

# Environmental Reviews for Continuum of Care

Lynn Rakos

Field Environmental Officer, HUD Region 2

[Lynn.Rakos@hud.gov](mailto:Lynn.Rakos@hud.gov)

(212) 542-7117

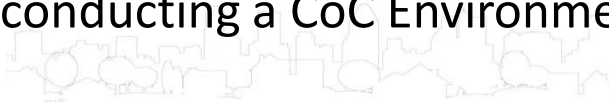
11 July 2019





# Agenda

- Environmental Review Overview: Why, What, When and Who?  
The Where is defined by the location of your program(s) and project(s)
- Applying Environmental Review requirements to Continuum of Care (CoC) projects – Tenant Based and Project or Sponsored Based Rental Assistance or Leasing
- The nuts and bolts of conducting a CoC Environmental Review
- Resources





# Why do we conduct Environmental Reviews?

The **National Environmental Policy Act (NEPA)** requires federal agencies to evaluate the potential for significant impacts for all major federal actions and to disclose them to the public prior to undertaking the project. Some actions have been determined “categorically excluded” from NEPA.

NEPA is called an umbrella law because it also requires compliance with related laws and authorities disclosed within the statement such as the National Historic Preservation Act, Endangered Species Act, Clean Air Act, etc.

HUD has **environmental regulations** with additional requirements that apply only to HUD projects

Noise – 24 CFR Part 51

Explosives and Flammable Hazards – 24 CFR Part 51





# HUD's Environmental Regulations

## 24 CFR 50, 51, 55, and 58

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### Part 50

- Procedures for ERs performed by HUD staff

### Part 51

- HUD standards for noise, explosive and flammable hazards, and airport clear zones

### Part 55

- HUD standards for floodplain management and wetlands protection
- HUD regulation for compliance with E.O. 11988 and 11990

### Part 58

- Procedures for ERs performed by local, state, and tribal govts



# 24 CFR 58.5

- Clean Air Act
- Coastal Zone Management Act
- Contamination and Toxic Substances
- Endangered Species Act
- E.O. 12898 on Environmental Justice
- Explosive and Flammable Hazards
- Farmlands Protection Policy Act
- E.O. 11988 on Floodplain Management
- National Historic Preservation Act
- Noise Abatement Regulation
- Sole Source Aquifers
- E. O. 11990 on Wetlands
- Wild and Scenic Rivers Act





# What is an Environmental Review?

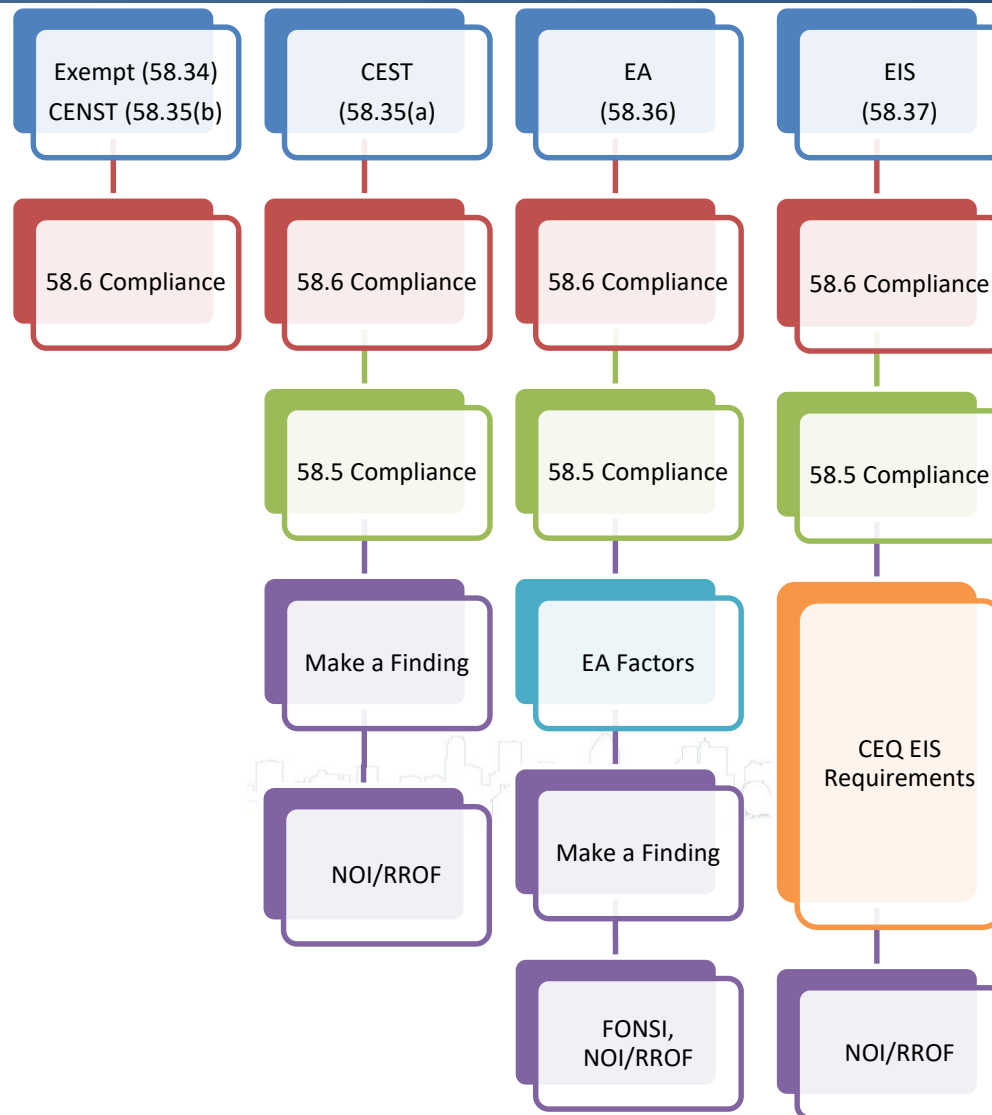
Analysis of the impact of a project on the surrounding environment and  
vice versa – the surrounding environment's impact on the project

- Ensures that HUD-funded projects provide decent, safe, and sanitary housing
- Documents compliance with all applicable federal environmental laws and authorities

A public process that requires public disclosure of impacts and the opportunity for the public to comment and object.



# What are the levels of Environmental Review?





# Your Project Scope Determines Level of Review

Provide a detailed project description that captures the maximum anticipated scope of the proposal, including descriptions of all:

- Types of leasing and rental activities
- Number of buildings and units to rented
- Location of all affected buildings
- Clear descriptions of any proposed physical changes (e.g. repairs or maintenance).

Attach any maps, photographs, or other documents that will assist HUD in understanding the nature and scope of this proposal.





# Exempt/Categorically Excluded Not Subject to 58.5 (“CENST”)

## Exempt/CENST activities include...

- Information & financial services
- Administrative & management activities
- Public services without physical impact
- Tenant-based rental assistance
- Supportive Services (healthcare, housing placement)
- Operating costs (utilities, supplies)
- Economic development costs (non-construction)
- Pre-development costs
- Maintenance (see [Notice CPD 16-02](#))

*(See 24 CFR 58.34 & 58.35(b) for full list)*

## Exempt & CENST projects must comply with 24 CFR 58.6

- National Flood Insurance Program
- Coastal Barrier Resources Act
- Airport Runway Clear Zones





# Categorically Excluded Subject to 58.5 ("CEST" or "Cat Ex")

## **CEST activities include...**

- "Minor" repairs and rehabilitation (see 24 CFR 58.35(a)(3))
- **Project- and Sponsor-based rental assistance and leasing**
- New construction of single family homes (less than 5 units)

*(See 24 CFR 58.35(a) for full list)*

## **CEST projects must:**

1. Comply with 24 CFR 58.6 and 58.5, *and*
2. Determine whether any formal compliance or mitigation is required
  - If so, the RE must:
    - Provide public notice, and
    - Submit form 7015.15 – Request for Release of Funds and Environmental Certification to HUD
  - If not, the review "converts to exempt" (same procedural requirements apply as if the project were exempt/CENST)



# Environmental Assessment (EA)

**EA-level activities include any activities that aren't otherwise listed under 58.34 or 58.35**

**Such as:**

- “Major” repairs and rehabilitation
- Most new construction, demolition, and conversion of land use

**EAs must:**

1. Comply with 24 CFR 58.6 and 58.5,
2. Complete the “EA analysis,” *and*
3. Make a Finding
  - If the project is found to have a Significant Impact on the Human Environment, the RE must complete an Environmental Impact Statement (EIS)
  - If a Finding of No Significant Impact (FONSI) is made, give public notice and complete form 7015.15

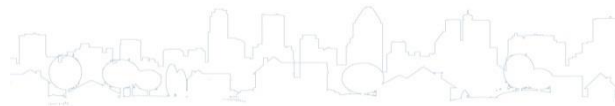


# Environmental Impact Statement (EIS)

**An EIS is required as per 24 CFR 58.37 if:**

- An EA concluded in a Finding of Significant Impact
- A project affects more than 2,500 units or beds

See CEQ regulations at 40 CFR 1502.10 for information on completing an EIS.





# Why? Protect People and Property





# Why? Consider Natural and Cultural Resources





# When are Environmental Reviews Performed?

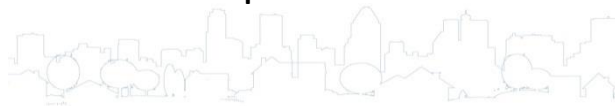
Environmental Review requirements kick in after an application for HUD funds has been submitted

Required for all projects receiving HUD financial assistance

**MUST be conducted BEFORE any funds (Federal and other sources) are committed** (e.g. before a lease is signed or rent is paid).

**NO Choice limiting Actions!**

Initiate Environmental Review process as soon as possible to avoid delays





# When are Environmental Reviews Performed?

## **24 CFR 58.22 – Limitations on activities pending clearance**

- (a) Neither a recipient nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD assistance under a program listed in § 58.1(b) on an activity or project until HUD or the state has approved the recipient's RROF and the related certification from the responsible entity. In addition, until the RROF and the related certification have been approved, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project under a program listed in § 58.1(b) if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.
- (b) If a project or activity is exempt under § 58.34, or is categorically excluded (except in extraordinary circumstances) under § 58.35(b), no RROF is required and the recipient may undertake the activity immediately after the responsible entity has documented its determination as required in § 58.34(b) and § 58.35(d), but the recipient must comply with applicable requirements under § 58.6.



