



HANDOUTS

for

 MILONE & MACBROOM

ENVIRONMENTAL REVIEW
HUD CONTINUUM OF CARE PROJECTS



Presented by:
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February 26, 2018

Useful Links:

Overview of HUD's Environmental review process:

<https://www.hudexchange.info/programs/environmental-review/orientation-to-environmental-reviews/#overview>

Information on each Environmental Compliance field:

<https://www.hudexchange.info/programs/environmental-review/federal-related-laws-and-authorities/>

Guidance on completing the CEST Limited Scope Form:

<https://www.hudexchange.info/resources/documents/Limited-Scope-Environmental-Review-Instructions-CoC.pdf>

Webinar on Rental Assistance vs. Leasing

<https://www.hudexchange.info/resource/3112/differences-between-leasing-and-rental-assistance-under-the-coc-program/>

24 CFR § 58.35 Categorical exclusions.

Categorical exclusion refers to a category of activities for which no environmental impact statement or environmental assessment and finding of no significant impact under NEPA is required, except in [extraordinary circumstances](#) (see [§ 58.2\(a\)\(3\)](#)) in which a normally excluded activity may have a significant impact. Compliance with the other applicable Federal environmental laws and authorities listed in [§ 58.5](#) is required for any categorical exclusion listed in [paragraph \(a\)](#) of this section.

(a) Categorical exclusions subject to [§ 58.5](#). The following activities are categorically excluded under NEPA, but may be subject to review under authorities listed in [§ 58.5](#):

- (1)** Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets).
- (2)** Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.
- (3)** Rehabilitation of [buildings](#) and improvements when the following conditions are met:
 - (i)** In the case of a [building](#) for residential use (with one to four units), the density is not increased beyond four units, and the land use is not changed;
 - (ii)** In the case of multifamily residential buildings:
 - (A)** [Unit density](#) is not changed more than 20 percent;
 - (B)** The project does not involve changes in land use from residential to non-residential; and
 - (C)** The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
 - (iii)** In the case of non-residential structures, including commercial, industrial, and public buildings:
 - (A)** The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
 - (B)** The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.
- (4)**
 - (i)** An individual action on up to four [dwelling units](#) where there is a maximum of four units on any one [site](#). The units can be four one-unit [buildings](#) or one four-unit [building](#) or any combination in between; or
 - (ii)** An individual action on a project of five or more housing units developed on scattered [sites](#) when the [sites](#) are more than 2,000 feet apart and there are not more than four housing units on any one [site](#).
 - (iii)** Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a [building](#) for residential use (with one to four units) (see [paragraph \(a\)\(3\)\(i\)](#) of this section).
- (5)** Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.
- (6)** Combinations of the above activities.

(b) *Categorical exclusions not subject to § 58.5.* The Department has determined that the following categorically excluded activities would not alter any conditions that would require a review or compliance determination under the Federal laws and authorities cited in § 58.5. When the following kinds of activities are undertaken, the [responsible entity](#) does not have to publish a NOI/RROF or execute a certification and the recipient does not have to submit a RROF to HUD (or the State) except in the circumstances described in [paragraph \(c\)](#) of this section. Following the award of the assistance, no further approval from HUD or the State will be needed with respect to environmental requirements, except where [paragraph \(c\)](#) of this section applies. The recipient remains responsible for carrying out any applicable requirements under § 58.6.

(1) Tenant-based rental assistance;

(2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;

(3) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;

(4) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;

(5) Activities to assist homebuyers to purchase existing [dwelling units](#) or [dwelling units](#) under construction, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title.

(6) Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining [site](#) options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.

(7) Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same [responsible entity](#) that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under [§ 58.47](#).

(c) *Circumstances requiring NEPA review.* If a [responsible entity](#) determines that an activity or project identified in paragraph (a) or (b) of this section, because of [extraordinary circumstances](#) and conditions at or affecting the location of the activity or project, may have a significant environmental effect, it shall comply with all the requirements of this part.

(d) The Environmental Review Record (ERR) must contain a well organized written record of the process and determinations made under this section.

