



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

Special Attention of:
All CPD Division Directors
All HTF Grantees and Subgrantees
Responsible Entities

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Subject: Requirements for Housing Trust Fund Environmental Provisions

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I. Purpose

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

II. Background

Housing Trust Fund

The HTF was established under section 1131 of Title I of the Housing and Economic Recovery Act (HERA) of 2008 ([Public Law 110-289](#)). Section 1131 of HERA amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 *et seq.*) (Act) to add a new section 1337, entitled "Affordable Housing Allocation" and a new section 1338, entitled "Housing Trust Fund." In general, under the HTF program, HUD allocates funds by formula to eligible States to increase and preserve the supply of decent, safe, sanitary, and affordable housing, with primary attention to rental housing for extremely low-income and very low-income households, including homeless families. States are defined as the 50 states, District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and U.S. Virgin Islands. States and state-designated entities are eligible grantees for the HTF, they may choose to subgrant their HTF funding to subgrantees.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 was created to ensure that federal agencies consider the environmental impacts of their actions and decisions. Federal agencies are required to systematically assess the environmental impacts of their proposed actions and consider alternative ways of accomplishing their missions that are less damaging to and protective of the environment.

HUD implements NEPA through its Environmental Regulations at 24 CFR Parts 50 and 58. Part 50 Environmental Reviews are completed by HUD staff, while Part 58 Environmental Reviews are completed by Responsible Entities, which are States, tribes, and units of general local government, such as a town, city, or county. Under Part 58 local governments must assume responsibility for grants made directly to the local government when legislation permits. Part 50 and Part 58 determine whether a project complies with NEPA and related laws and authorities. All HUD-assisted projects are required to undergo an environmental review to evaluate environmental impacts.

NEPA and HTF

Under the HTF HUD has no discretion over the State's selection or rejection of individual projects. HUD's Office of General Counsel (OGC) determined that individual project selection is not a federal action to which the NEPA environmental assessment requirements, or consultation requirements under other Federal authorities such as the National Historic Preservation Act or the Endangered Species Act, would apply. Unlike some other HUD statutes, the HTF statute does not

include a provision for Environmental Review.

HUD is committed to the principles of NEPA and ensuring decent, safe, sanitary, and affordable housing for extremely low and very low income families. Consequently, HUD has developed HTF Environmental Provisions under the HTF Property Standards at 24 CFR § 93.301(f) for new construction and rehabilitation. The state, state-designated entity, or subgrantee administering HTF is responsible for ensuring that projects funded by HTF meet the property standards at the time of project completion.

III. HTF Environmental Provisions

The HTF regulations establish specific property standards for housing that receives HTF funds. These standards include Environmental Provisions for projects involving new construction and rehabilitation. The HTF Environmental Provisions for new construction and rehabilitation under the Property Standards at 24 CFR § 93.301(f)(1) and (2) are similar to HUD's Environmental Regulations at 24 CFR Parts 50 and 58. HTF projects are subject to the same environmental concerns that HUD-assisted projects are subject to. The main difference is that the HTF Environmental Provisions are outcome based, and exclude consultation procedures that would be applicable if HTF project selection was a federal action. Parts 50 and 58 are process based, and include consultation procedures for several laws and authorities where there may be environmental impacts. Due to the outcome based nature of the HTF Environmental Provisions and lack of a federal action, compliance with some environmental property standards is streamlined because consultation is not required.

Timing

HTF housing projects must meet the applicable Property Standards, including the HTF Environmental Provisions at 24 CFR § 93.301(f)(1) or (2) at project completion [§ 93.407(a)(2)(iv)]. Project completion as defined at 24 CFR § 93.2 requires, among other things, that the project complies with the requirements of Part 93 (including the property standards under 24 CFR § 93.301). However, it should be determined prior to construction if a project will meet the HTF Environmental Provisions. If a project cannot meet the HTF Environmental Provisions, the project cannot be funded by HTF. For example, if a project will impact a wetland, it cannot be funded by HTF. It is possible to fund projects that do not meet the Environmental Provisions with other HUD funds after completion of a Part 50 or Part 58 environmental review.

Recordkeeping and Resources

The state, state-designated entity, or subgrantee administering HTF must maintain documentation demonstrating that each project meets the HTF Environmental Provisions at project completion [§ 93.407(a)(2)(iv)]. Appendices B and C attached to this notice layout the HTF Environmental Provisions for new construction and rehabilitation, and provide resources for each of the environmental requirements and how to document compliance.

Due to the streamlined HTF Environmental Provisions, the HUD Environmental Review Online System (HEROS) may not be used to document the Environmental Provisions for projects funded by HTF. Appendices B and C include suggested formats to document compliance with the HTF Environmental Provisions.

IV. Combining with Other HUD Funding Sources

In order to effectively assist low- and very-low income families it is likely that State Agencies and HTF subgrantees will combine HTF funding with other HUD funding sources. Other HUD funding sources include, but are not limited to, HOME Investment Partnerships (HOME), Rental Assistance Demonstration (RAD), or Public Housing Capital Funds that are subject to environmental review under 24 CFR Part 50 or Part 58.