# Who is the Responsible Entity for Conducting an Environmental Review?

## **Non-governmental organizations may never act as Responsible Entity (RE)**

The RE assumes federal responsibilities under 24 CFR 58.

The RE may be a unit of general local, tribal, or state government.

**Only an RE is legally responsible for the review.**

Where the recipient is not a unit of general local government, tribe, or state, the locality acts as RE

**HOWEVER:**

**Where the recipient is not an RE, they must still submit to the RE any information requested to complete the review**

RE's responsibilities include:

- Conducting the ER and determining findings
- Taking legal responsibility for review
- When needed, submitting Form 7015.15 to HUD certifying that the ER is complete
- Certifying Officer (e.g. Mayor) signs off on ERs



# What is in an Environmental Review Record?

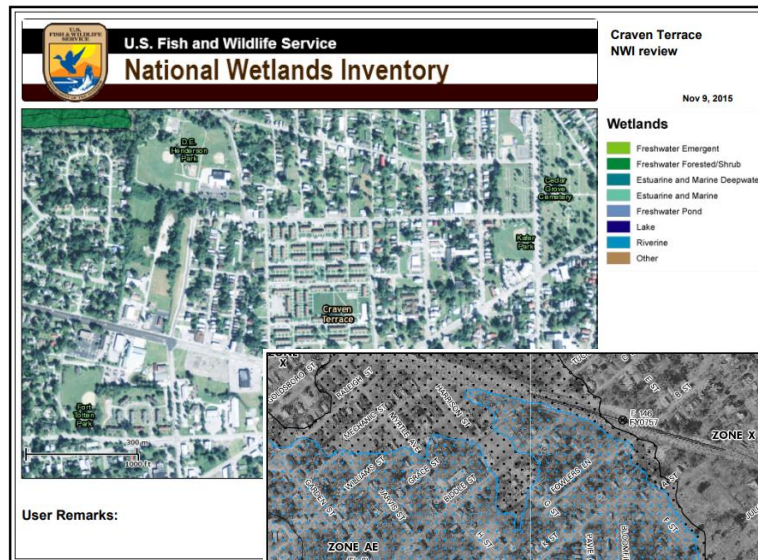
The Environmental Review Record (ERR) is the final product of an Environmental Review synthesizing research and analysis.

The ERR documents:

- Project description and relevant project information
- Analysis of project under environmental laws and authorities
- Compliance with environmental laws and authorities
- Mitigation requirements or conditions, if any
- Includes Certifications/Signatures of all required parties



# Environmental Review Records must include documentation supporting your findings and conclusions



This project is located in Program. Therefore, this

**Screen Summary**  
Compliance Determination  
This project is located in Program. Therefore, this Act. Subject project is not

Supporting documentation

[MAP OF THE PROJECT](#)  
[US\(1\).docx](#)  
[Flood\\_Map\\_Location](#)

Are formal compliance  
Yes

✓ No

Form HUD-4128B

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# Overview of an Environmental Review

1. Define the project
2. Determine the level of review
3. Perform research, analysis and document compliance with all applicable environmental laws and authorities
4. Complete all required notifications and approvals



# Conducting a CoC Environmental Review





# Environmental Reviews for CoC should be EASY!

Generally, ERs for CoC Program projects:

- Require a low level of review
- Trigger few laws
- Are low risk
- Can be performed quickly



# Working with Responsible Entities

All HEARTH Act programs are normally subject to Part 58.

## CoC grant recipients generally cannot act as Responsible Entity



- CoCs should work with local, county, state or tribal government to perform the ER
- **NYC CoC Providers: HUD or NYCHPD may be your RE**
- Local government may or may not have experience with HUD ERs
- HUD will complete ERs for CoC Program projects **only** after getting written confirmation from all potential Responsible Entities that they are not able to perform the ER (see 24 CFR 58.11(d))
- For assistance, work with local HUD CPD staff



# CoC Environmental Review

<https://www.hudexchange.info/resource/4045/coc-program-environmental-review-flow-chart/>

resources and assistance to support HUD's community partners



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Secretary Ben Carson

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[HUD Guidance](#) | [Tools and Templates](#)

## CoC Program Environmental Review Flow Chart

Date Published: October 2016

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### Description

This tool provides CoC Program recipients assistance in correctly identifying what level of environmental review is required for their CoC Program project(s). This tool provides links to the following forms: CoC Program 'CEST' Limited Scope Review, Exempt/CENST, EA, and CEST.

### Resource Links

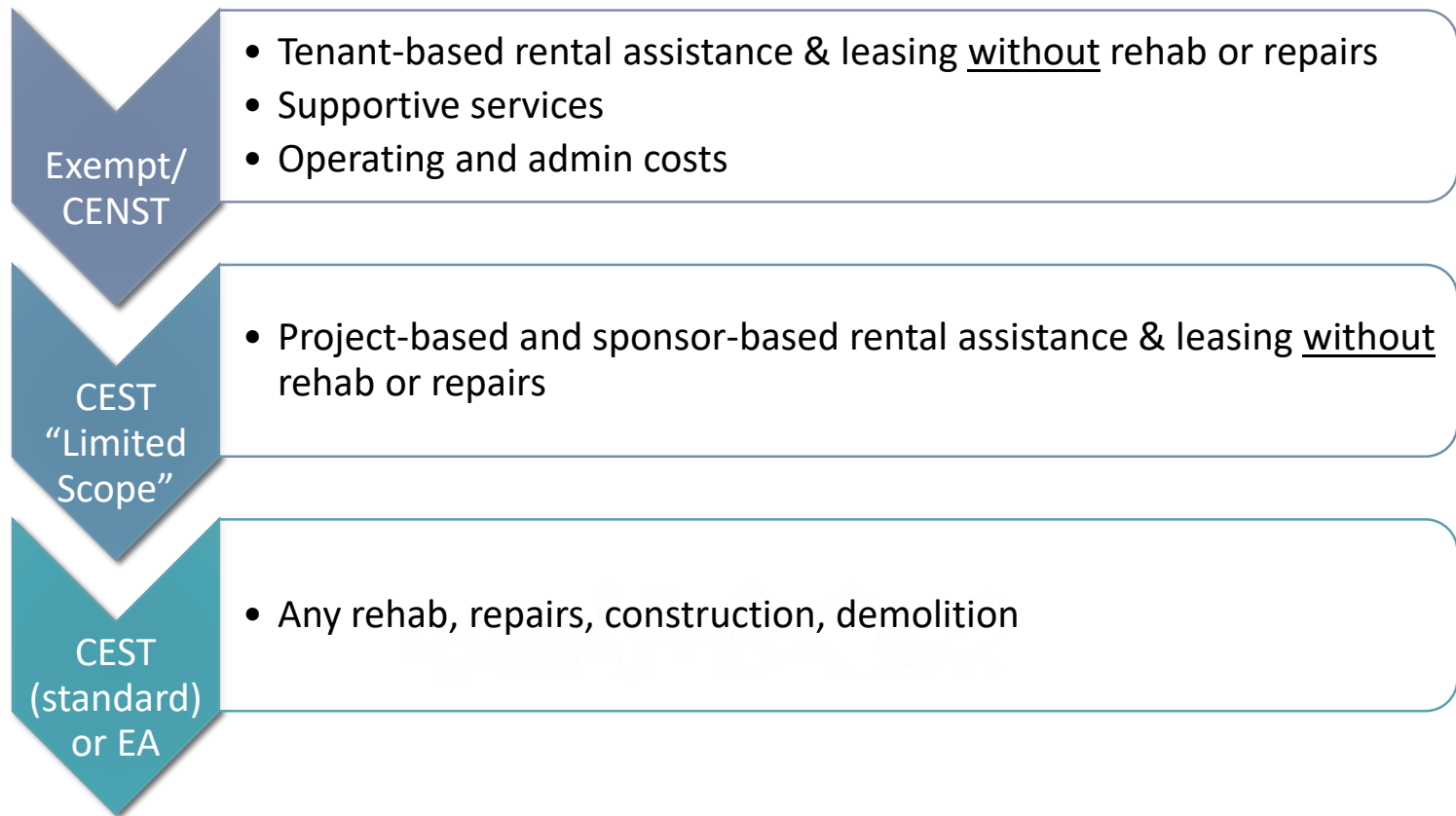
- [CoC Program Environmental Review Flow Chart](#) (PDF)
- [CoC Tenant-Based CENST Format](#) (DOCX)
- [CoC Program 'CEST' Limited Scope Review](#) (HTML)
- [Environmental Assessment \(EA\) Form](#) (HTML)
- [CEST Form](#) (HTML)

