

HOME/HTF Affordable Housing Development Grant Administration Manual Tools and Resources

Part 58 Environmental Review Process and Resources (HOME)

This resource presents the environmental findings (A, B, C, D, or E) possible under the HOME Program and provides information on the level of environmental review required, as well as the documentation needed, for each finding.

NOTE: Before determining an appropriate environmental finding based on specific project activities, grantees must designate an environmental certifying official or “ECO” and set up the environmental review record or “ERR” (24 CFR § 58.38).¹

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| <p>Finding A 24 CFR § 58.34</p> <p><i>EX: Administration, Environmental and Other Studies, Soil Surveys</i></p> | <p>EXEMPT All project activities can be considered exempt (<i>Not Likely</i>)</p> <ol style="list-style-type: none"> 1. Document compliance with the following requirements (§ 58.6): <ol style="list-style-type: none"> a. Federal Emergency Management Agency (FEMA) Flood Hazards b. Coastal Barrier Resources c. Airport Runway Clear Zones or Clear Zones 2. Prepare a Finding of Exemption 3. Submit requests to Commerce for drawdown of funds as needed (Request for Release of Funds or “RROF” not required) <p>Environmental Review Record Requirements:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Designation by adopted resolution of ECO¹ <input type="checkbox"/> HUD Form: Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to § 58.5 (This shows compliance with § 58.6 and documents a Finding of Exemption) <input type="checkbox"/> Other documentation and applicable correspondence |
| <p>Finding B 24 CFR § 58.35(b)</p> <p><i>EX: Homebuyer Assistance, Supportive Services</i></p> | <p>CATEGORICALLY EXCLUDED, NOT SUBJECT TO § 58.5 (CENST) All project activities can be categorically excluded, and <u>no</u> activities are affected by federal statutes and executive orders</p> <ul style="list-style-type: none"> <input type="checkbox"/> Document compliance with the following requirements (§ 58.6): <ul style="list-style-type: none"> o Federal Emergency Management Agency (FEMA) Flood Hazards o Coastal Barrier Resources o Airport Runway Clear Zones or Clear Zones <input type="checkbox"/> Prepare a Finding of Exemption (CENST) <input type="checkbox"/> Submit requests to Commerce for drawdown of funds as needed (RROF not required unless specifically requested by Commerce) <p>Environmental Review Record Requirements:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Designation by adopted resolution of ECO¹ <input type="checkbox"/> HUD Form: Environmental Review for Activity/Project that Is Exempt or Categorically Excluded Not Subject to § 58.5 (This shows compliance with § 58.6 and documents a Finding of Exemption “CENST”) <input type="checkbox"/> Other documentation and applicable correspondence |

¹ Designation by adopted resolution of ECO is not required when the ECO is the chief elected official.

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| <p>Finding C 24 CFR § 58.35(a)</p> <p><i>EX: Multi- and Single-Family Rehabilitation (Not Significant)</i></p> | <p>CATEGORICALLY EXCLUDED, SUBJECT TO § 58.5 (CEST)</p> <p>All project activities can be categorically excluded, and <u>some</u> activities are affected by federal statutes and executive orders</p> <ul style="list-style-type: none"> <input type="checkbox"/> Document compliance with the following requirements (§ 58.6): <ul style="list-style-type: none"> <input type="checkbox"/> Federal Emergency Management Agency (FEMA) Flood Hazards <input type="checkbox"/> Coastal Barrier Resources <input type="checkbox"/> Airport Runway Clear Zones or Clear Zones <input type="checkbox"/> Complete the Statutory Checklist (§ 58.5) <input type="checkbox"/> Prepare a Finding of Categorical Exclusion (CEST) <input type="checkbox"/> Prepare a Notice of Intent to Request Release of Funds (NOI/RROF)* <input type="checkbox"/> Submit RROF and Certification to Commerce or HUD as applicable* <p>Environmental Review Record Requirements:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Designation by adopted resolution of ECO² <input type="checkbox"/> HUD Form: Environmental Review for Activity/Project that Is Categorically Excluded Subject to § 58.5 (This shows compliance with § 58.6, includes the Statutory Checklist for requirements at § 58.5, and documents a Finding of Categorical Exclusion “CEST”) <p>Documentation showing compliance with related laws and authorities, including but not limited to:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Explosive and flammable facilities documentation/worksheet and, if needed, Acceptable Separation Distance “ASD” calculation (as applicable by project) <input type="checkbox"/> Noise abatement and control documentation/worksheet and, if needed, Day/Night Noise Level “DNL” calculation (as applicable by project) <input type="checkbox"/> Floodplain management eight-step decision making process documentation/worksheet (as applicable by project) <input type="checkbox"/> Early public notice for activities in 100-/500-year floodplain or wetland (as applicable by project) <input type="checkbox"/> Final notice and public explanation for activities in a 100-/500-year floodplain or wetland (as applicable by project) <ul style="list-style-type: none"> <input type="checkbox"/> NOI/RROF and proof of publication <input type="checkbox"/> RROF and Certification (Form HUD 7015.15) <input type="checkbox"/> Authority to Use Grant Funds (Form HUD 7015.16) <input type="checkbox"/> NOI/RROF distribution list <input type="checkbox"/> Other documentation and applicable correspondence (comments, responses) |
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² Designation by adopted resolution of ECO is not required when the ECO is the chief elected official.

