



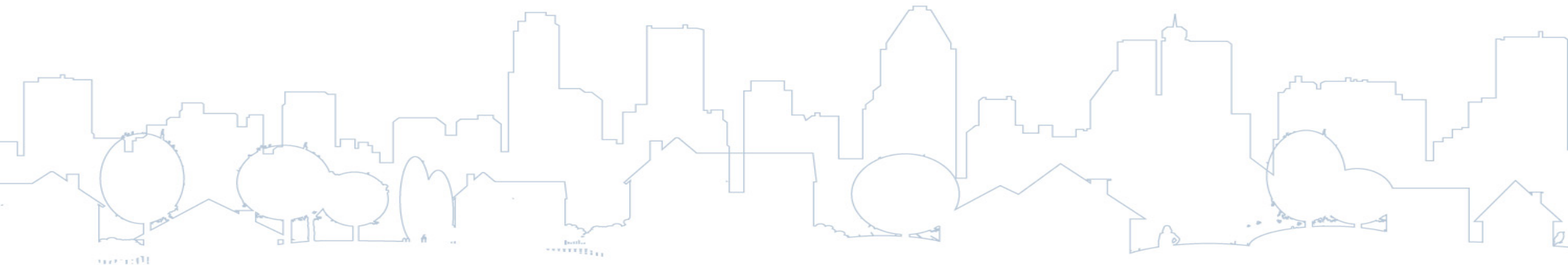
Requirements for Housing Trust Fund Environmental Provisions



Welcome and Speakers

Speakers:

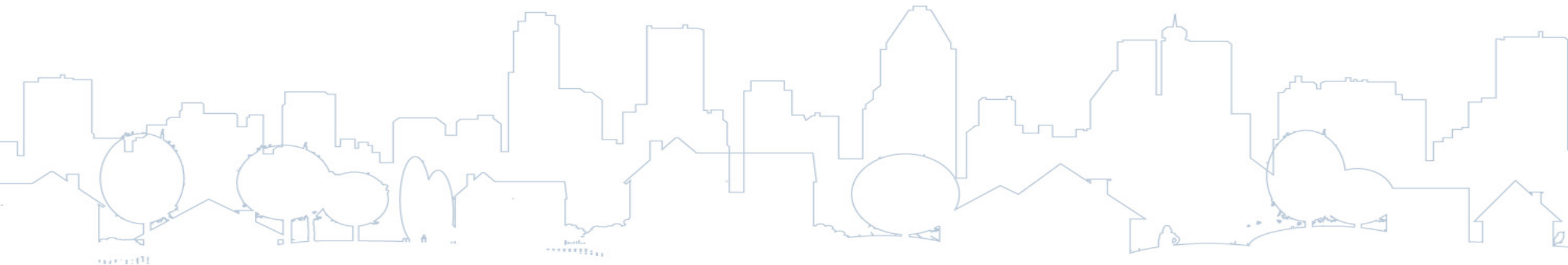
- Lauren McNamara, Office of Environment and Energy
- Danielle Schopp, Office of Environment and Energy



Let's Get to Know You

What's your role in the Environmental Review Process?

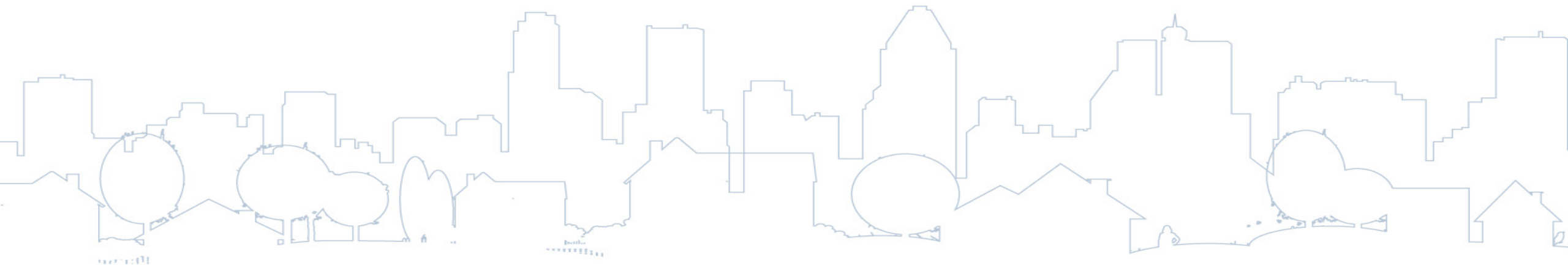
- I prepare Environmental Reviews
- I oversee someone who prepares Environmental Reviews
- I know Environmental Reviews are a requirement



Let's Get to Know You

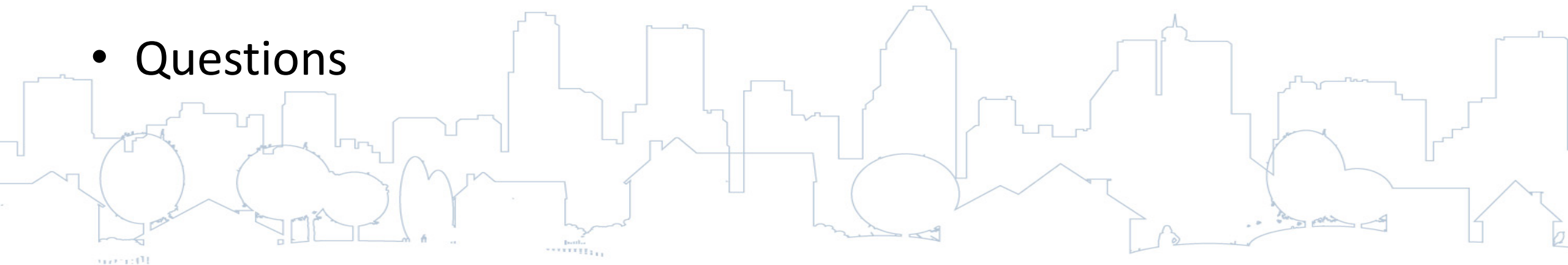
What kind of HUD Funding do you work with?

- HTF only
- HTF and HOME/other HUD Funds

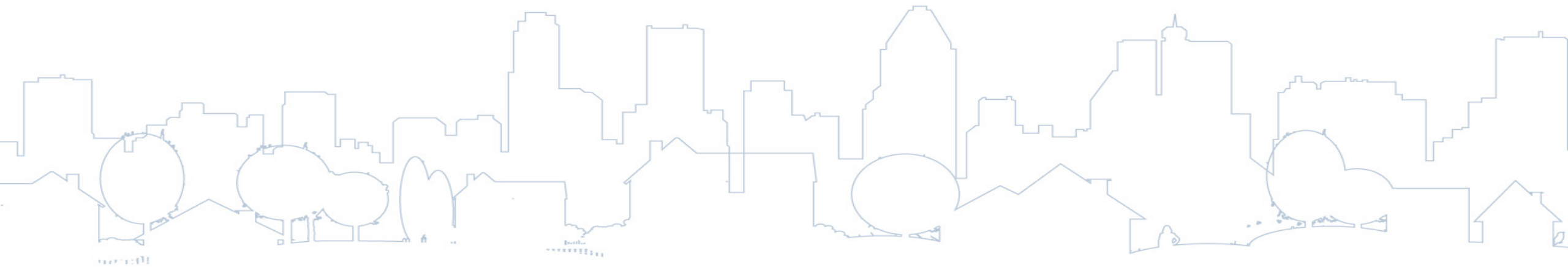


Agenda

- Background
- Resources
- HTF Process (HTF and HTF with Part 58)
- Environmental Provisions (HTF Only and HTF with Part 58)
- HTF vs. Part 58
- Questions



BACKGROUND

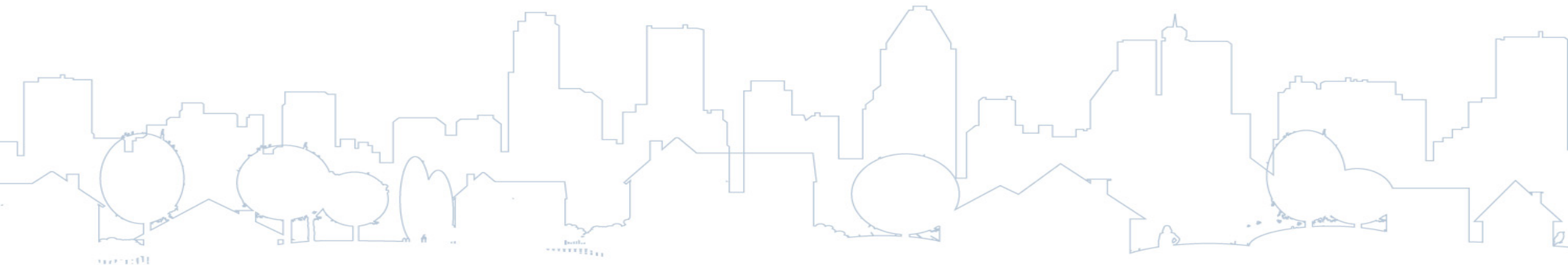


Why is HTF Different?