<b>Author Organization</b> HUD
<b>Resource Approver</b> HUD Approved





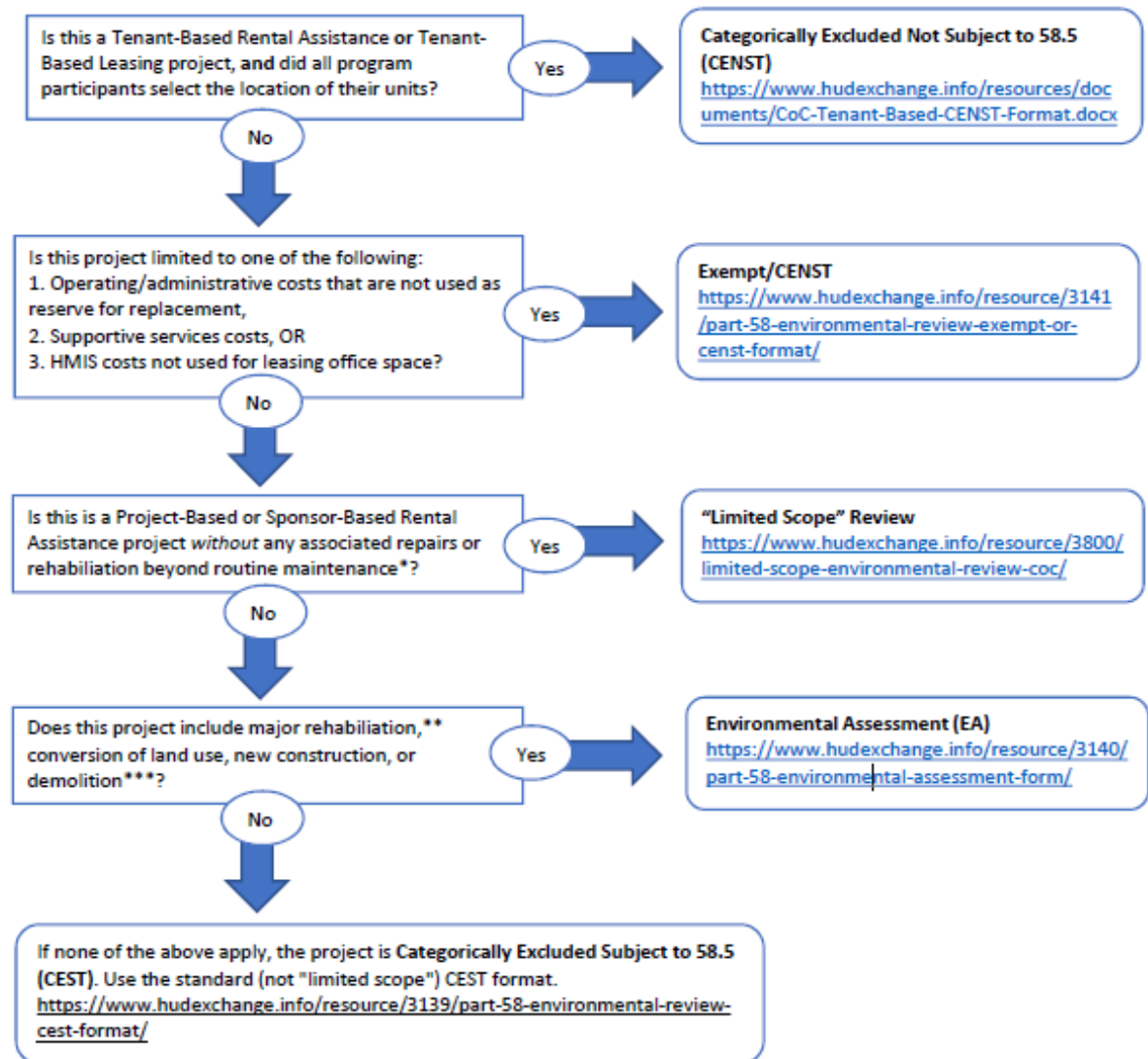
# CoC Level of Review





# CoC Level of Review Flow Chart

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



\* Routine maintenance defined for Environmental Review purposes in CPD-16-02.

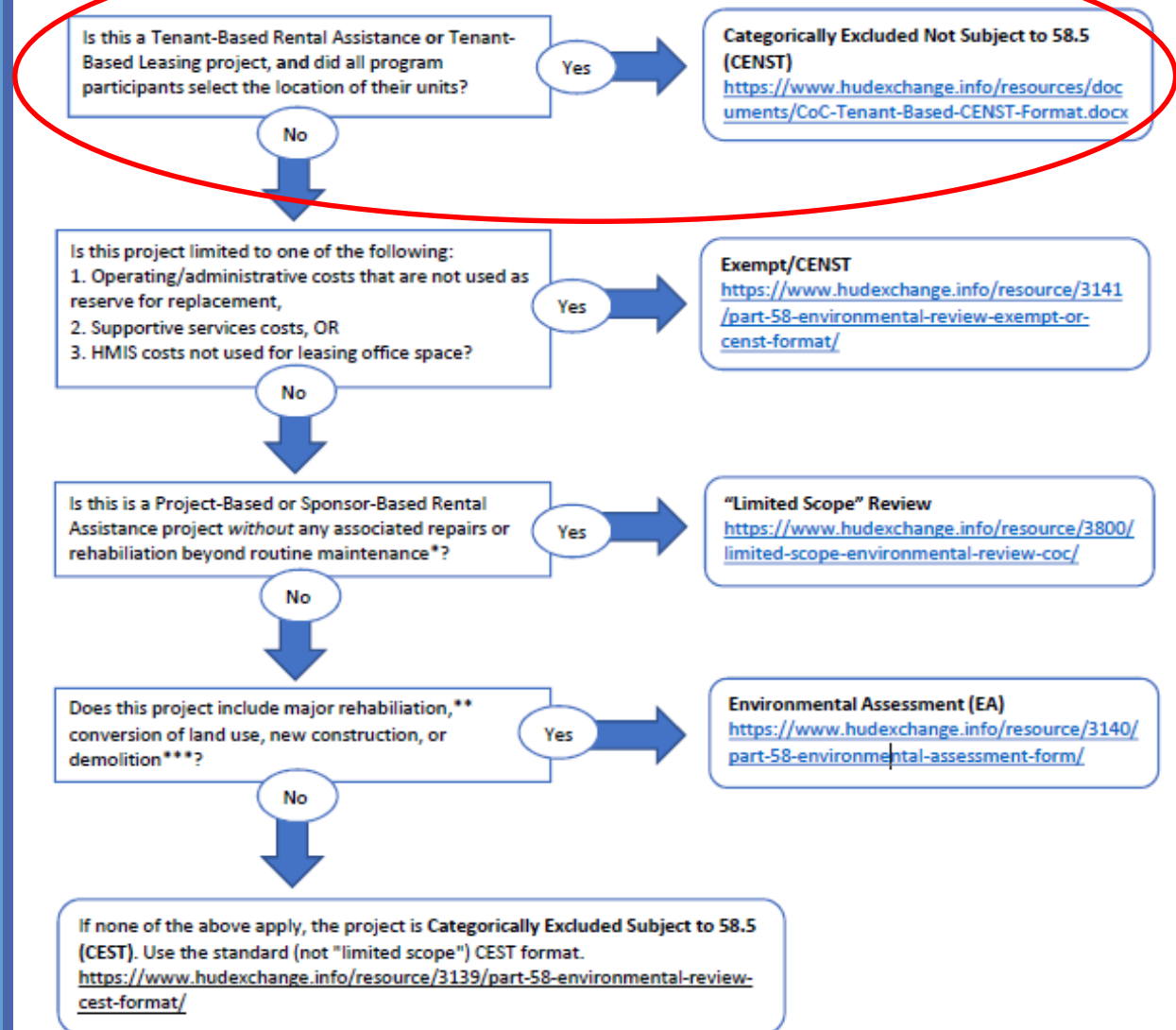
\*\* When determining level of review, "major rehabilitation" is rehab that does not conform to limitations listed in 24 CFR 58.35(a)(3).

\*\*\* Select "yes" if new construction or demo falls outside definition of "individual action" in 24 CFR 58.35(a)(4). If proposed work conforms to the requirements in CFR 58.35(a)(4) then select "no."



# CoC Level of Review Flow Chart

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# Tenant-Based Rental Assistance & Tenant-Based Leasing

## **Categorically Excluded Not Subject To (CENST)**

***Tenant Based only! NOT Project or Sponsor based***

Appropriate level of review if no repairs or rehab beyond routine maintenance (24 CFR 50.19(b)(11))

These reviews do NOT require a site-specific review

One “Programmatic” CENST review may cover all tenant-based units for a program

One CENST review may cover an entire city/county

Only potential concern = Coastal Barrier Resources Act

**Assuming there is no change in environmental conditions:** ERRs for rental assistance and leasing projects are generally good for 5 years.



# Defining Routine Maintenance

**Notice CPD-16-02**: Guidance for Categorizing Maintenance for Compliance with HUD Environmental Regulations, 24 CFR Parts 50 and 58 (<https://www.hudexchange.info/resource/3197/guidance-categorizing-activity-as-maintenance-environmental-regulations-24-cfr-parts-50-and-58/>)

**Maintenance activities** slow or halt deterioration of a building and do not materially add to its value or adapt it to new uses.

**Examples include:**

- Cleaning

- Replacement of appliances

- Protective or preventative measures

- Replacement of a damaged or malfunctioning part

  - Replacement of all or most parts or an entire system is not maintenance



# Examples of Maintenance vs Rehabilitation

From Notice CPD-16-02

Feature or System	Maintenance Activities	Rehabilitation Activities
Roof	<ul style="list-style-type: none"><li>• fixing leaks</li><li>• application of waterproof coating to a flat roof</li><li>• replacement of deteriorated flashing</li><li>• in-kind replacement of loose or missing shingles or tiles</li></ul>	<ul style="list-style-type: none"><li>• complete replacement of roof with new shingles, tiles, roll roofing, membrane, or new metal roof</li><li>• installation of solar panels</li></ul>
Windows and Doors	<ul style="list-style-type: none"><li>• washing windows</li><li>• caulking, weather stripping, re-glazing windows and doors</li><li>• fixing broken windowpane(s), storm window(s) or damaged entry door</li><li>• replacing broken door lock</li><li>• replacing a vandalized entry door to restore security of a building or unit</li><li>• replacing a single severely damaged window to match</li><li>• annual switch out of storm and screen panels</li></ul>	<ul style="list-style-type: none"><li>• replacement of windows</li><li>• replacement of exterior doors</li><li>• adding storm windows or storm doors</li></ul>



# Tenant-Based Compliance Requirements

- **Airport Hazards:** Tenant-based rental assistance and leasing projects are in compliance with HUD's Airport Hazard regulations without further evaluation
  - **National Flood Insurance Program:** Flood insurance is recommended but not required for tenant-based assistance
  - **Coastal Barrier Resources Act (CBRA):** Choose one of the following –
    - If the state does not have any CBRA units: project is in compliance and a map is not required
    - If the state contains CBRA units but the CoC does not include any CBRA Units: Include a map showing that the project area does not contain CBRA Units
    - If the CoC includes one or more CBRA Unit : Each site must be mapped to ensure it is not within a CBRA Unit.
- \* Any site located in a Coastal Barrier Resource Unit must be rejected



# Coastal Barrier Resource Act

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. Amended to include other coastal areas such as the Great Lakes.