[[61 FR 19122](#), Apr. 30, 1996, as amended at [63 FR 15272](#), Mar. 30, 1998; [68 FR 56129](#), Sept. 29, 2003; [78 FR 68734](#), Nov. 15, 2013]

24 CFR § 58.34 Exempt activities.

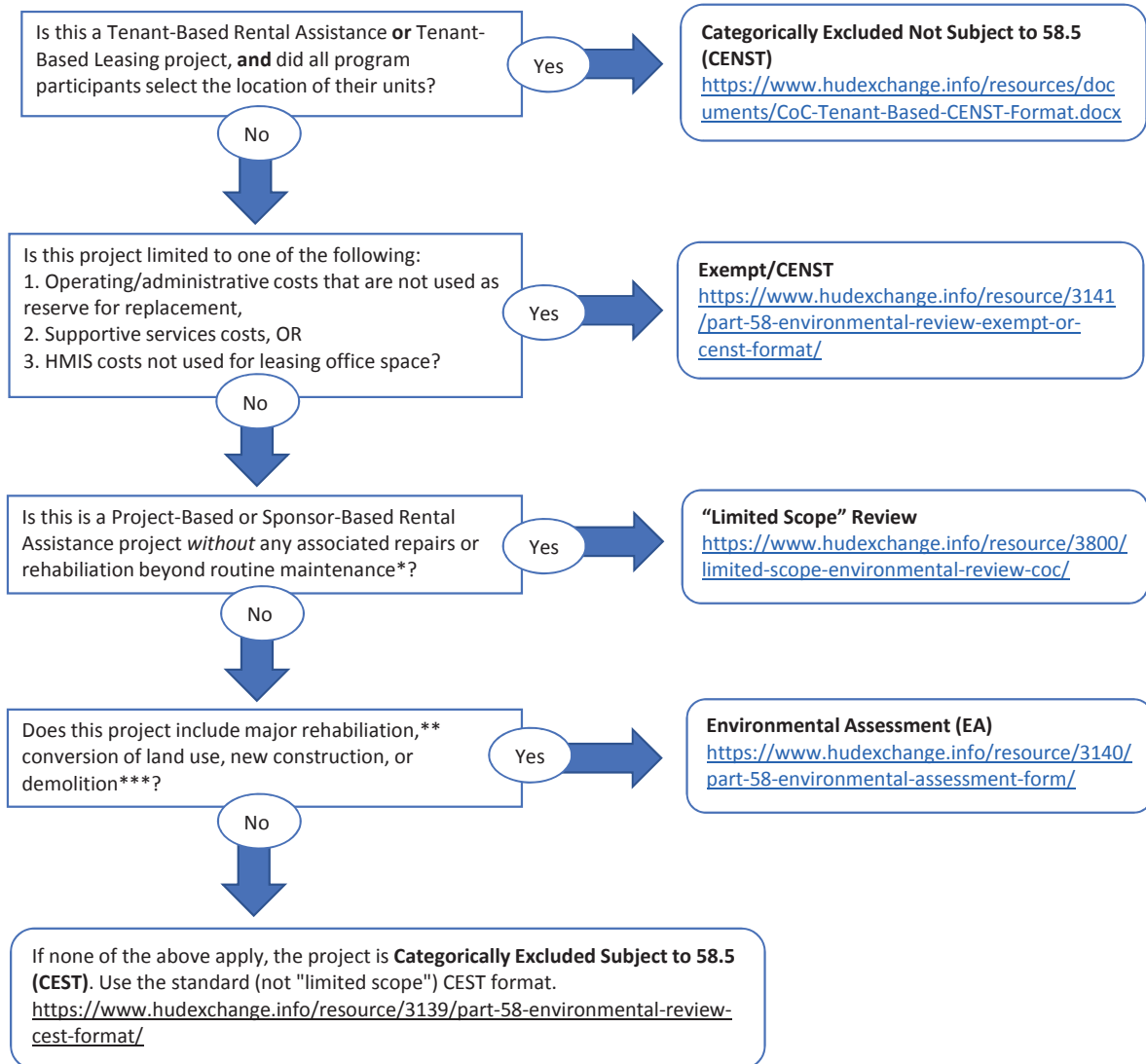
(a) Except for the applicable requirements of § 58.6, the **responsible entity** does not have to comply with the requirements of this part or undertake any environmental review, consultation or other action under NEPA and the other provisions of law or authorities cited in § 58.5 for the activities exempt by this section or projects consisting solely of the following exempt activities:

- (1) Environmental and other studies, resource identification and the development of plans and strategies;
- (2) Information and financial services;
- (3) Administrative and management activities;
- (4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
- (5) Inspections and testing of properties for hazards or defects;
- (6) Purchase of insurance;
- (7) Purchase of tools;
- (8) Engineering or design costs;
- (9) Technical assistance and training;
- (10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
- (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
- (12) Any of the categorical exclusions listed in § 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in § 58.5.