- Under the HTF HUD has no discretion over the State's selection or rejection of individual projects. HUD's Office of General Counsel (OGC) determined that individual project selection is not a federal action to which the NEPA environmental assessment requirements, or consultation requirements under other Federal authorities would apply.
- Unlike some other HUD statutes, the HTF statute does not include a provision for Environmental Review.

HUD's commitment to NEPA

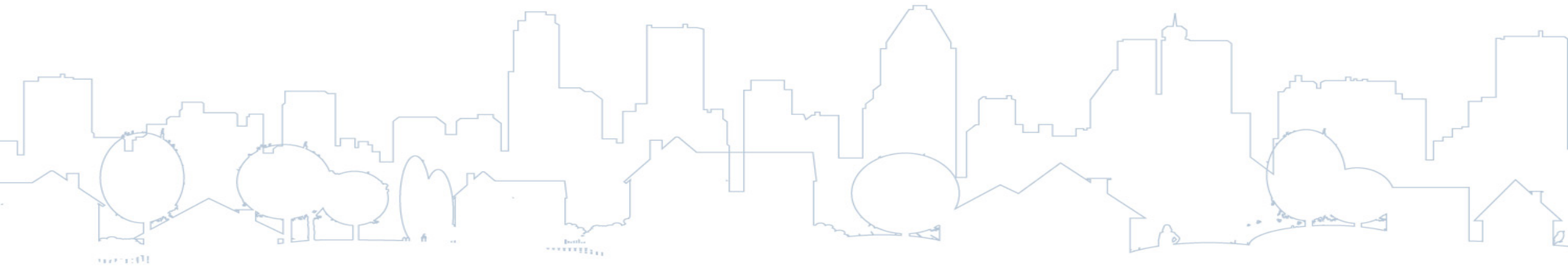
HUD is committed to the principles of NEPA and ensuring decent, safe, sanitary, and affordable housing for extremely low and very low-income families. Consequently, HUD has developed HTF Environmental Provisions under the HTF Property Standards at 24 CFR § 93.301(f) for new construction and rehabilitation.



Environmental Provisions

- The Environmental Provisions are outcome based and exclude consultation procedures that would be applicable if HTF project selection was a federal action.
- Parts 50/58 are process based and include consultation procedures for several laws and authorities where there may be environmental impacts.
- Due to the outcome based nature of the Environmental Provisions compliance with some environmental property standards is streamlined to avoid environmental impacts.

RESOURCES



HTF Environmental Provisions

The Housing Trust Fund (HTF) regulations establish specific property standards for housing that receives HTF funds. These standards include Environmental Provisions for projects involving new construction and rehabilitation. The HTF Environmental Provisions for new construction and rehabilitation under the Property Standards at 24 CFR § 93.301(f)(1) and (2) are similar to HUD's Environmental Regulations at 24 CFR Parts 50 and 58. HTF projects are subject to the same environmental concerns that HUD-assisted projects are subject to. The main difference is that the HTF Environmental Provisions are outcome based, and exclude consultation procedures that would be applicable if HTF project selection was a federal action. Parts 50 and 58 are process based, and include consultation procedures for several laws and authorities where there may be environmental impacts.

What's the same as Part 50/58?

The following Environmental Provisions are the **same** as the Part 50/58 process:

- Coastal Barrier Resources System
- Coastal Zone Management
- Explosives and Hazards
- Endangered Species (informal consultation)
- Wild and Scenic Rivers
- Sole Source Aquifers

What's different from Part 50/58?

The following Environmental Provisions are **not** the same as the Part 50/58 process:

- Historic Preservation
- Farmlands
- Airport Zones
- Floodplains
- Wetlands
- Contamination
- Noise
- Safe Drinking Water

When a project is **only** using HTF funds

- No Level of Review (CEST/EA)
- No Public Comment
- No Request for Release of Funds and Certification
 - No Authority to Use Grant Funds

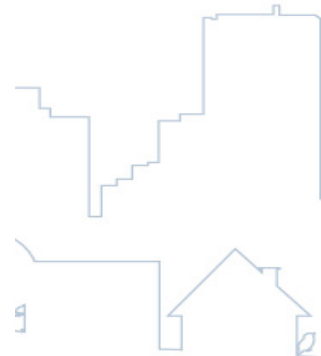
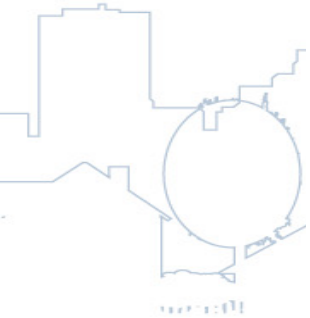
Suggested Formats

24 CFR § 93.301(f)(1) New Construction – HTF Funds Only

24 CFR § 93.301(f)(2) Rehabilitation – HTF Funds Only

24 CFR § 93.301(f)(1) New Construction – HTF and Other HUD Funds

24 CFR § 93.301(f)(2) Rehabilitation – HTF and Other HUD Funds



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

Suggested Format for Determining Compliance with Environmental Provisions

24 CFR § 93.301(f)(1) New Construction

(including new construction of manufactured housing or acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds)

Directions – The following can be used as a cover sheet for compliance with the Environmental Provisions for New Construction

- 1) Select from the options under each Environmental Provision
 - 2) Provide the appropriate documentation in the project file
-

Historic Preservation

Select one of the following:

- The project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district.

<http://www.nps.gov/nr/research/>

➔ *Document that the project is not listed or eligible to be listed on the National Register of Historic Places by a qualified professional.*

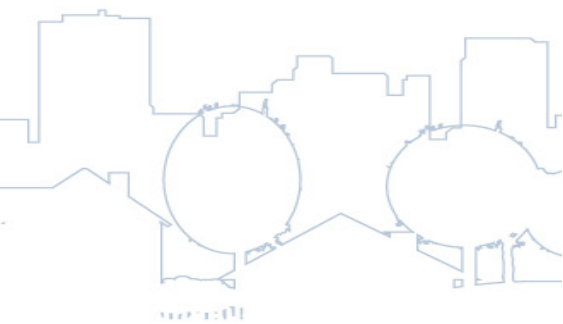
- The project is listed or eligible to be listed on the National Register of Historic Places, individually or as part of an historic district, and work DOES NOT include demolition and MEETS the Secretary of Interior's Standards for Rehabilitation – including the Standards related to new construction. <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

➔ *If the project is listed or eligible to be listed on the National Register of Historic Places, provide documentation on how the work meets the Secretary of Interior's Standards for Rehabilitation.*

- Project cannot be funded with HTF.

Note: If archaeological resources or human remains are discovered on the project site during construction, consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

➔ *Document all consultation correspondence with the affected tribe and/or descendant communities, and how compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law) has been met.*



Contact

HUD Environmental Staff Contact Information

This page provides contact information for headquarters environmental staff, program environmental clearance officers, and regional and field environmental officers.



Resources

Requirements for HTF Environmental Provisions Webinar

1. [HTF Only Recording](#)
2. [HTF Combined with Other HUD Funds Recording](#)
3. [Acquisition Recording](#)

[Slides and Transcripts](#)

This webinar provides an overview of the requirements contained in CPD 16-14: Requirements for Housing Trust Fund Environmental Provisions. It is provided in three parts.