The law encourages the conservation of hurricane prone, biologically rich coastal barriers by restricting Federal expenditures that encourage development, such as Federal flood insurance.

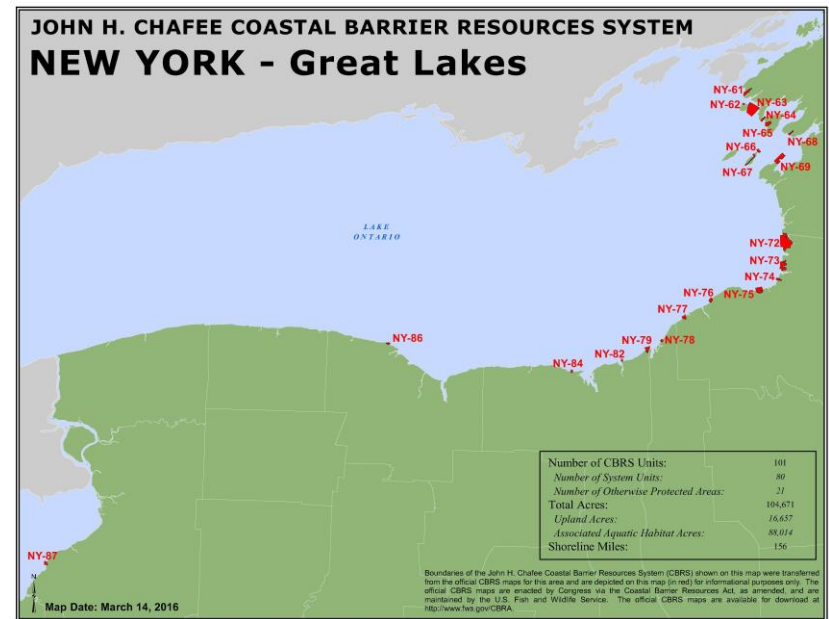
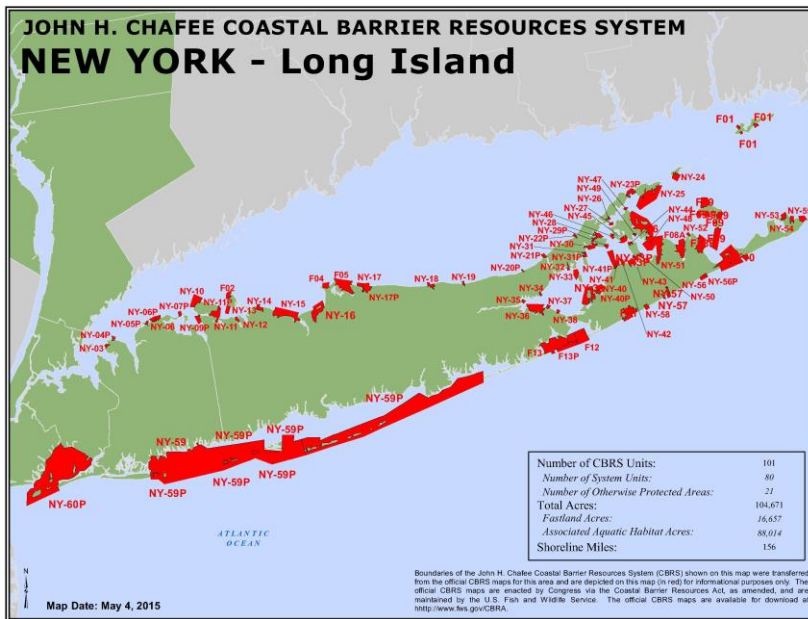


US Fish & Wildlife Service maintains the mapping of the CBRS units:

<https://www.fws.gov/cbra/maps/Mapper.html>

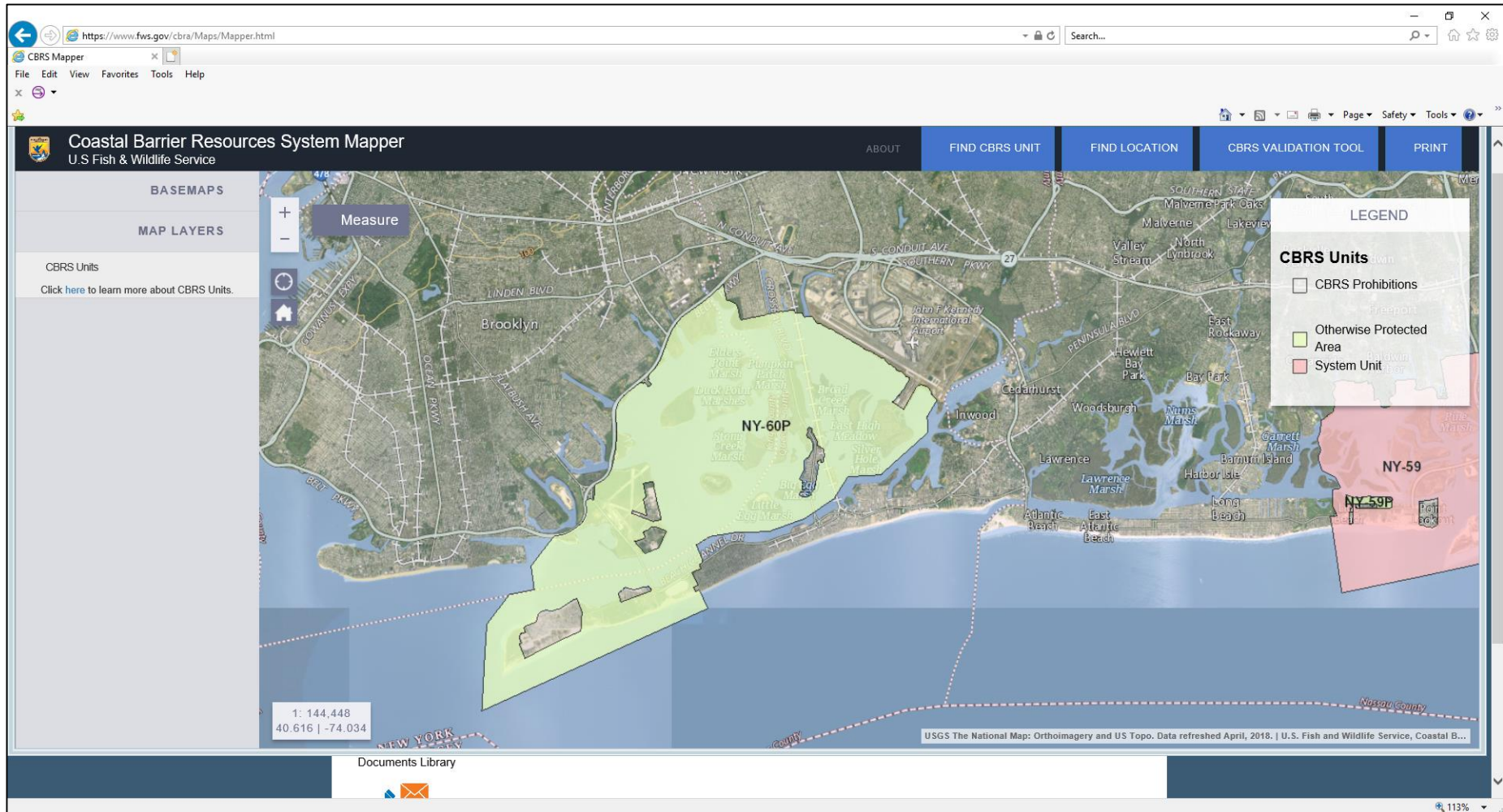


# Coastal Barrier Resource System – New York





# Coastal Barrier Resource System – New York City





# Tenant-Based CENST Format

<https://www.hudexchange.info/resources/documents/CoC-Tenant-Based-CENST-Format.docx>

## 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 “programmatic” 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]:

Be clear and comprehensive!

**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): \_\_\_\_\_



# Tenant-Based CENST Format

- Airport Hazards and Flood Insurance are pre-filled.
- Based on the project location, select the appropriate compliance determination for Coastal Barrier Resources.
- The RE determines if a project is in compliance with each law or authority
- If no Mitigation is necessary, sign the form and funds may be expended.
- Keep the form with the project files.

Are formal compliance steps  
or mitigation required?

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.6		
<b>Airport Runway Clear Zones and Accident Potential Zones</b>  24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input type="checkbox"/>	This project consists only of rental assistance and is in compliance with 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 <input type="checkbox"/> No <input type="checkbox"/>	<p><b>Choose one of the following compliance determinations based on the location of the project:</b></p> <p><i>If the project is (1) in AL, CN, DE, FL, GA, LA, ME, MD, MA, MI, MS, RI, NJ, NY, NC, 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 <a href="#">US Fish and Wildlife Service's Coastal Barrier Resource System Mapper</a> to ensure that no units are rented in Coastal Barrier Resource Units.</p> <p><i>If the project is (1) 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>
<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 <input type="checkbox"/> No <input type="checkbox"/>	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.

Attach the map!



# Tenant-Based CENST Format

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).