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| <p>Finding D 24 CFR § 58.36</p> <p><i>EX: Multi- and Single-Family New Construction and Rehabilitation (Significant)</i></p> | <p>ENVIRONMENTAL ASSESSMENT (FINDING OF NO SIGNIFICANT IMPACT) Preparation of an environmental assessment (EA) is necessary and a Finding of No Significant Impact (FONSI) is required</p> <ul style="list-style-type: none"> <input type="checkbox"/> Document compliance with the following requirements (§ 58.6): <ul style="list-style-type: none"> <input type="checkbox"/> Federal Emergency Management Agency (FEMA) Flood Hazards <input type="checkbox"/> Coastal Barrier Resources <input type="checkbox"/> Airport Runway Clear Zones or Clear Zones <input type="checkbox"/> Complete the Statutory Checklist (§ 58.5) and prepare an Environmental Assessment (EA) (HUD form) with a Finding of No Significant Impact (FONSI)³ <input type="checkbox"/> Prepare a Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOI/RROF)* <input type="checkbox"/> Submit RROF and Certification to Commerce or HUD as applicable* <p>Environmental Review Record Requirements:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Designation by adopted resolution of ECO² <input type="checkbox"/> HUD Form: Environmental Assessment Determinations and Compliance Findings³ (This shows compliance with § 58.6, includes the Statutory Checklist for requirements at § 58.5, and documents a Finding of No Significant Impact “FONSI”) Documentation showing compliance with related laws and authorities, including but not limited to: <ul style="list-style-type: none"> <input type="checkbox"/> Explosive and flammable facilities documentation/worksheet and, if needed, Acceptable Separation Distance “ASD” calculation (as applicable by project) <input type="checkbox"/> Noise abatement and control documentation/worksheet and, if needed, Day/Night Noise Level “DNL” calculation (as applicable by project) <input type="checkbox"/> Floodplain management eight-step decision making process documentation/worksheet (as applicable by project) <input type="checkbox"/> Early public notice for activities in 100-/500-year floodplain or wetland (as applicable by project) <input type="checkbox"/> Final notice and public explanation for activities in a 100-/500-year floodplain or wetland (as applicable by project) <input type="checkbox"/> FONSI/NOI/RROF and proof of publication <input type="checkbox"/> RROF and Certification (Form HUD 7015.15) <input type="checkbox"/> Authority to Use Grant Funds (Form HUD 7015.16) <input type="checkbox"/> FONSI/NOI/RROF distribution list <input type="checkbox"/> Other documentation and applicable correspondence (comments, responses) |
| <p>Finding E 24 CFR § 58.37</p> | <p>ENVIRONMENTAL ASSESSMENT (FINDING OF SIGNIFICANT IMPACT) Preparation of an environmental assessment (EA) is necessary and a Finding of Significant Impact is required (Not Likely)</p> <ol style="list-style-type: none"> 1. Consult with Commerce for further action |

*The grant recipient or Commerce (as applicable) must allow for an initial minimum 7- or 15-day public comment period for NOI/RROFs and FONSI/NOI/RROFs, respectively, and Commerce or HUD (as

³ If HOME funds are used in combination with CDBG funds, the Consolidated EA Form may be used in lieu of the Statutory Checklist and EA.

applicable) must wait a minimum of 15 calendar days after receipt of the RROF for public comment prior to releasing funds. Sample timelines illustrating minimum calendar periods for publication and public comment are included below.