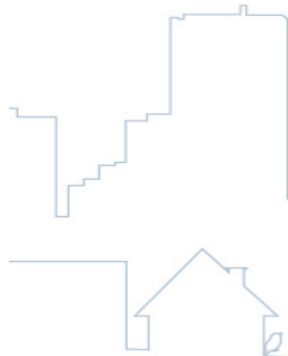
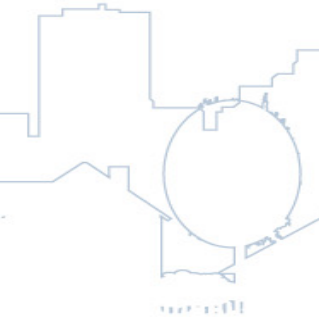
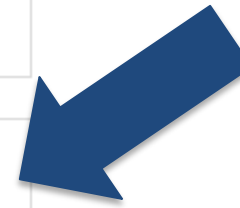
Date Published: September 2016



Notice CPD 16-14: Requirements for Housing Trust Fund Environmental Provisions

The purpose of this Notice is to describe the Environmental Provisions for new construction and rehabilitation that are required for HTF projects under the Property Standards at 24 CFR § 93.301(f)(1) and (2). These HTF Environmental Provisions are similar to the Environmental Review Requirements under 24 CFR Part 50 and Part 58. The Notice will provide HTF agencies with guidance on how to meet the HTF Environmental Provisions. The Notice will also explain how Environmental Reviews under 24 CFR Part 50 and Part 58 must meet the HTF Environmental Provisions when combining HTF with other HUD funding sources.

Date Published: August 2016



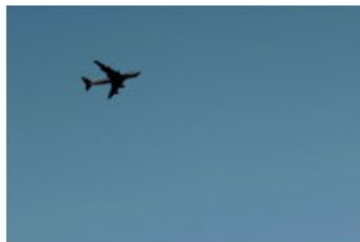
Related Federal Laws and Authorities

Choose a topic below to learn more about HUD environmental review compliance with Federal related laws and authorities listed at 24 CFR 50.4, 58.5, and 58.6.

Find by Topic



Air Quality



Airport Hazards



Coastal Barrier Resources



Coastal Zone Management



Endangered Species



Environmental Justice



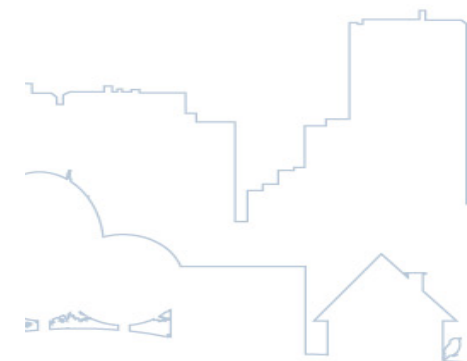
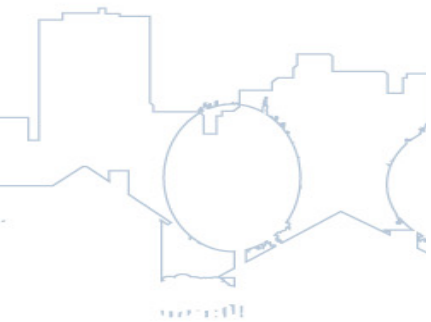
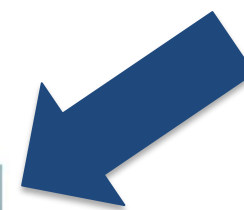
Explosive and Flammable Facilities



Farmlands Protection



Flood Insurance



Coastal Barrier Resources

Introduction

The Coastal Barrier Resources Act (CBRA) of 1982 designated relatively undeveloped coastal barriers along the Atlantic and Gulf coasts as part of the John H. Chafee Coastal Barrier Resources System (CBRS) and made these areas ineligible for most new Federal expenditures and financial assistance. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA and expanded the CBRS to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands.

There are a total of 584 system units, encompassing approximately 1.3 million acres of land and associated aquatic habitat. The system units are generally comprised of private lands that were relatively undeveloped at the time of their designation within the CBRS. The boundaries of these units are generally intended to follow geomorphic, development, or cultural features.

The law encourages the conservation of hurricane-prone, biologically rich coastal barriers by restricting Federal expenditures that encourage development. HUD financial assistance may not be used for most activities in CBRS units.

HUD Guidance

Is the project located in a Coastal Barrier Resource System (CBRS) unit? With very limited exceptions, federal assistance is not allowed for projects in a CBRS unit. Federal monies can be spent within CBRS units only for certain exempted activities (e.g., a nature trail) after consultation with the FWS (see 16 USC 3505 for exceptions to limitations on expenditures).

Statute

[16 U.S.C. 3501](#)

Resources

[WISER: Water Elements Online Module](#)

[HUD's Guidelines for CBRA Compliance](#)

[Fish and Wildlife Service's CBRA Web Page for Guidance](#)

[Fish and Wildlife Service's CBRA Mapper](#)

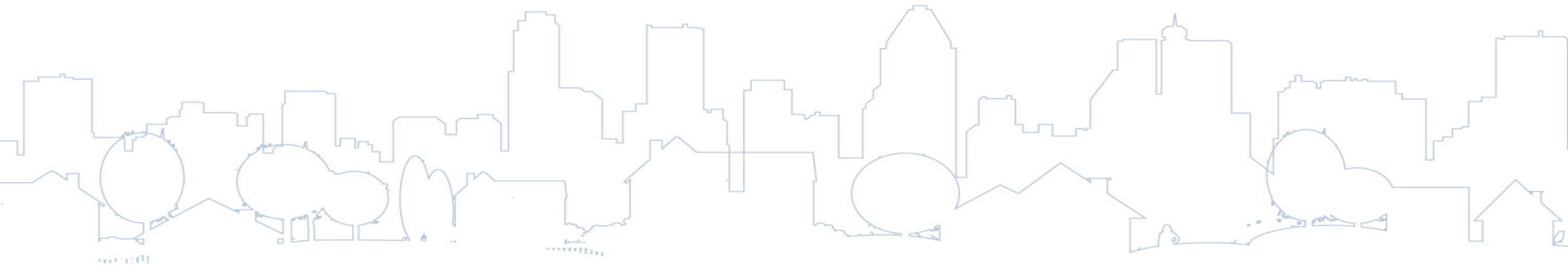
[Fish and Wildlife Service's Consistency Consultations](#)



Tools that can be used to document compliance with the HTF Environmental Provisions can be found under the Resources for each Law and Authority on the HUD Exchange. Links to tools are also available in the suggested formats.

HTF ONLY PROCESS

HTF Only



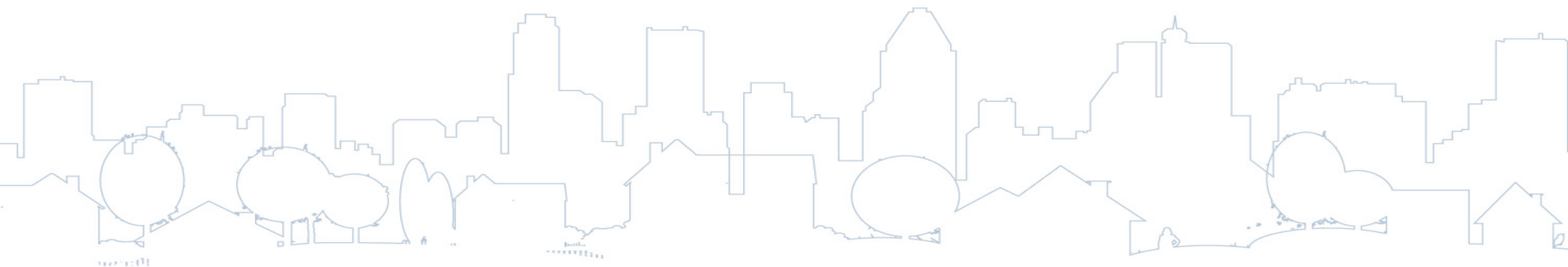
Who's Responsible?

- HTF grantees (state) must maintain documentation demonstrating that each project meets the HTF Environmental Provisions
- If the grantee has subgranted funding, the subgrantee (local government) must maintain documentation demonstrating that each project meets the HTF Environmental Provisions

Level of Review

When a project is only using HTF funds

- No Level of Review (CEST/EA)
- No Public Comment
- No Request for Release of Funds and Certification
 - No Authority to Use Grant Funds



Timing

HTF housing projects must meet the applicable Property Standards, including the HTF Environmental Provisions at 24 CFR § 93.301(f)(1) or (2) at project completion [§ 93.407(a)(2)(iv)]

However, it should be determined prior to construction if a project will meet the HTF Environmental Provisions. If a project cannot meet the HTF Environmental Provisions, the project cannot be funded by HTF. For example, if a project will impact a wetland, it cannot be funded by HTF.