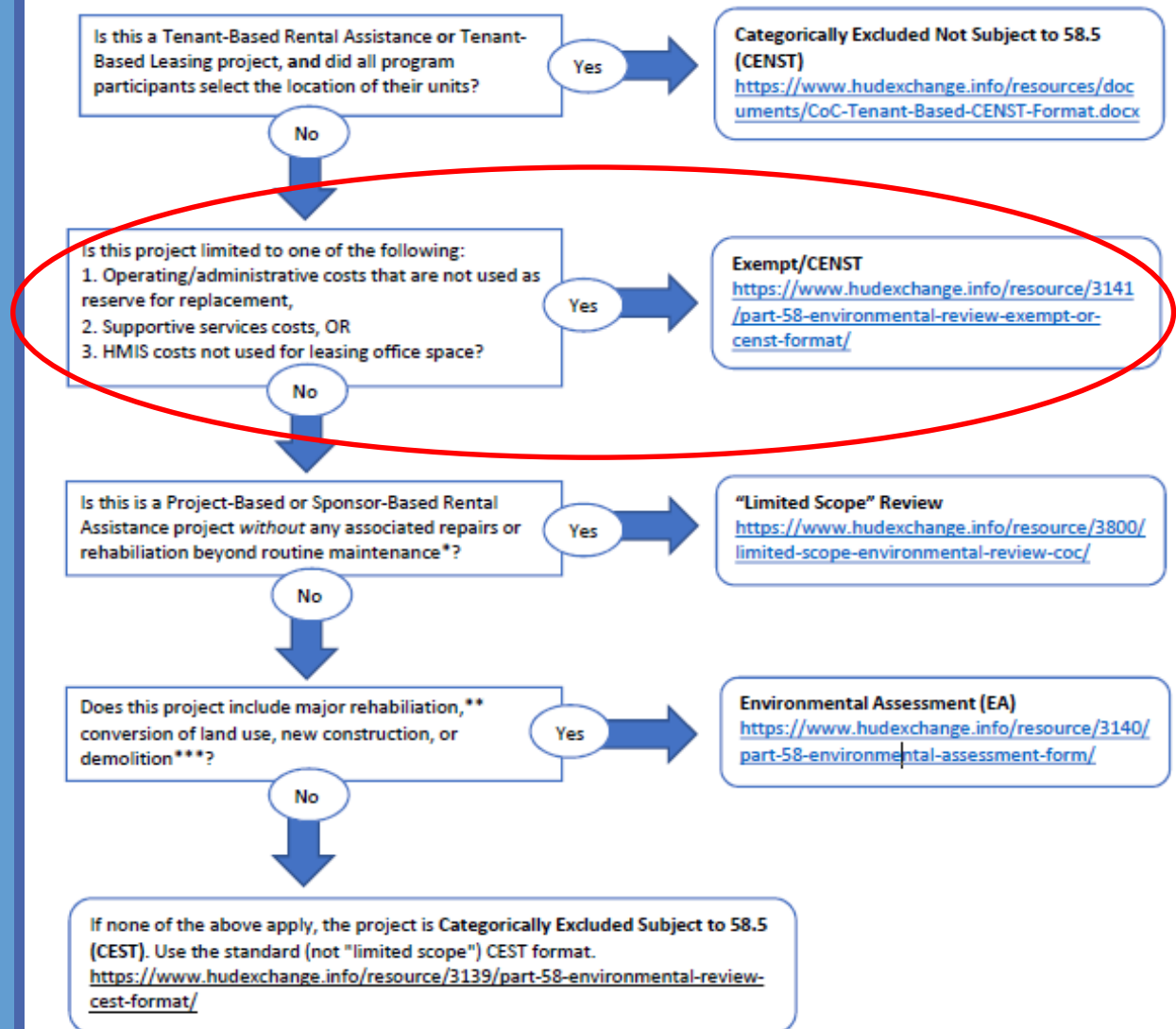


Keep signed form with project files



# CoC Level of Review Flow Chart

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



\* Routine maintenance defined for Environmental Review purposes in CPD-16-02.

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

\*\*\* Select "yes" if new construction or demo falls outside definition of "individual action" in 24 CFR 58.35(a)(4). If proposed work conforms to the requirements in CFR 58.35(a)(4) then select "no."

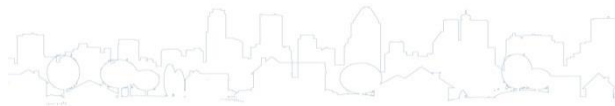


# Exempt/CENST - Admin/Services/HMIS

## **Exempt/Categorically Excluded Not Subject To (CENST) 58.34 (a) and 58.35(b)**

Is the project limited to one of the following:

1. Operating/Administrative costs that are not used as reserve for replacement
2. Supportive services costs OR
3. HMIS costs not used for leasing office space?

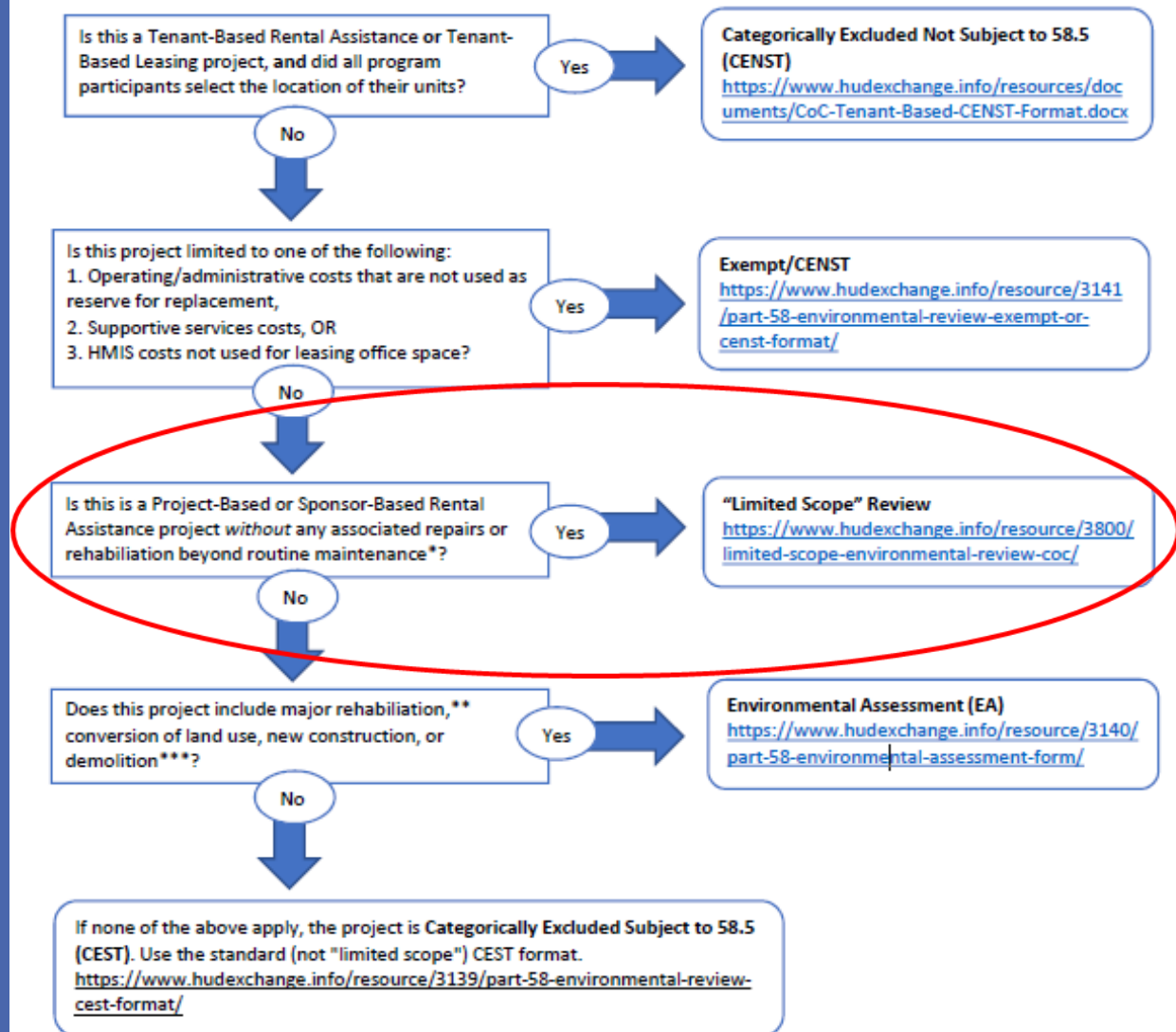


\* It is acceptable to use the Tenant Based CoC-specific CENST form but change the description to the activity you are undertaking



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\*\*\* Select "yes" if new construction or demo falls outside definition of "individual action" in 24 CFR 58.35(a)(4). If proposed work conforms to the requirements in CFR 58.35(a)(4) then select "no."



# Project-Based & Sponsor-Based Rental Assistance

**Categorically Excluded Subject To (CEST) (24 CFR 58.35(b)(1))**

**Project Based or Sponsored Based only**

**Requires one Environmental Review per building or complex**

Two Possibilities for ER:

**Limited Scope Review:**

Appropriate format if *no repairs or rehab* beyond routine maintenance

**Standard CEST review:**

Required format if any major repair, rehab, or construction is anticipated





# Project-Based & Sponsor-Based Rental Assistance

When must you do an environmental review?

- You must complete an environmental review for activities in a building or complex that do not have a valid environmental review – for example, when you are going to lease in a building where you do not have a current lease (and associated valid environmental review!).
- At 5-year expiration of an existing valid review in a building or complex
- If there are changed environmental conditions.





