funds for purposes of commitment deadlines
- See
 - CPD-01-11 (p.10)
 - CPD-15-09 (p.14)

Conditional Commitments

- Commitment must:
 - Contain provision prohibiting from undertaking or committing any funds to physical or choice-limiting actions
 - Indicate that violation may result in denial of funds
 - State that agreement is conditioned on PJ's determination to proceed with, modify or cancel project based on results of subsequent environmental review



Environmental Review Record

- 24 CFR 58.38
- Describes all activities that are part of the project & the classification of the activity
- Documents the effects of the project on human environment
- Contains source documents and relevant data (e.g., pictures/maps, contacts, meetings, analysis, notices, comments)

HTF Environmental Review

- HTF statute doesn't require compliance with Part 58 & process, but rule requires consideration of env impacts (outcomes)
- Requirements
 - 93.301(f)(1) – new construction
 - 93.301(f)(2) – acquisition/rehabilitation
 - Some environmental provisions are same as HOME/Part 58, but some are different

HTF, cont.

- If HTF only, process is different:
 - No level of review (CEST/EA)
 - No public comment
 - No request for release of funds
- If HTF and other HUD funds, see CPD-16-14

- See CPD 16-14

- Suggested formats:

<https://www.hudexchange.info/programs/environmental-review/htf/>

Q&A