Recordkeeping

- The grantee or subgrantee administering HTF must maintain documentation demonstrating that each project meets the HTF Environmental Provisions at project completion [§ 93.407(a)(2)(iv)]
- Suggested formats on the HUD Exchange can be used to document compliance with the HTF Environmental Provisions

Suggested Format for Determining Compliance with Environmental Provisions

24 CFR § 93.301(f)(1) New Construction

(including new construction of manufactured housing or acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds)

Directions – The following can be used as a cover sheet for compliance with the Environmental Provisions for New Construction

- 1) Select from the options under each Environmental Provision
- 2) Provide the appropriate documentation in the project file

Historic Preservation

Select one of the following:

- The project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district.

<http://www.nps.gov/nr/research/>

Suggested Format for Determining Compliance with Environmental Provisions 24 CFR 93.301(f)(2) Rehabilitation

Directions – The following can be used as a cover sheet for compliance with the Environmental Provisions for Rehabilitation.

- 1) Select from the options under each Environmental Provision
- 2) Provide the appropriate documentation in the project file

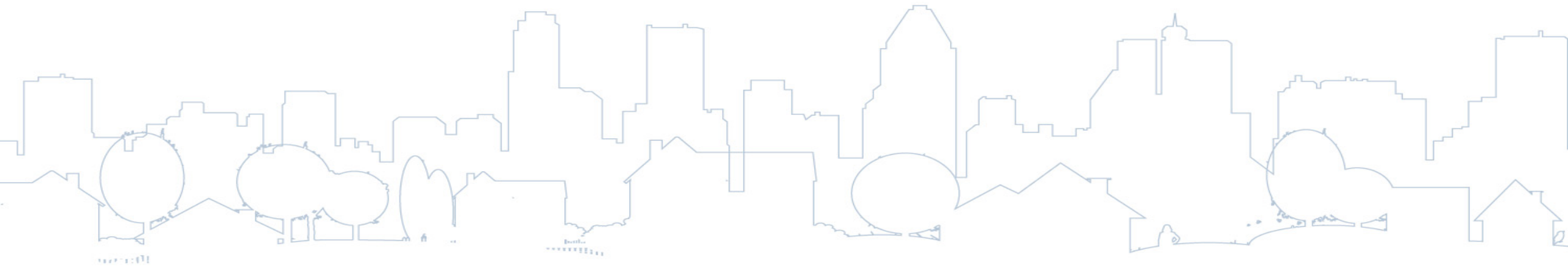
Historic Preservation

Select one of the following:

- The project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district.

HTF WITH OTHER HUD FUNDING (PART 58)

HTF & 58



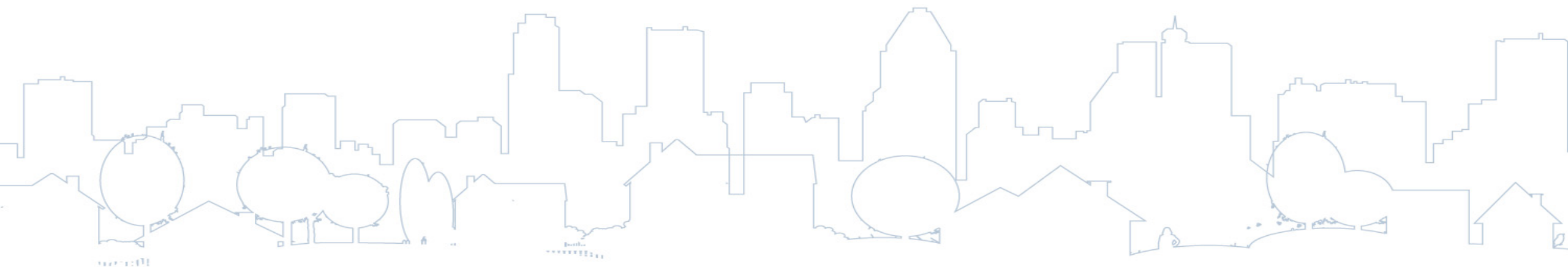
Who is Responsible?

When combining HTF with these funding sources a Part 50 or Part 58 environmental review must be done, and the review must meet the HTF Environmental Provisions. The HTF grantee or subgrantee must work closely with the HUD grantee providing the additional HUD funding to determine who will be completing the Part 50 or Part 58 environmental review.

Depending on the type of HUD funding that is being used for the project an environmental review will be completed by HUD staff under Part 50, or a Responsible Entity (RE) under Part 58. The HUD grantee must be informed early on by the HTF grantee or subgrantee that the HTF Environmental Provisions must be met as part of the environmental review.


Level of Review

- HTF Projects will fall under a Categorical Excluded Subject (CEST) to 58.5 or an Environmental Assessment (EA).
- Some Laws and Authorities are handled differently to meet the Environmental Provisions for New Construction and Rehabilitation.
- If the project requires an EA, then EA level analysis must be done.



Timing

HTF housing projects must meet the applicable Property Standards, including the HTF Environmental Provisions at 24 CFR § 93.301(f)(1) or (2). Under 24 CFR Part 50 and Part 58 HUD funds cannot be committed to a project until the environmental review is complete. The Part 50 or Part 58 environmental review that will meet the HTF Environmental Provisions at project completion [24 CFR § 93.407(a)(2)(iv)] must be completed prior to commitment of other HUD funding.



58.22 - Commitment of HTF and HUD funds cannot take place until after the Environmental Review is complete. Choice Limiting Actions such as acquisition of a site are also prohibited until after the environmental review is complete!

See notice for additional information on HOME Commitments when combining HTF and HOME funding.

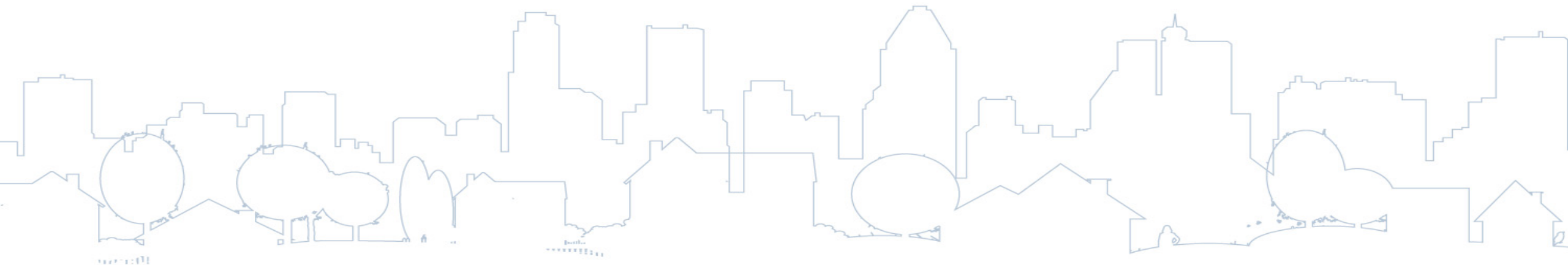
Timing

Part 58 Environmental Reviews include consultation and public notification requirements for certain laws and authorities.

- Floodplains – 8-step Process Public Notice Requirements (at least 30 days)
- Historic Preservation – Section 106 consultation with interested parties such as the State Historic Preservation Officers, federally recognized Indian tribes/Tribal Historic Preservation Officers, and Native Hawaiian Organizations (at least 30 days)

Timing

Public comment and Request for Release of Funds requirements for Categorical Exclusion Subject to 24 CFR § 58.5 reviews and Environmental Assessments under 24 CFR § 58.45 are still applicable when combining HUD funds with HTF. The Request for Release of Funds and Certification shall be sent to the appropriate HUD Field Office (or the State, if applicable).



Recordkeeping

- The Responsible Entity or HUD must maintain the Environmental Review Record (ERR) and provide a copy to the agency administering HTF.
- Suggested formats on the HUD Exchange can be used to document compliance with the HTF Environmental Provisions.

Suggested Format - HUD Part 50/58 Environmental Review with HTF Environmental Provisions - 24 CFR § 93.301(f)(1) – New Construction

(including new construction of manufactured housing or acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds)

When combining HTF with other HUD funds, Part 50 and 58 compliance procedures must be used when they meet the HTF Environmental Provisions under 24 CFR § 93.301(f)(1). When Part 50 and 58 compliance procedures do not meet the HTF Environmental Provisions, Part 50 and 58 compliance procedures are not sufficient. When combining a Part 50/58 review and HTF Environmental Provisions, Environmental Justice must be analyzed as part of the environmental review.

