



**U.S. Department of Housing and Urban  
Development**

451 Seventh Street, SW  
Washington, DC 20410  
www.hud.gov  
espanol.hud.gov

# **Environmental Review for Continuum of Care Leasing or Rental Assistance Project that is Categorically Excluded Subject to Section 58.5**

**Pursuant to 24 CFR 58.35(a)(5)**

This CoC Limited Scope Review Format is to be used **only** for leasing or rental assistance activities without any associated repairs, rehabilitation, new construction, or other activities with physical impacts funded under the Continuum of Care (CoC) program.

Certain fields have been completed already based on the specifics of these program activities. It is the Responsible Entity's responsibility to ensure that all required fields (those marked with an asterisk) and analysis are completed.

## **Project Information**

**\*Project Name:**

**\*Responsible Entity:**

**Grant Recipient** (if different than Responsible Entity):

**State/Local Identifier:**

**\*Preparer:**

**\*Certifying Officer Name and Title:**

**Consultant** (if applicable):

**\*Project Location:**

**\*Description of the Proposed Project [24 CFR 58.32; 40 CFR 1508.25]:**

**\*Level of Environmental Review Determination:**

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5, per 24 CFR 58.35(a)(5).

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**Funding Information**

<b>*Grant Number</b>	<b>*HUD Program</b>	<b>*Funding Amount</b>
	Continuum of Care (CoC)	

**\*Estimated Total HUD Funded Amount:**

**\*Estimated Total Project Cost (HUD and non-HUD funds):**

**Compliance with 24 CFR 58.5 and 58.6 Laws and Authorities**

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits or approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input type="checkbox"/>	This project consists only of leasing or rental assistance and is in compliance with the HUD’s Airport Hazard regulations without further evaluation.
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input type="checkbox"/>	*
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input type="checkbox"/>	*

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<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>		
<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input type="checkbox"/> <input type="checkbox"/>	This project consists only of leasing or rental assistance and is in compliance with the Clean Air Act without further evaluation.
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes    No <input type="checkbox"/> <input type="checkbox"/>	This project consists only of leasing or rental assistance and is in compliance with the Coastal Zone Management Act without further evaluation.
<b>Contamination and Toxic Substances</b>  24 CFR 58.5(i)(2)	Yes    No <input type="checkbox"/> <input type="checkbox"/>	*
<b>Endangered Species</b>  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes    No <input type="checkbox"/> <input type="checkbox"/>	This project consists only of leasing or rental assistance and is in compliance with the Endangered Species Act without further evaluation.
<b>Explosive and Flammable Hazards</b>  24 CFR Part 51 Subpart C	Yes    No <input type="checkbox"/> <input type="checkbox"/>	This project consists only of leasing or rental assistance and is in compliance with HUD's Explosive and Flammable Hazards standards without further evaluation.
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input type="checkbox"/> <input type="checkbox"/>	This project consists only of leasing or rental assistance and is in compliance with the Farmland Protection Policy Act without further evaluation.
<b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input type="checkbox"/>	*
<b>Historic Preservation</b>  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input type="checkbox"/>	HUD has determined that leasing and rental assistance with no associated repairs, rehabilitation, or other activities with physical impacts has No Potential to Cause Effects under 36 CFR 800.3(a)(1) (see Appendix A). Therefore, this project is in compliance with Section 106 of the National Historic Preservation Act without further obligations.
<b>Noise Abatement and Control</b>	Yes    No	This project consists only of leasing or rental assistance. HUD's Noise standards do not

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24 CFR Part 51 Subpart B	<input type="checkbox"/> <input type="checkbox"/>	apply.
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No <input type="checkbox"/> <input type="checkbox"/>	This project consists only of leasing or rental assistance and is in compliance with the Safe Drinking Water Act without further evaluation.
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5; 24 CFR Part 55 wetlands provisions	Yes No <input type="checkbox"/> <input type="checkbox"/>	This project consists only of leasing or rental assistance without any new construction. Executive Order 11990 and Part 55 wetlands provisions do not apply to projects that do not involve new construction in a wetland.
<b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No <input type="checkbox"/> <input type="checkbox"/>	This project consists only of leasing or rental assistance and is in compliance with the Wild and Scenic Rivers Act without further evaluation.
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes No <input type="checkbox"/> <input type="checkbox"/>	*

**Mitigation Measures and Conditions**

Summarize below all mitigation measures either taken or required as a condition of approval of the project by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

**\*Determination:**

- This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities,

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nor requires any formal permit or license; **Funds may be committed and drawn down** for this (now) EXEMPT project; OR

- This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF, submit RROF (HUD 7015.15), and obtain “Authority to Use Grant Funds”** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
- This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature:

\_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: \_\_\_\_\_

\_\_\_\_\_

Responsible Entity Agency Official Signature:

\_\_\_\_\_ Date: \_\_\_\_\_

Name/Title: \_\_\_\_\_

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

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Appendix A –



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-7000

OFFICE OF THE ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT

FEB 20 2014

MEMORANDUM FOR: CPD Division Directors  
Regional Environmental Officers

FROM: *Danielle Schopp*  
Danielle Schopp, Director, Office of Environment and  
Energy, DGE

SUBJECT: Determination that Continuum of Care (CoC) Leasing and Rental Assistance with no associated physical building activities have "No Potential to Cause Effects" under Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800

The U.S. Department of Housing and Urban Development (HUD) has determined that leasing and rental assistance activities in the Continuum of Care (CoC) Program that include no maintenance, repairs, or rehabilitation to the leased or rented properties have "No Potential to Cause Effects," as described in 36 CFR 800.3(a)(1). These leasing and rental assistance activities provide transitional or permanent housing for the homeless in existing scattered site buildings with no associated physical changes to the buildings, and have no potential to cause effects on historic properties, assuming such properties were present. Neither HUD nor the grantees participating in the CoC Program have any further obligations for these projects under Section 106 of the National Historic Preservation Act (Section 106) or 36 CFR Part 800. No consultation with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or other interested parties is required.

A copy of this memorandum in the Environmental Review Record for a qualifying individual CoC project will document compliance with Section 106, 36 CFR Part 800, 24 CFR Part 50, and 24 CFR Part 58 regarding historic properties.

Leasing and rental assistance with associated unit or building repairs, rehabilitation, or new construction do not qualify for the treatment described in this memo. Likewise, other types of projects participating in the CoC Program, including repairs, rehabilitation, and new construction, do not qualify for the treatment described in this memo. These activities must be fully reviewed under the Section 106 process, including consultation with a SHPO, THPO and/or tribal authority, interested parties and the public, to aid HUD or the Responsible Entity in making an effect determination.

Please direct any questions regarding this memorandum to Nancy E. Boone, Federal Preservation Officer, at [Nancy.E.Boone@hud.gov](mailto:Nancy.E.Boone@hud.gov) or 202-402-5718.