(b) A recipient does not have to submit an RROF and certification, and no further approval from HUD or the State will be needed by the recipient for the drawdown of funds to carry out exempt activities and projects. However, the **responsible entity** must document in writing its determination that each activity or project is exempt and meets the conditions specified for such exemption under this section.

[61 FR 19122, Apr. 30, 1996, as amended at 63 FR 15271, Mar. 30, 1998]

What level of review and which format should be used to complete environmental reviews for Continuum of Care (CoC) Program projects?



**This document applies only to CoC program projects.
For more information on determining level of review, consult 24 CFR Part 58.**

* Routine maintenance is defined for purposes of environmental review at
<https://www.hudexchange.info/resources/documents/Guidance-Categorizing-Activity-as-Maintenance-Environmental-Regulations-24-CFR-Parts-50-and-58.pdf>

** For purposes of determining level of review, "major rehabilitation" is rehabilitation that does not conform to the limitations listed in 24 CFR 58.35(a)(3).

*** Select "yes" if new construction or demolition falls outside the definition of an "individual action" in 24 CFR 58.35(a)(4). If proposed construction or demolition conforms to the requirements in that section, select "no."



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

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**Environmental Review for Continuum of Care (CoC)
Rental Assistance Project that is
Categorically Excluded Not Subject to Section 58.5 (CENST)
Pursuant to 24 CFR Part 58.35(b)**

This CoC CENST Format is to be used **only** for **tenant-based** 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.

This format may be used to review a single unit, but Responsible Entities are encouraged to use it to conduct a “programmatically” environmental review covering all tenant-based units within the CoC.

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 and analysis are completed. Note that text in red is meant as instructions for the Responsible Entity and may be deleted as the review is completed.

Project Information

Project Name:

Responsible Entity:

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Preparer:

Project Location: [This review may cover the full range of the CoC or any subset of the CoC that is found appropriate by the Responsible Entity.]

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

Level of Environmental Review Determination:

This format is to be used for **tenant-based** leasing or rental assistance activities funded under the Continuum of Care (CoC) program only.

Activity/Project is Exempt per 24 CFR 58.34(a): _____

Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):

Funding Information

Grant Number	HUD Program	Funding Amount
	Continuum of Care (CoC)	

Estimated Total HUD Funded Amount:

This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable):

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

Compliance with 24 CFR §50.4 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 of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6		
Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input type="checkbox"/>	This project consists only of rental assistance and is in compliance with HUD's Airport Hazard regulations without further evaluation.
Coastal Barrier Resources 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"/>	Choose one of the following compliance determinations based on the location of the project: <i>If the project is (1) in AL, CN, DE, FL, GA, LA, ME, MD, MA, MI, MS, MN, NJ, NY, NC,</i>

This format is to be used for **tenant-based** leasing or rental assistance activities funded under the Continuum of Care (CoC) program only.

		<p><i>OH, PR, RI, SC, TX, VI, VA, or WI and (2) the CoC includes one or more coastal counties:</i></p> <p>No units may be rented within a Coastal Barrier Resource Unit. Each unit located in a coastal county will be checked against the US Fish and Wildlife Service’s Coastal Barrier Resource System Mapper to ensure that no units are rented in Coastal Barrier Resource Units.</p> <p><i>If the project is (1) in located in one of the above-listed states and (2) the CoC does not include any coastal counties:</i></p> <p>This project is in compliance with the Coastal Barrier Resources Act because the CoC area does not include any Coastal Barrier Resources. <i>See attached map demonstrating that no projects covered under this review are located within a coastal county or Coastal Barrier Resource Unit.</i></p> <p><i>If the project is not located in one of above-listed states:</i></p> <p>This project is in compliance with the Coastal Barrier Resources Act because the CoC area is in a state that does not include any Coastal Barrier Resources.</p>
<p>Flood Insurance</p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>Yes No</p> <p><input type="checkbox"/> <input type="checkbox"/></p>	<p>This project consists only of rental assistance, and therefore flood insurance is recommended but not required. The project is in compliance with the National Flood Insurance Program without further evaluation.</p>

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted 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.

This format is to be used for **tenant-based** leasing or rental assistance activities funded under the Continuum of Care (CoC) program only.

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).



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

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Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to Section 58.5 Pursuant to 24 CFR Part 58.34(a) and 58.35(b)

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:

Activity/Project is Exempt per 24 CFR 58.34(a): _____

Activity/Project is Categorically Excluded Not Subject To §58.5 per 24 CFR 58.35(b):

Funding Information

Grant Number	HUD Program	Funding Amount

Estimated Total HUD Funded Amount:

This project anticipates the use of funds or assistance from another Federal agency in addition to HUD in the form of (if applicable):

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

Compliance with 24 CFR §50.4 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 of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4 and 58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6		
Airport Runway Clear Zones and Accident Potential Zones 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input type="checkbox"/>	
Coastal Barrier Resources 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"/>	
Flood Insurance 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"/>	

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

Summarize below all mitigation measures adopted 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.