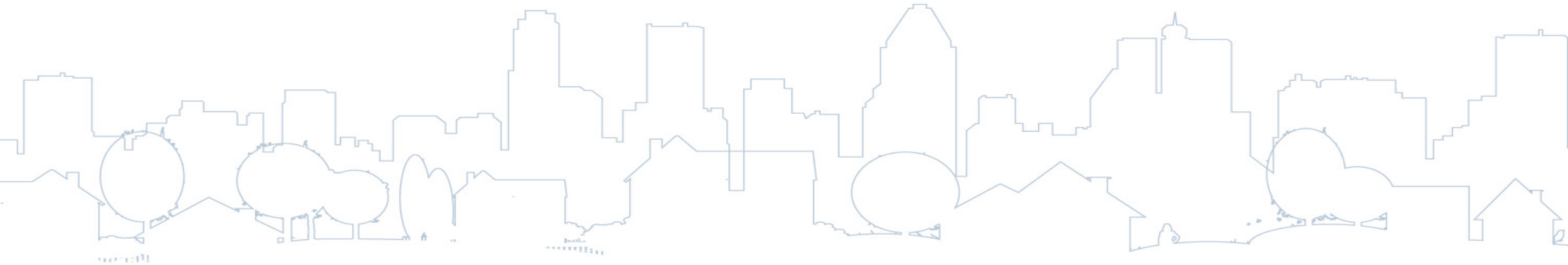
Document compliance with the following Laws and Authorities in the Part 50 or 58 Environmental Review Record. Part 50 and 58 compliance with the following Laws and Authorities meet the HTF Environmental Provisions; therefore Part 50 or 58 compliance procedures are not sufficient.

Suggested Format - HUD Part 50/58 Environmental Review with HTF Environmental Provisions - 24 CFR § 93.301(f)(2) – Rehabilitation

(including rehabilitation of manufactured housing and existing housing that is acquired with HTF funds, and has not been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds)

When combining HTF with other HUD funds, Part 50 and 58 compliance procedures must be used when they meet the HTF Environmental Provisions under 24 CFR § 93.301(f)(2). When Part 50 and 58 compliance procedures do not meet the HTF Environmental Provisions, Part 50 or 58 compliance procedures are not sufficient. When combining a Part 50/58 review and HTF Environmental Provisions, Environmental Justice must be analyzed as part of the environmental review.

ENVIRONMENTAL PROVISIONS



HTF Environmental Provisions

24 CFR § 93.301(f)(1) - New Construction

Including new construction of manufactured housing or acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds - 24 CFR § 93.301(f)(1)(3)(i)(A) and (4)

24 CFR § 93.301(f)(2) - Rehabilitation

Including rehabilitation of manufactured housing or acquisition of existing housing that has not been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds - - 24 CFR § 93.301(f)(1)(3)(i)(B) and (4)

HTF Environmental Provisions cover -

- Historic Preservation
- Farmlands
- Airport Zones
- Coastal Barrier Resources System
- Coastal Zone Management
- Floodplains
- Wetlands
- Explosives and Hazards
- Contamination
- Noise
- Endangered Species
- Wild and Scenic Rivers
- Safe Drinking Water
- Sole Source Aquifers

What's the same as Part 50/58?

The following Environmental Provisions are the same as the Part 50/58 process -

- Coastal Barrier Resources System
- Coastal Zone Management
- Explosives and Hazards
- Endangered Species (informal consultation)
- Wild and Scenic Rivers
- Sole Source Aquifers

What's different from Part 50/58?

The following Environmental Provisions are NOT the same as the Part 50/58 process –

- Historic Preservation
- Farmlands
- Airport Zones
- Floodplains
- Wetlands
- Contamination
- Noise
- Safe Drinking Water

In the presentation these will have a –



Complying with the provisions

NC

24 CFR § 93.301(f)(1) - New Construction

R

24 CFR § 93.301(f)(2) - Rehabilitation

NC/R

New Construction/Rehabilitation - Provisions are the same for New Construction and Rehabilitation

Historic Preservation ★

(A) Standards. The project activities (including demolition) must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places, unless the project activities meet the Secretary of the Interior's Standards for Rehabilitation, either as certified through the Federal and/or State historic rehabilitation tax credit programs or as verified by someone that meets the relevant Secretary of the Interior's Professional Qualification Standards



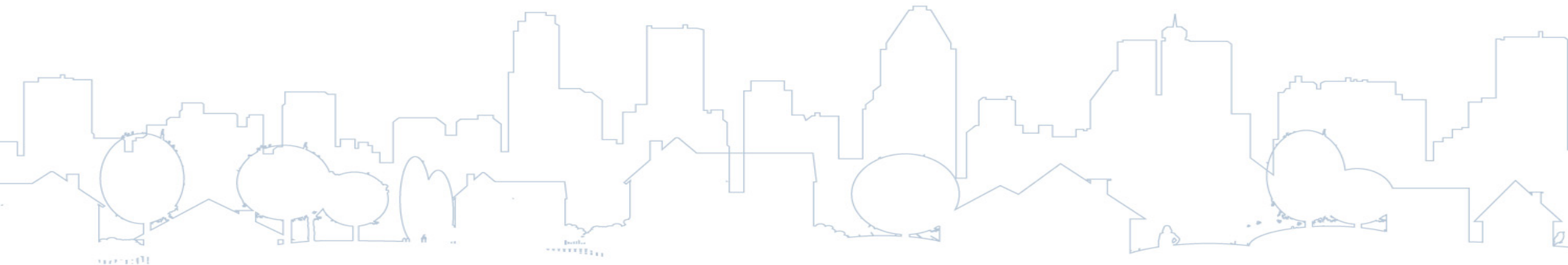
Historic Preservation ★

Documentation:

- Document if the project is not listed or eligible to be listed on the National Register of Historic Places (certification by a qualified professional).
- If the project is listed or eligible to be listed on the National Register of Historic Places, provide documentation on how the work meets the Secretary of Interior's Standards for Rehabilitation (photos, architectural plans, and certification by a qualified professional).

Historic Preservation ★

Compliance with Section 106 is achieved by following the procedures that the Advisory Council on Historic Preservation has outlined in 36 CFR Part 800, including consultation with interested parties such as the State Historic Preservation Officers, federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs), and Native Hawaiian Organizations.



Historic Preservation ★

Documentation:

- Document the Section 106 Consultation Process
- Document if the project is not listed or eligible to be listed on the National Register of Historic Places (certification by a qualified professional).
- If the project is listed or eligible to be listed on the National Register of Historic Places, there must be No Adverse Effect. Provide documentation on how the work meets the Secretary of Interior's Standards for Rehabilitation (photos, architectural plans, and certification by a qualified professional).

Historic Preservation

(B) Archaeological resources. If archaeological resources or human remains are discovered on the project site during construction, the grantee must consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

Historic Preservation

Documentation:

- If archaeological resources or human remains are discovered on the project site during construction, document all consultation correspondence with affected tribes and/or descendant communities and how the project complies with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

Farmlands ★

Project activities must not result in the conversion of unique, prime, or statewide or locally significant agricultural properties to urban uses.



If the project activities consist solely of rehabilitation, then the project will not result in the conversion of unique, prime, or locally significant agricultural properties to urban uses.

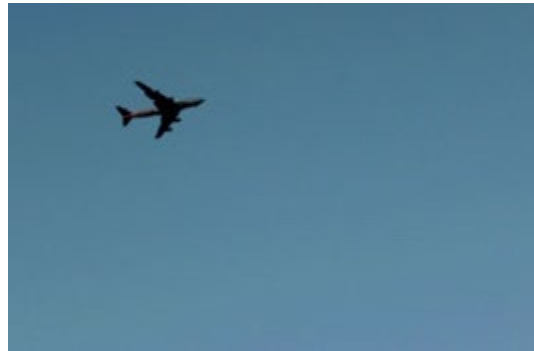
Farmlands

Documentation:

- A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property, or a map showing the project is in an urban area.
- If rehabilitation document a summary of rehabilitation activities that are part of the project.

Airport Zones ★

Projects are NOT permitted within the Runway Protection Zones (RPZ) of civilian airports, or the clear zones or Accident Potential Zones (APZ) of military airfields.



Airport Zones ★

Documentation:

- A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport.
- If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so.
- If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ or a letter from the airport operator stating so.