# Limited Scope Reviews

**CoC SBRA and PBRA projects *without repair or rehab* are “limited scope” CEST (24 CFR 58.35(a)(5))**

They need to demonstrate compliance only with 5 laws and authorities listed in 58.5 and 58.6:

- Coastal Barrier Resources Act (58.6)
- National Flood Insurance Program (58.6)
- Contamination and Toxic Substances (58.5)
- E.O. 11988 on Floodplain Management (58.5)
- E.O 12898 on Environmental Justice (58.5)

**\*\*Public notice and RROF/C requirements apply if the CEST environmental review does not convert to Exempt.**



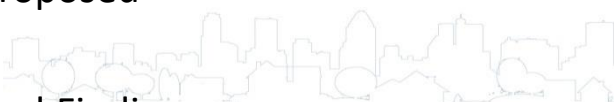


# Limited Scope Review Requirements

- **Coastal Barrier Resources:** Any sites located in Coastal Barrier Resource Units must be rejected.
- **Flood Insurance:** Flood insurance is suggested, but not required, for leasing or rental assistance alone on properties in a Special Flood Hazard Area.
- **Contamination:** It is HUD policy that all HUD housing be free of hazardous and toxic materials that could affect the health and safety of occupants. The environmental review record must contain:
  - A report of nearby toxic sites and releases (use EPA's Envirofacts or NEPAassist)
  - For *multifamily housing* (5+ units and non-residential): documentation back to 1940 showing past uses of the site, such as...
    - Historic maps and/or aerial photographs
    - Letter from someone with knowledge of the site's history
    - Phase I Environmental Site Assessment
  - A discussion of potential adverse impacts
    - If any hazards are found that could impact the health or safety of residents, either mitigate all impacts or reject the site



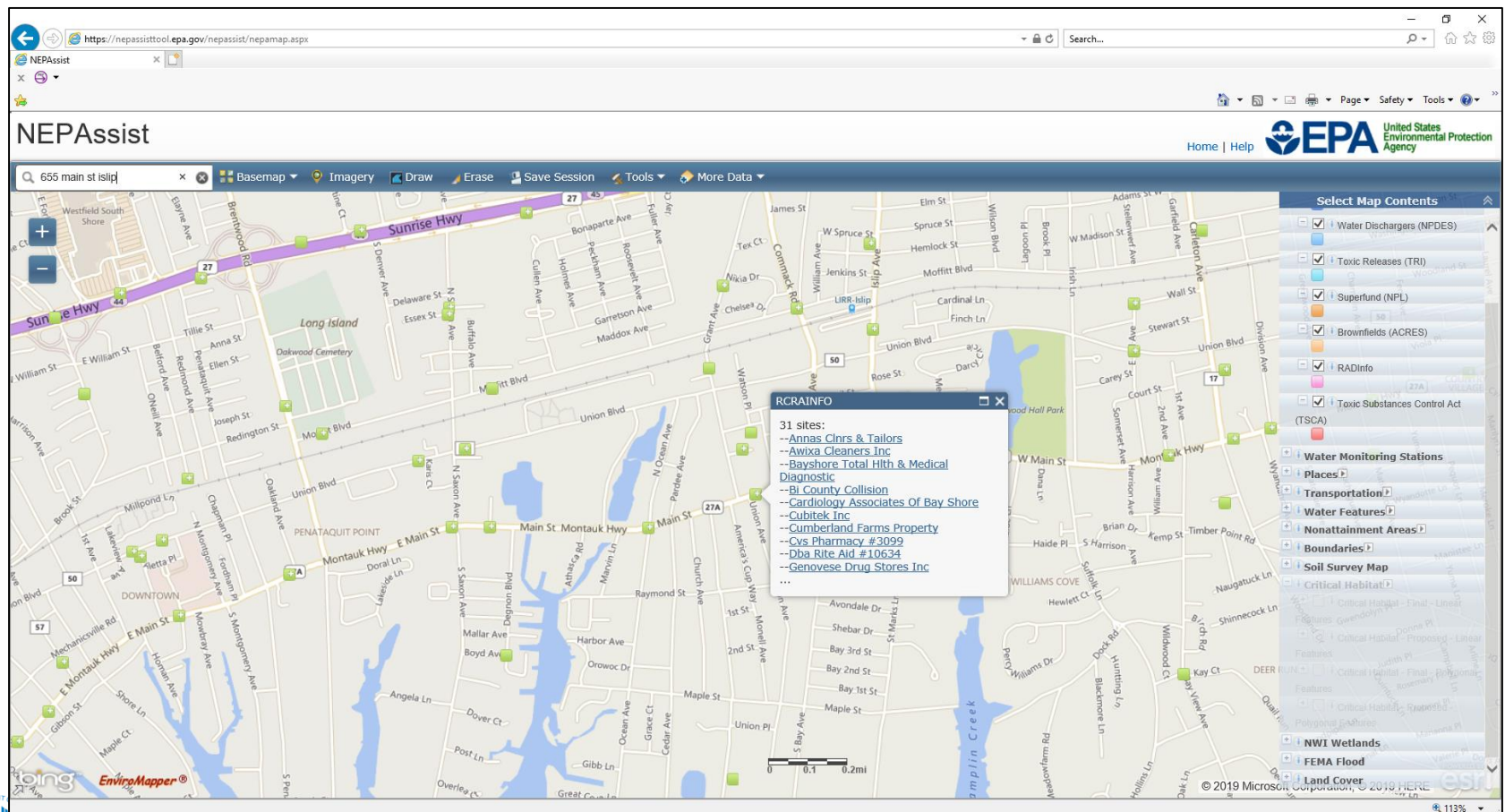
# Limited Scope Review Requirements: Contamination

- Review on-line Local/state/federal/Tribal hazardous waste and solid waste sites-records
  - Generate a base-map
  - Perform a site walk
  - Interview current and former owners and local representatives, long term residents
  - Review past and present municipal land-use records
  - Undertake investigations determined necessary
  - Hire someone to conduct an ASTM Phase I Site Assessment – generally not required by HUD for CoC for Tenant or Project/Sponsor based rental assistance unless acquisition is proposed
- 
- Credible forms to record Findings:
    - Fannie Mae’s “Environmental Questionnaire” form
    - HUD’s “Contamination Screening Checklist” and accompanying “Site Walk Checklist”
    - HUD’s Site Contamination Worksheet found on HUD Exchange



# Limited Scope Review Requirements

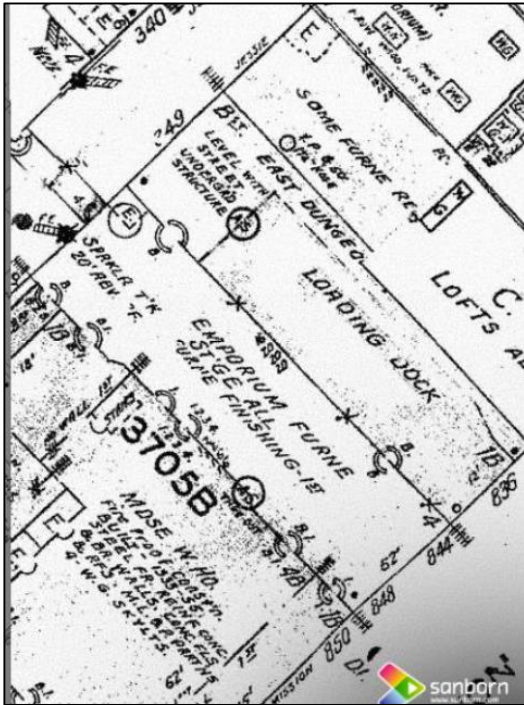
## Contamination: NEPA Assist example (<https://www.epa.gov/nepa/nepassist>)





# Limited Scope Review Requirements

## Contamination: Historic maps and aerials (back to 1940)



Sanborn Insurance maps, very useful. Try NY Public Library

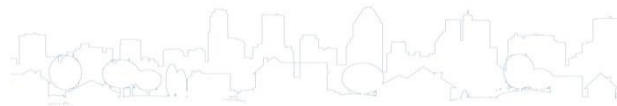


# Limited Scope Review – Highly Encouraged

## Indoor Contamination:

Comply with your local regulations and HUD Healthy Homes regarding:

- Asbestos
- Lead-Based Paint
- Mold
- Radon





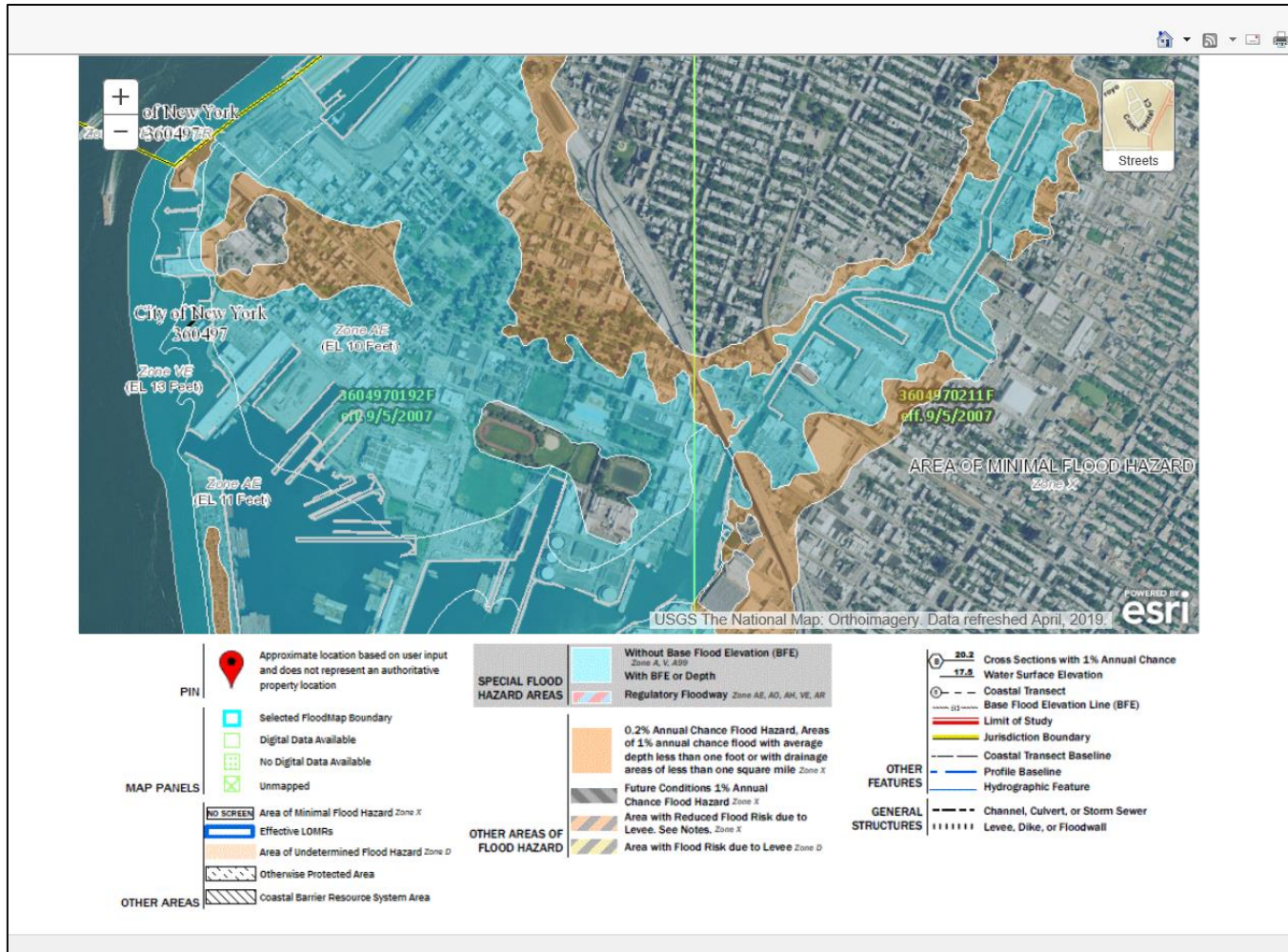
# Limited Scope Review Requirements

**Floodplain Management (Executive Order 11988):** HUD strongly recommends avoiding the floodplain or requiring flood insurance for any projects approved in the 100-year floodplain