Law, Authority, or Factor	Mitigation Measure

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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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 project-based leasing or project-based 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. For instructions on completing this form, see

<https://www.hudexchange.info/resource/3800/limited-scope-environmental-review-coc/>

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:**

This format is to be used for project-based leasing or rental assistance activities funded under the Continuum of Care (CoC) program only.

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

Funding Information

*Grant Number	*HUD Program	*Funding Amount
	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.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6		
Airport Hazards 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.
Coastal Barrier Resources 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"/>	*
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood	Yes No <input type="checkbox"/> <input type="checkbox"/>	*

This format is to be used for project-based leasing or rental assistance activities funded under the Continuum of Care (CoC) program only.

Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]		
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air 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.
Coastal Zone Management 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.
Contamination and Toxic Substances 24 CFR 58.5(i)(2)	Yes No <input type="checkbox"/> <input type="checkbox"/>	*
Endangered Species 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.
Explosive and Flammable Hazards 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.
Farmlands Protection 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.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input type="checkbox"/>	*
Historic Preservation 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

This format is to be used for project-based leasing or rental assistance activities funded under the Continuum of Care (CoC) program only.

		Historic Preservation Act without further obligations.
Noise Abatement and Control 24 CFR Part 51 Subpart B	Yes No <input type="checkbox"/> <input type="checkbox"/>	This project consists only of leasing or rental assistance. HUD's Noise standards do not apply.
Sole Source Aquifers 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.
Wetlands Protection 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.
Wild and Scenic Rivers 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.
ENVIRONMENTAL JUSTICE		
Environmental Justice 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 format is to be used for project-based leasing or rental assistance activities funded under the Continuum of Care (CoC) program only.

- 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, 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).

This format is to be used for project-based leasing or rental assistance activities funded under the Continuum of Care (CoC) program only.

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 or 202-402-5718.

Sample Notice of Intent to Request a Release of Funds

The language below is HUD's recommended wording of the Notice of Intent to Request a Release of Funds. This Notice is used to request the environmental release of funds for Categorically Excluded projects [24 CFR Part 58, Section 58.35(a)] or for projects for which a Notice of Finding of No Significant Impact was previously issued. Words in **bold type** are required language. Words in *italics* are to be replaced by language appropriate to the particular project and Responsible Entity. The minimum comment period is seven days following publication or ten days if posting and mailing without publication is used

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice

Name of Responsible Entity [RE]

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

On or about *at least one day after the end of the comment period* **the name of RE will** *if the RE is not also the grant recipient, insert the following language here: "authorize the [name of grant recipient] to"* **submit a request to the HUD/State administering agency for the release of name of grant program funds under Title/Section [] of the name of the Act of [year], as amended, to undertake a project known as project title for the purpose of nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.**

The activities proposed *alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment was [published/posted] on [date of Finding publication/posting].* **An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays __A.M to __P.M.**

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by *if notice is published: notice date plus seven days; if notice is mailed and posted: mailing and posting date plus ten days* **will be considered by the name of RE prior to authorizing submission of a request for release of funds.**

ENVIRONMENTAL CERTIFICATION

The name of RE certifies to HUD/State that name of Certifying Officer in his/her capacity as Official Title consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the name of grant recipient to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD/State will accept objections to its release of fund and the RE's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD/State; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD/State administration office at address of that office. Potential objectors should contact HUD/State to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Note: The seven or ten-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of Funds and Certification [form HUD-7015.15] to HUD/State. The Responsible Entity may choose to allow a longer comment period. The fifteen-day objection period following submission of the request is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later.

Following completion of the comment period recipients may FAX the form HUD-7015.15 to HUD/State together with a copy of the public notice and a cover letter stating whether comments were received and, if so, how the recipient responded to the comment. The Request for Release of Funds and Certification should not be submitted before the recipient has responded. If the request is sent by FAX, the original signed form should be mailed to HUD/State. The date of receipt by FAX will be counted as the submission date. However, HUD will not issue the 7015.16 "Authority to Use Grant Funds" until after the original signed form is received.

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

HANDOUT #8

OMB No. 2506-0087
(exp. 03/31/2020)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)
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11. Program Activity/Project Description

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

Date signed

X

Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)