Coastal Barrier Resource System

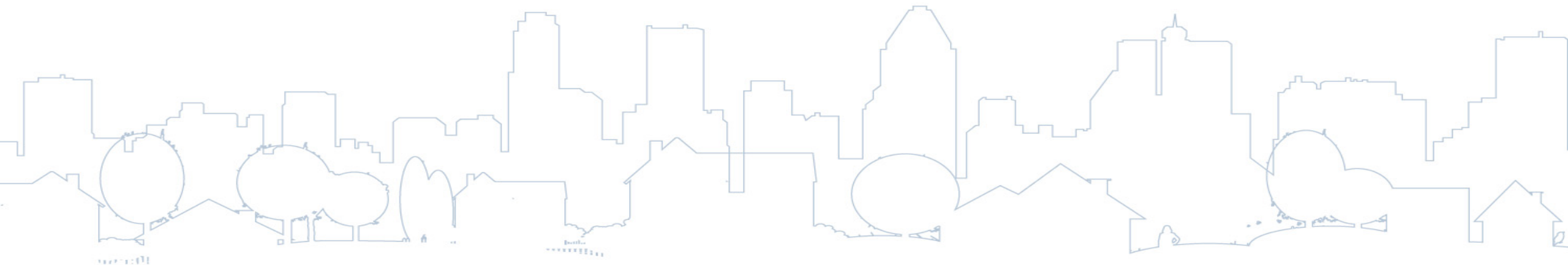
No projects may be assisted in Coastal Barrier Resource System (CBRS) units. CBRS units are mapped and available from the U.S. Fish and Wildlife Service (FWS).



Coastal Barrier Resource System

Documentation:

- A map showing that the project site is not located in a CBRS unit or a statement that the state contains no CBRS unit.



Coastal Zone Management

Development must be consistent with the appropriate State coastal zone management plan. Plans are available from the local coastal zone management agency.



Coastal Zone Management

Documentation:

- Document that the project site is not located in a Coastal Zone. A map showing that the project site is not located in a Coastal Zone or a statement that the state does not have a Coastal Zone Management Plan.
- If a project is located within a Coastal Zone document that the project is consistent with the State Coastal Zone Management Plan, this may require contacting the state Coastal Zone Management Agency to obtain a letter of consistency for the project.

Floodplains ★

(A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated at least the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards.



Floodplains

(B) No HTF assistance may be approved with respect to: (1) Any action, other than a functionally dependent use, located in a floodway; (2) Any new construction critical action located in a coastal high hazard area, 100- or 500-year floodplain; or (3) Any non-critical new construction action in a coastal high hazard area, unless the action is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.

Floodplains

Documentation:

- **Not in a Floodplain** - FEMA FIRM or other latest-available FEMA data showing the project location is not within a floodplain.
- **Floodway** - If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use. HTF funding is not going towards functionally dependent uses!

Floodplains

Documentation:

- **Coastal High Hazard Area** - If the project site is within a Coastal High Hazard area, provide the FIRM or latest-available FEMA data and document that the structure is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.
- **500-year** - If the project site is within the 500-year floodplain provide the FIRM or latest-available FEMA data and document that the structure is not a Critical Action.

Floodplains ★

Documentation:

- **100-year** - If the project site is within the 100-year floodplain, document whether there is a practicable alternative. If so, select a site outside the floodplain. If there is no practicable alternative, provide the FIRM or latest-available FEMA data and document that the structure has been elevated to at least the BFE or floodproofed to one foot above the BFE, that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is a not a Critical Action.

Floodplains ★

Document:

- **100-year** - If the project site is within the 100-year floodplain, an 8-step Process including notifications is required. Any structure located within the 100-year floodplain must be elevated to at least the BFE or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, Critical Actions are not allowed.

Floodplains ★

(A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated at least to the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards.

Floodplains

(B) No HTF assistance may be approved with respect to: (1) Any action, other than functionally dependent uses, located in a floodway; (2) Any critical action located in a coastal high hazard area, 100- or 500- year floodplain; or (3) Any non-critical action in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.

Floodplains

Documentation:

- **Not in a Floodplain** - FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.
- **Floodway** - If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use. HTF funding is not going towards functionally dependent uses!

Floodplains

Documentation:

- **Coastal High Hazard Area** - If the project site is within a Coastal High Hazard area, provide the FIRM or latest-available FEMA data and document that the structure is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.
- **500-year** - If the project site is within the 500-year floodplain provide the FIRM or latest-available FEMA data and document that the structure is not a Critical Action.

Floodplains ★

Documentation:

- **100-year** - If the project site is within the 100-year floodplain, document whether there is a practicable alternative. If so, select a site outside the floodplain. If there is no practicable alternative, provide the FIRM or latest-available FEMA data. In addition, if the project is a substantial improvement, document that the structure has been elevated at least the BFE or floodproofed to one foot above the BFE., that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is a not a Critical Action.

Floodplains ★

Document:

- **100-year** - If the project site is within the 100-year floodplain, an 8-step Process and required notifications is required. Any structure that will be substantially improved and is located within the 100-year floodplain must be elevated to at least the BFE or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, Critical Actions are not allowed.

Wetlands ★

No draining, dredging, channelizing, filling, diking, impounding, or related grading activities are to be performed in wetlands. No activities, structures, or facilities funded under this program are to adversely impact a wetland.



Wetlands ★

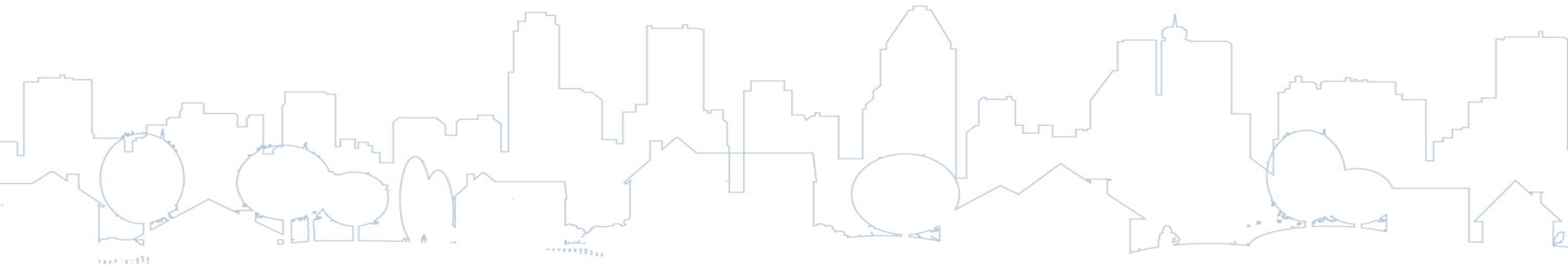
No rehabilitation of existing properties that expands the footprint into a wetland is allowed.

A wetland means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

Wetlands

Documentation:

- A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.



Explosives and Hazards

Projects must be in compliance with the standards for acceptable separation distance, as set forth at 24 CFR part 51, subpart C.

Documentation:

- Document that the project meets the standards for acceptable separation distance.



Explosives and Hazards

If the rehabilitation of the building increases the number of dwelling units, then the project must be in compliance with the standards for acceptable separation distance as set forth at 24 CFR part 51, subpart C.

Documentation:

- If the project will not increase residential densities, then the project is in compliance with 24 CFR part 51, subpart C. Document that the rehabilitation will not increase the number of dwelling units in the building.
- If the project will increase residential densities, document that the project meets the standards for acceptable separation distance.

Contamination

All properties assisted with HTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property:



Contamination ★

(A) All proposed multifamily (more than four housing units) HTF *project/project activities* require a Phase I Environmental Site Assessment (ESA-ASTM). If the Phase I ESA identifies recognized environmental conditions (RECs), a Phase II (ESA-ASTM) will be required. ASTM reports shall be prepared in accordance with the most current ASTM standard. Single family housing does not require a Phase I ESA.

Contamination

(B) HTF projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended utilization of the property.

Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.

Contamination

Documentation:

- Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.
- Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.

Contamination ★

Multifamily properties (more than 4 units) - a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.

Contamination

Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.

Noise ★

(A) Internal noise levels: All activities will be developed to ensure an interior noise level of no more than 45 decibels (dB). (B) External noise levels: (1) Project sites exposed to less than or equal to 65 dB of environmental noise are acceptable. (2) Sites between 65 dB and less than 75 dB are acceptable with mitigation (e.g., noise walls, careful site planning) that result in an interior standard of 45 dB. (3) Locations with environmental noise levels of 75 dB or greater may not have noise sensitive outdoor uses and require sound attenuation in the building shell to achieve the 45 dB interior standard.