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| March 15, 20__ | Publication and distribution of NOI/RROF |
| March 16-22, 20__ | Minimum 7-day comment period |
| March 23, 20__ | Commerce/grantee mails RROF, allowing 3 days for delivery |
| March 25, 20__ | Commerce/HUD receives RROF (transmittal) |
| March 26-April 9, 20__ | Commerce/HUD 15-day objection period |
| April 10, 20__ | Commerce/HUD release of funds (earliest date possible) |

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| March 15, 20__ | Publication and distribution of FONSI/NOI/RROF |
| March 16-30, 20__ | Minimum 15-day comment period |
| March 31, 20__ | Commerce/grantee mails RROF, allowing 3 days for delivery |
| April 2, 20__ | Commerce/HUD receives RROF (transmittal) |
| April 3-17, 20__ | Commerce/HUD 15-day objection period |
| April 18, 20__ | Commerce/HUD release of funds (earliest date possible) |

It should be noted that comment periods begin the day following publication and distribution. Comment periods cannot end on weekends or federal holidays. Additionally, for non-governmental grantees, whose ERR will require HUD's review and release of funds, extra time for mailing the ERR and for HUD to review should be included.

Grantees must submit to Commerce the grantee's Notice of Intent to Request Release of Funds (NOI/RROF) or Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOI/RROF) prior to publication to ensure all requirements such as prescribed comment periods are met.

Grantees can use the tools on the following page to create a noticing and public comment period schedule.

| CATEGORICALLY EXCLUDED, SUBJECT TO § 58.5 (CEST) – NOI/RROF | | |
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| *Note this process is to occur after the floodplain/wetland public notification process (if any). | | |
| 1. Date of notice publication/distribution: | | |
| 2. Start date of public comment period: Add 1 day to date in line 1. | | 7-Day Public Comment Period |
| 3. End date of public comment period: Add 7 days to date in line 2. *Note comment periods cannot end on weekends or federal holidays. If this date falls on a weekend or federal holiday, enter the date of the next business day. | | |
| 4. Date grantee can RROF from Commerce or HUD as applicable: Add 1 day to date in line 3. | | |
| 5. Transmittal date: Add 3 days to date in line 3. | | 15-Day Objection Period |
| 6. Start date of objection period: Add 1 day to date in line 5. | | |
| 7. End date of objection period: Add 14 days to date in line 6. *Note comment periods cannot end on weekends or federal holidays. If this date falls on a weekend or federal holiday, enter the date of the next business day. | | |

| ENVIRONMENTAL ASSESSMENT – FONSI/NOI/RROF | | |
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| *Note this process is to occur after the floodplain/wetland public notification process (if any). | | |
| 1. Date of notice publication/distribution: | | |
| 2. Start date of public comment period: Add 1 day to date in line 1. | | 15-Day Public Comment Period |
| 3. End date of public comment period: Add 14 days to date in line 2. *Note comment periods cannot end on weekends or federal holidays. If this date falls on a weekend or federal holiday, enter the date of the next business day. | | |
| 4. Date grantee can RROF from Commerce or HUD as applicable: Add 1 day to date in line 3. | | |
| 5. Transmittal date: Add 3 days to date in line 3. | | 15-Day Objection Period |
| 6. Start date of objection period: Add 1 day to date in line 5. | | |
| 7. End date of objection period: Add 14 days to date in line 6. *Note comment periods cannot end on weekends or federal holidays. If this date falls on a weekend or federal holiday, enter the date of the next business day. | | |