- Environmental Review Record must include a FEMA Flood Insurance Rate Map (FIRM) showing whether the site is in a Special Flood Hazard Area –
  - Floodway: Any project located in a floodway must be rejected
  - Coastal High Hazard Area (V Zone): Site must be rejected unless all structures meet the design criteria in 24 CFR 55.1(c)(3)
  - 100-Year Floodplain: The 8-Step Process is generally required for leasing or rental assistance in buildings of 5+ units (even if renting fewer than 5 units) and non-residential properties. Environmental Review Record must include one of the following:
    - Record of a completed 8-Step Process, including early and final public notices
    - If property is **fully covered by flood insurance**, proof of insurance is sufficient in lieu of 8-Step Process (see 24 CFR 55.12(b)(5))



# Limited Scope Review Requirements



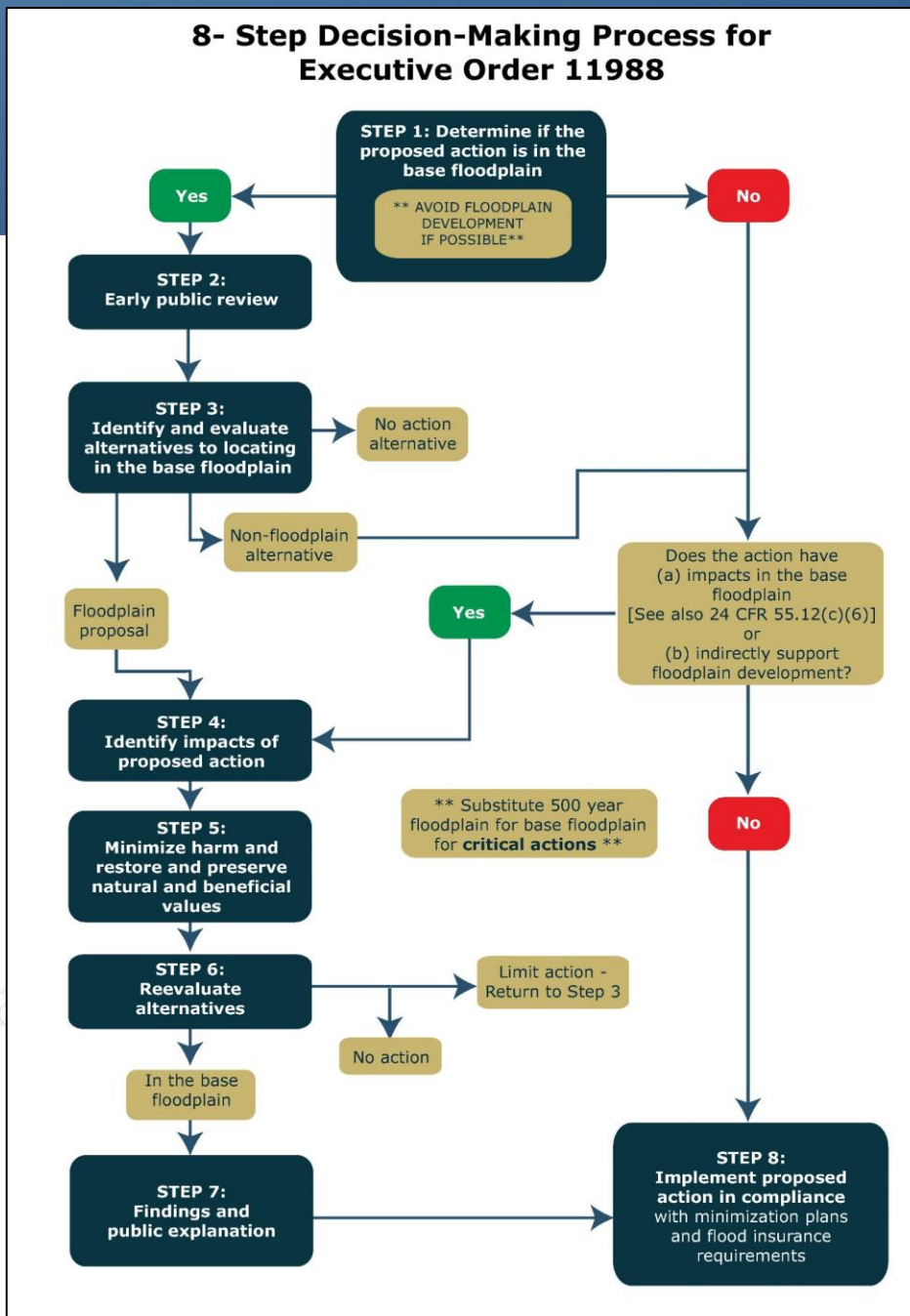


You must do the 8-  
step Process for  
5 or more units and  
non-residential  
leasing

OR

Demonstrate the  
building is  
Fully covered by  
Flood Insurance  
(provide proof)

(for 4-units or less HUD strongly  
encourage participants to  
maintain personal flood  
insurance for contents)





# Limited Scope Review Requirements

**Environmental Justice:** Environmental Review must contain one of the following:

- Evidence that the proposed action will not create an adverse environmental condition that will have a disproportionate impact on low-income or minority communities.
- Documentation that any communities affected by disproportionate adverse impacts have been meaningfully informed and involved in the planning process to address the adverse impacts.



# Limited Scope Review Requirements

- **Environmental Findings and Funding:**
- Review may “convert to exempt” if no mitigation or compliance steps are required for any laws and authorities
- If review converts to exempt: funds may be drawn and committed (i.e. leases may be signed) once the ERR has been signed by the preparer and an Agency Official from the RE.
- If review does NOT convert to exempt: Project requires Notice of Intent and Request for Release of Funds (NOI/RROF)
  1. Publish (7 days) or post (10 days) a NOI/RROF
  2. Review and respond to any comments received
  3. Submit Form 7015.15 to HUD
  4. Following its public objection period, HUD may approve Form 7015.16 – Authority to Use Grant Funds
  5. Grant recipient may begin committing project funds once Form 7015.16 is received





U.S. Department of Housing and Urban  
Development  
451 Seventh Street, SW  
Washington, DC 20410  
[www.hud.gov](http://www.hud.gov)  
[espanol.hud.gov](http://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 project-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.

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:**

# Limited Scope Review Format

[https://www.hudexchange.info  
/resources/documents/Limited  
-Scope-Environmental-Review-  
Format-CoC.docx](https://www.hudexchange.info/resources/documents/Limited-Scope-Environmental-Review-Format-CoC.docx)



# Limited Scope Review Format, cont.

The previously discussed factors:  
Airport Hazards,  
Coastal Barrier  
Resources and Flood  
Insurance PLUS

The RE determines if a project is in compliance with each law or authority

Insurance Reform Act of 199 [42 USC 4001-4128 and 42 U 5154a]			Are formal compliance steps or mitigation required?
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.5</b>			
<b>Clean Air</b>	Yes	No	This project consists only of leasing or rental assistance and is in compliance with the Clean Air Act without further evaluation.
Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Coastal Zone Management</b>	Yes	No	This project consists only of leasing or rental assistance and is in compliance with the Coastal Zone Management Act without further evaluation.
Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Contamination and Toxic Substances</b>	Yes	No	*
24 CFR 58.5(i)(2)	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Endangered Species</b>	Yes	No	This project consists only of leasing or rental assistance and is in compliance with the Endangered Species Act without further evaluation.
Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Explosive and Flammable Hazards</b>	Yes	No	This project consists only of leasing or rental assistance and is in compliance with HUD's Explosive and Flammable Hazards standards without further evaluation.
24 CFR Part 51 Subpart C	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Farmlands Protection</b>	Yes	No	This project consists only of leasing or rental assistance and is in compliance with the Farmland Protection Policy Act without further evaluation.
Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Floodplain Management</b>	Yes	No	*
Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Historic Preservation</b>	Yes	No	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
National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/>	<input type="checkbox"/>	



# Limited Scope Review Format, cont.

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.
<b>Noise Abatement and Control</b>  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.
<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:**



# Limited Scope Review Format, cont.

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).

Keep signed form with project files



# Limited Scope Instructions

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

**Subject: How to prepare “Limited Scope” Environmental Reviews for Continuum of Care (CoC) leasing or rental assistance projects without any associated repairs, rehabilitation, construction, or other activities with physical impacts.**

Projects that consist only of project-based leasing or project-based rental assistance<sup>1</sup> activities require only a “limited scope” environmental review. Responsible Entities conducting a limited scope review need only analyze certain environmental laws and authorities and may assume that the project is in compliance with others without analysis. A limited scope review is appropriate **only** if the project consists entirely of leasing or rental assistance activities in existing residential buildings without any associated physical impacts, including repairs, rehabilitation, or new construction. For projects that involve any additional activities beyond leasing or rental assistance, Responsible Entities should complete a standard environmental review using their regular formats. This document provides guidance on how to complete a limited scope review.<sup>2</sup>

Note that most tenant-based leasing and rental assistance projects do not require a “limited scope” environmental review, because these activities are Categorically Excluded *Not* Subject to 58.5 (CENST) under 24 CFR 58.35(b)(1). As such, tenant-based leasing and rental assistance projects are categorically excluded from NEPA, and subject *only* to the Federal laws and authorities listed in 24 CFR 58.6. A project would be considered tenant-based leasing or rental assistance for purposes of environmental review if the participant selects the location of the unit. Responsible Entities completing environmental reviews for tenant-based rental assistance may use HUD-recommended formats for Part 58 CENST reviews available at <https://www.onecpd.info/resource/3141/part-58-environmental-review-exempt-or-censt-format/>.