Noise ★

Documentation:

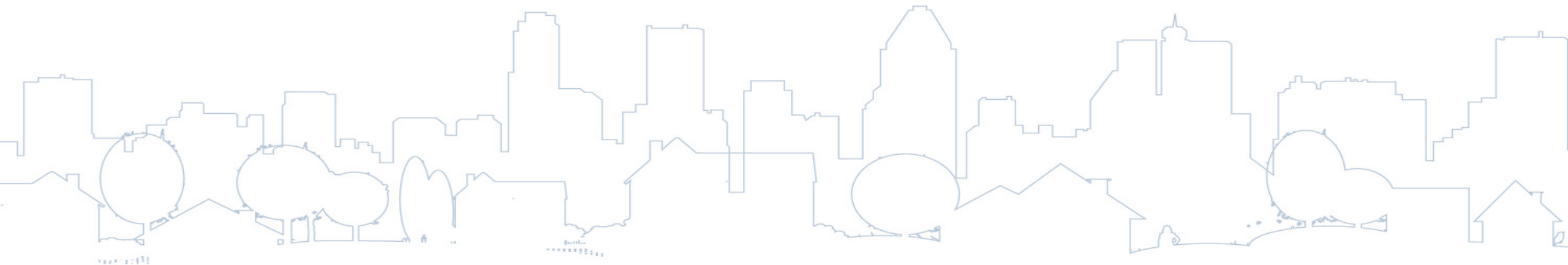
- If under 65 dB, document the external noise level.
- If the exterior noise level is between 65 dB and less than 75 dB, document the mitigation measures taken to meet the interior noise level standard of no more than 45 dB.
- If there are exterior noise levels of 75 dB or greater, document the mitigation measures taken to meet the interior noise level standard of no more than 45 dB. Also document that there are no outside noise sensitive uses involved in the project.

Noise ★

(A) Internal noise levels. All activities will be developed to ensure an interior noise level of no more than 45 decibels (dB).

Documentation:

- Document that interior noise levels will be no more than 45 dB.



Endangered Species

The grantee must avoid all actions which could jeopardize the continued existence of any endangered or threatened species, as designated by the U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS), or would result in the destruction or adversely modify the designated critical habitat of such species.



Endangered Species

Documentation:

- Provide documentation that there are no endangered, threatened species, or critical habitat on the project site.
- If there are endangered, threatened species or critical habitat on the project site, document that the project will not jeopardize an endangered or threatened species, and will not adversely modify critical habitat. *This may require informal consultation with FWS and/or NMFS.*

Wild and Scenic Rivers

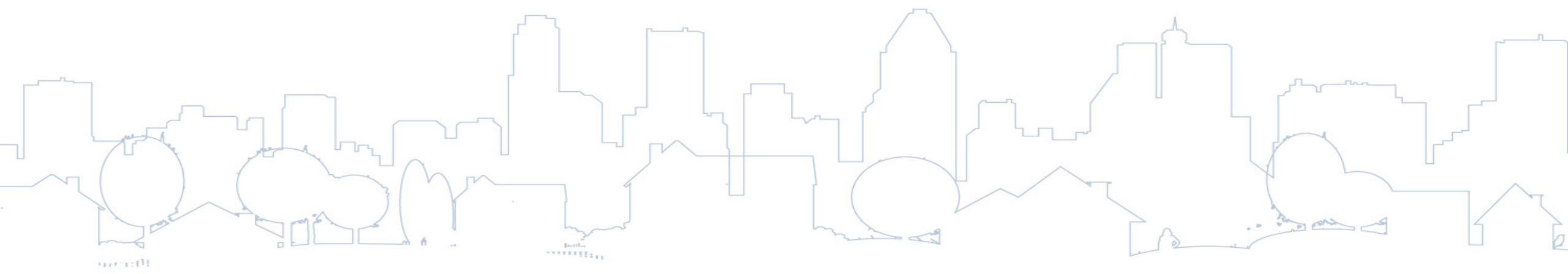
The grantee must avoid activities that are inconsistent with conservation easements, land-use protections, and restrictions adjacent to wild and scenic rivers, as designated/listed by the Department of Interior. Maps for the National Wild and Scenic Rivers System are available at the governing departments.



Wild and Scenic Rivers

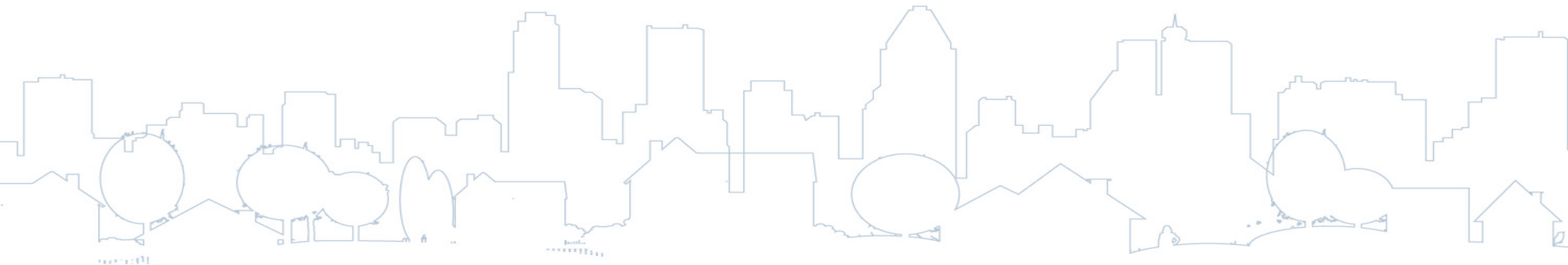
Documentation:

- Document that the project is not located near a Wild and Scenic River.
- If the project site is located near a Wild and Scenic river document that the project is consistent with the River's Management Plan.



Safe Drinking Water ★

Projects with a potable water system must use only lead-free pipes, solder, and flux.



Safe Drinking Water ★

Documentation:

- New construction – current federal and local laws prohibit the use of lead in pipes, solder and flux.
- For rehabilitation of buildings built after 1988, document the year the building was built.
- For rehabilitation of buildings built prior to 1988, testing of pipes must be below 15 ppb.

Sole Source Aquifer

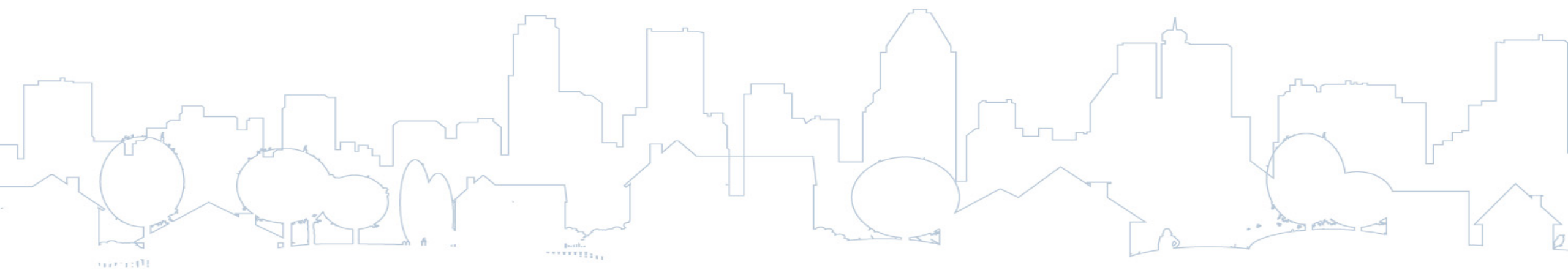
Project activities should avoid sites and activities that have the potential to contaminate sole source aquifer areas (SSAs). EPA defines a sole or principal source aquifer as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. If the project overlies an SSA, EPA must review the project. EPA review is designed to reduce the risk of ground water contamination that could pose a health hazard to those who use it.



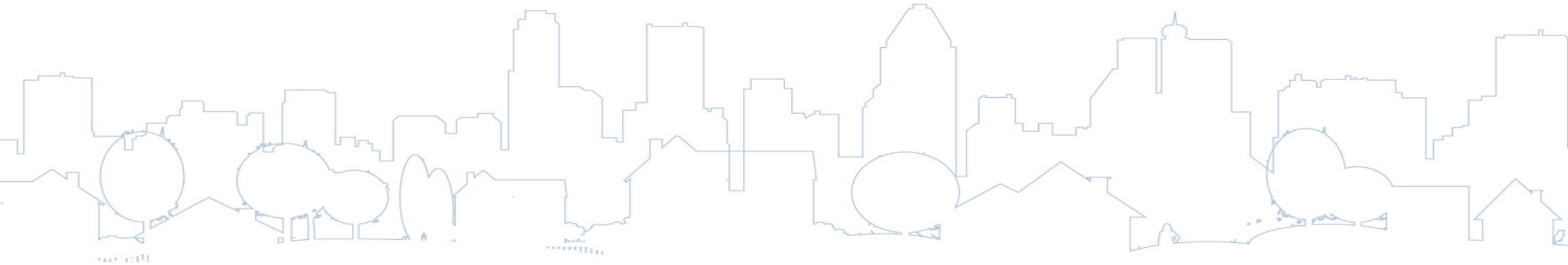
Sole Source Aquifer

Documentation:

- Document that the project site is not located on a Sole Source Aquifer.
- If the project site located on a Sole Source Aquifer provide documentation from EPA that the project will not impact the SSA (including regional MOUs).



HTF VS. PART 58



Process

HTF

- No Level of Review
- No Public Comment Periods
- NO AUGF
- Environmental Provisions must be documented at Project Completion

Part 58

- Level of Review
- Public Comment when CEST (that doesn't convert to exempt) and EAs
- AUGF for CEST and EAs
- Review complete prior to any actions

What's different from Part 50/58?

The following Environmental Provisions are different than the Part 50/58 process –

- Historic Preservation
- Farmlands
- Airport Zones
- Floodplains
- Wetlands
- Contamination
- Noise
- Safe Drinking Water

Historic Preservation

HTF

- Does not require consultation
- If the project is listed or eligible to be listed on the National Register of Historic Places, there must be No Adverse Effect and the project must meet the Secretary of Interior's Standards for Rehabilitation.

Part 58

- Section 106 Consultation
- If the project is listed or eligible to be listed on the National Register of Historic Places, if there is an Adverse Effect, the resolution of adverse effects generally results in a Memorandum of Agreement that spells out how the adverse effects will be minimized and/or mitigated.

If the project is on the National Register can it be demolished?

HTF



Part 58



Project did proceed with a MOA – the MOA laid out documentation and archiving of the structure, plans and photographs that were submitted to the SHPO prior to demolition.

Farmlands

HTF

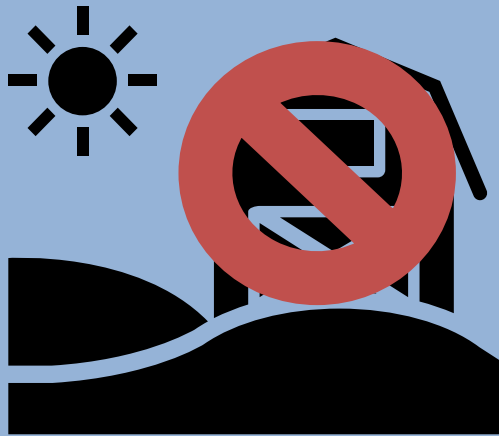
- Project activities must not result in the conversion of unique, prime, or statewide or locally significant agricultural properties to urban uses.

Part 58

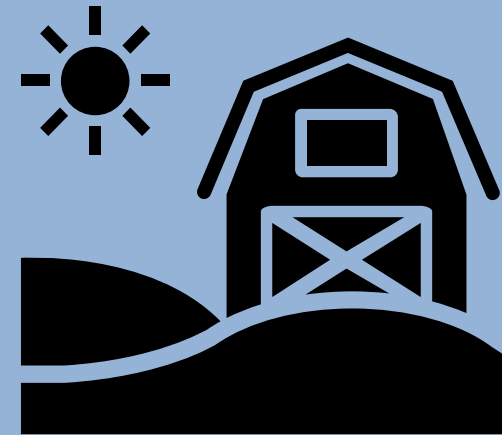
- If a project includes conversion of unique, prime, or statewide or locally significant agricultural properties to urban uses, then complete form AD-1006 (consider alternatives and mitigation measures).

If the project converts any kind of Farmland....

HTF



Part 58



USDA Form AD-1006 and possible mitigation

Airport Zones

HTF

- Projects are NOT permitted within the Runway Protection Zones (RPZ) of civilian airports, or the clear zones or Accident Potential Zones (APZ) of military airfields.

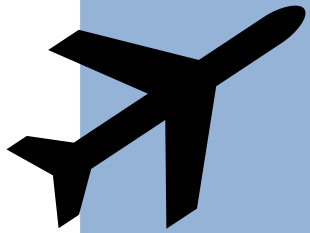
Part 58

Very Limited -

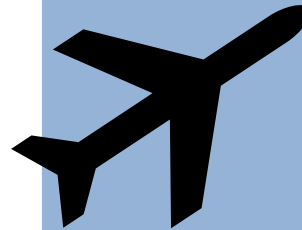
- If the site is in a designated APZ, documentation of consistency with DOD Land Use Compatibility Guidelines (a single house is allowed)
- If the site is in a designated RPZ and the project involves the acquisition of an existing property notification must be given to the prospective buyers

If the project is located in an RPZ or APZ...

HTF



Part 58



Limited Circumstances

Floodplains

HTF

- Avoid locating projects in the 100-year floodplain when practicable.
- Projects located within the 100-year floodplain must be elevated to at least base flood elevation (BFE) or floodproofed to 1 foot above BFE.

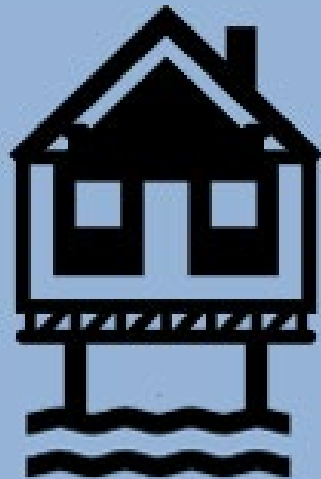
Part 58

- For projects located in the 100-year floodplain an 8-step Process and notifications are required.
- New Construction and Substantial Improvements within the 100-year floodplain must meet local elevation standards.

Floodways, Coastal High Hazard Areas and 500-year floodplains are the same between HTF and 58.

If the project is in the 100-year floodplain...

HTF



Elevated to BFE or
Floodproofed +1 Ft

Part 58



8-Step Process and Local
Elevation Standards

Wetlands

HTF

No impacts on wetlands.

Part 58

If a new construction or rehabilitation project will impact a wetland, an 8-step process must be completed to determine that there are no practicable alternatives to wetlands development.

- Consider alternatives
- Public Notice

If the project impacts a wetland....

HTF



Part 58



8-Step Analysis

Contamination

HTF

- Multifamily Projects require ASTM Phase I

Part 58

- Not all HUD programs require Multifamily Projects to complete an ASTM Phase I
- Analysis of historical uses, on-site and off-site contamination.

All properties assisted with HTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.

Noise

HTF

- Interior Noise Level of 45 dB is required for new construction and rehabilitation projects.
- Exterior Noise between 65-75 dB must meet the 45 dB interior standard
- Exterior Noise above 75 dB must meet the 45 dB interior standard and have no outdoor noise sensitive uses associated with the project.

Part 58

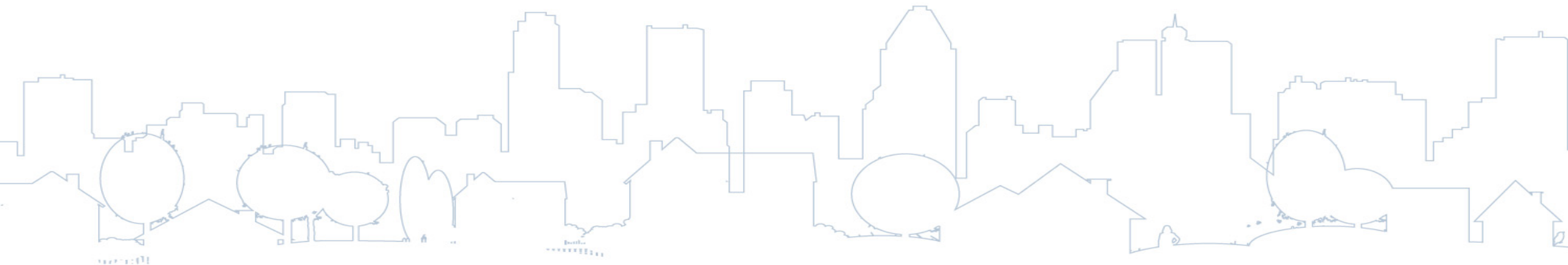
- Interior Noise Level of 45 dB is a *goal* for new construction and rehabilitation Projects.
- Exterior Noise between 65-75 dB must attenuate between 5-10 dB.
- Exterior Noise above 75 dB must attenuate, and Certifying Officer sign off on the Approval.

Safe Drinking Water

HTF

Part 58

- Projects with a potable water system must use only lead-free pipes, solder, and flux.



THANK YOU

QUESTIONS?

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