## I. Initiating Limited Scope Environmental Reviews

Use the attached CoC Limited Scope Review Format to complete your environmental review. Complete all required fields (those marked with an asterisk) and all other fields that apply. Some fields have already been completed with language appropriate for leasing and rental assistance projects.

## II. Determining Compliance with Required Environmental Laws and Authorities

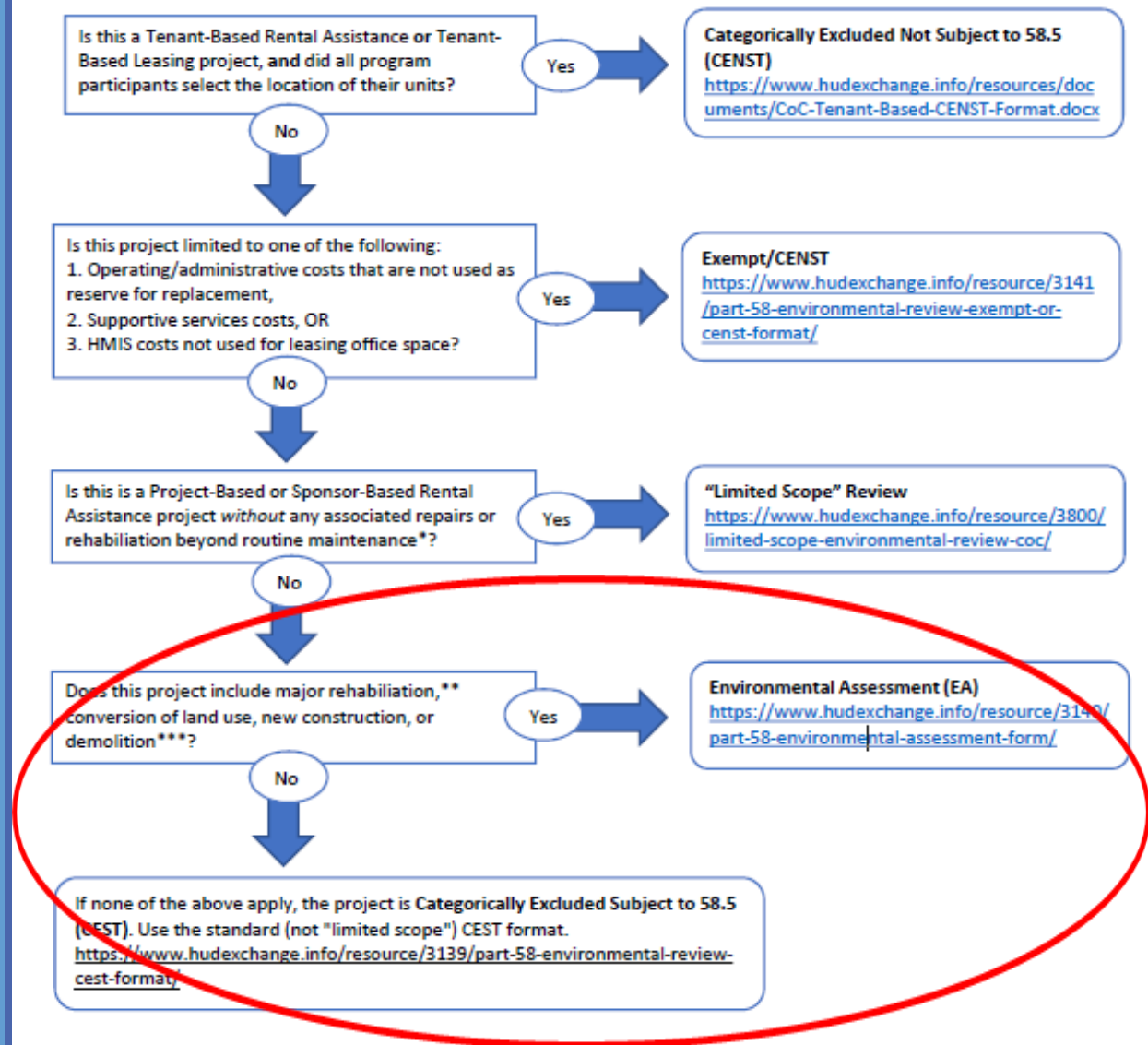
<sup>1</sup> For purposes of conducting the environmental review, “project-based rental assistance” refers to any rental assistance where the funding is attached to the unit, rather than the program participant. Leasing and project-based rental assistance are both defined as Categorically Excluded Subject to 58.5 (CEST) pursuant to 24 CFR 58.35(a)(5), meaning that they are categorically excluded from the National Environmental Policy Act (NEPA), but still subject to the related Federal laws and authorities listed in 24 CFR 58.5 and 58.6. In the CoC program, this would include both project-based rental assistance and sponsor-based rental assistance.

<sup>2</sup> Responsible Entities conducting a large number of leasing or rental assistance projects may streamline the environmental review process by conducting a tiered environmental review. HUD is currently developing guidance on conducting tiered reviews for leasing and rental assistance projects.



# CoC Level of Review Flow Chart

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



\* Routine maintenance defined for Environmental Review purposes in CPD-16-02.

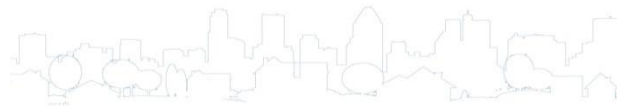
\*\* When determining level of review, "major rehabilitation" is rehab that does not conform to limitations listed in 24 CFR 58.35(a)(3).

\*\*\* Select "yes" if new construction or demo falls outside definition of "individual action" in 24 CFR 58.35(a)(4). If proposed work conforms to the requirements in CFR 58.35(a)(4) then select "no."



# CEST and Environmental Assessments

- **The last two actions are not common for CoC Projects**
- **Contact your RE staff or HUD POC for assistance**





# Form 7015.15 – RROF/C

Page 1

## Request for Release of Funds and Certification

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

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)
------------------------------------------	----------------------------------------------------

11. Program Activity/Project Description



# Form 7015.15 – RROF/C

Page 2

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

**X**

Date signed

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

**X**

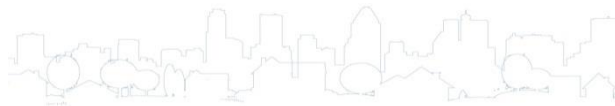
Date signed

**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)



# How long is your Environmental Review valid?

- Tenant Based Rental Assistance or Leasing:  
5 Years
- Project or Sponsored Based Rental Assistance or Leasing:  
5 Years – if renewing a lease in same building or complex  
and no changes in environmental conditions





# Failure to conduct your Environmental Review?

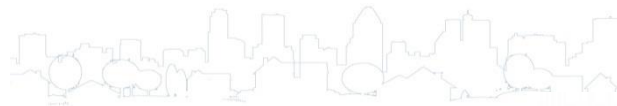
- HUD conducts periodic monitoring of environmental records
- Concerns, findings and recommendations are issued
- If project was exempt or converted to exempt, we will likely do little other than issue the findings and make recommendations for improvements
- If project required further analysis or mitigation was needed:
  - Possible repayment or reprogramming of funds may be requested or mitigation measures may be required





# CoC Environmental Reviews and HEROS

- HEROS is HUD's online environmental review tool however HEROS is not compatible with CoC-specific environmental review formats
- HUD does not recommend using HEROS to complete Part 58 ERs for CoC projects
- For current information, go to <https://www.hudexchange.info/programs/environmental-review/heros>



HEROS



# CoC Environmental Review Takeaways

- Generally, a Responsible Entity (RE) will complete the Environmental Review (ER) under Part 58
  - If an RE declines HUD may complete the ER under Part 50
  - But you supply the required information!
- Aggregate to avoid duplication of effort
- TBRA/TBL are CENST → Complete one CENST review per *program* (5 minutes)
- PBRA/SBRA are CEST → Complete one review per *building/complex* (1 hour)
- Recipient **must not** enter into a lease until ER is complete
- Reviews are valid for 5 years for tenant based
- Reviews are valid for 5 years for project/sponsor based if renewing a lease in same building or complex and no changes in environmental conditions.



# Resources

<https://www.hudexchange.info/resource/4045/coc-program-environmental-review-flow-chart/>

*resources and assistance to support HUD's community partners*

 **HUD EXCHANGE**  
Secretary Ben Carson

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[Home](#) > [Resources](#) > CoC Program Environmental Review Flow Chart

[HUD Guidance](#) [Tools and Templates](#)

## CoC Program Environmental Review Flow Chart

Date Published: October 2016



### Description

This tool provides CoC Program recipients assistance in correctly identifying what level of environmental review is required for their CoC Program project(s). This tool provides links to the following forms: CoC Program 'CEST' Limited Scope Review, Exempt/CENST, EA, and CEST.

### Resource Links

- [CoC Program Environmental Review Flow Chart](#) (PDF)
- [CoC Tenant-Based CENST Format](#) (DOCX)
- [CoC Program 'CEST' Limited Scope Review](#) (HTML)
- [Environmental Assessment \(EA\) Form](#) (HTML)
- [CEST Form](#) (HTML)

**Author Organization**  
HUD

**Resource Approver**  
HUD Approved





# Resources

Video of CoC ER training from HUD HQ

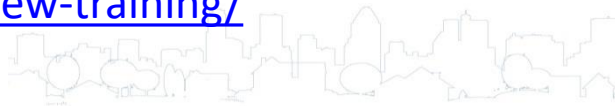
<https://www.youtube.com/watch?v=84HRDYgNbmQ>

HUD's Environmental Review page:

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

HUD's Environmental Review Webinars:

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





# Questions?

Amy Apple  
Program Environmental Specialist  
[Amy.B.Apple@hud.gov](mailto:Amy.B.Apple@hud.gov)  
(212) 542-7515



Lynn Rakos  
Field Environmental Officer, HUD Region 2  
[Lynn.Rakos@hud.gov](mailto:Lynn.Rakos@hud.gov)  
(212) 542-7117

Submit questions through “Ask A Question” at  
<https://www.hudexchange.info/program-support/my-question/>