When combining HTF with these funding sources a Part 50 or Part 58 environmental review must be done, and the review must meet the HTF Environmental Provisions. Work closely with the HUD grantee providing the additional HUD funding to determine who will be completing the Part 50 or Part 58 environmental review. Depending on the type of HUD funding that is being used for the project an environmental review will be completed by HUD staff under Part 50, or a Responsible Entity under Part 58. The HUD grantee must be informed early on that the HTF Environmental Provisions must be met as part of the environmental review.

Part 58 - Public comment and Request for Release of Funds Requirements

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

Recordkeeping and Resources

The state-designated entity or subgrantees administering HTF must maintain documentation demonstrating that each project meets the HTF Environmental Provisions at project completion [24 CFR § 93.407(a)(2)(iv)]. Appendices D and E of this notice provide the entity completing the environmental review under Part 50 or Part 58 with the requirements of the HTF Environmental Provisions for new construction and rehabilitation and how they must be met as part of the environmental review.

Due to the HTF Environmental Provisions streamlined approach, the HUD Environmental Review Online System (HEROS) may not be used to document environmental provisions for projects funded by HTF. Appendices D and E include suggested formats to document compliance with the HTF Environmental Provisions. The Responsible Entity or HUD must maintain the Environmental Review Record, and provide a copy to the agency administering HTF.

HUD funding (not including HOME funds) and Commitments

Under 24 CFR Part 50 and Part 58 HUD funds cannot be committed to a project until the environmental review is complete. The Part 50 or Part 58 environmental review that will meet the HTF Environmental Provisions at project completion must be completed prior to commitment of other HUD funding. If a project cannot meet the HTF Environmental Provisions, the project cannot be funded by HTF. For example, if a project will impact a wetland, it cannot be funded by HTF. It is possible to fund projects that do not meet the Environmental Provisions with other HUD funds

after completion of a Part 50 or Part 58 environmental review

HOME Funds and Conditional Commitments

It is possible to make a “conditional commitment” pending completion of environmental review in which the Participating Jurisdiction (PJ) conditions the commitment of HOME funds on the successful completion of the environmental review. However, this conditional commitment may only be made in a HOME written agreement as provided in Notice CPD 15-09. It is not permissible in purchase and sales agreements, conditional contracts, or any other form of commitments.

As explained in Notice CPD-15-09, a conditional commitment pending completion of environmental review may be counted toward meeting the commitment requirement in 24 CFR § 92.500. However, a HOME written agreement can ONLY be conditioned on completion of an environmental review. The project must meet all of the requirements under the definition of “commitment” at 24 CFR § 92.2 and of § 92.250(b) at the time the written agreement is executed.

When combining HTF with HOME Funds the conditional commitment agreement must:

- contain a provision prohibiting the State recipient, subrecipient, or contractor from undertaking or committing any funds (not limited to HOME funds) to physical or choice-limiting actions. Physical or choice-limiting actions include entering into contracts (including conditional contracts) for property acquisition, demolition, movement, rehabilitation, conversion, repair or construction prior to the environmental clearance;
- indicate that the violation of this provision may result in the denial of any funds under the agreement; and
- explicitly state **that the agreement to provide funds to the project is conditioned on the PJ’s determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review meeting HTF Environmental Provisions.**

In addition to the required provisions listed above, the following language is acceptable in an otherwise appropriately drafted agreement committing HOME funds:

Notwithstanding any provision of this Agreement, the parties agree and acknowledge that this Agreement does not constitute a commitment of funds or site approval, and that such commitment of funds or approval may occur only upon satisfactory completion of environmental review and receipt by [the participating jurisdiction, insular area or state recipient] of an Authority to Use Grant Funds from the U.S. Department of Housing and Urban Development [or the state of] under 24 CFR Part 58. The parties further agree that the provision of any funds to the project is conditioned on the [participating jurisdiction, insular area or state recipient’s] determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review meeting the Housing Trust Fund Environmental Provisions.

Appendix A: Text of 24 CFR § 93.301(f) Environmental Provisions

(1) New construction projects environmental requirements—

(i) Historic preservation—(A) Standards. The project activities (including demolition) must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places, unless the project activities meet the Secretary of the Interior's Standards for Rehabilitation, either as certified through the Federal and/or State historic rehabilitation tax credit programs or as verified by someone that meets the relevant Secretary of the Interior's Professional Qualification Standards; (B) Archaeological resources. If archaeological resources or human remains are discovered on the project site during construction, the grantee must consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

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

(iii) Airport zones. Projects are not permitted within the runway protection zones of civilian airports, or the clear zones or accident potential zones of military airfields.

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

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

(vi) Floodplains. Except as modified below, definitions for terms used below can be found at 24 CFR part 55. (A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated at least the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards. The primary sources of floodplain data are Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). When FEMA provides interim flood hazard data, such as Advisory Base Flood Elevations (ABFE) or preliminary maps or studies, the latest of these sources shall be used. (B) No HTF assistance may be approved with respect to: (1) Any action, other than a functionally dependent use, located in a floodway; (2) Any new construction critical action located in a coastal high hazard area, 100- or 500-year floodplain; or (3) Any non-critical new construction action in a coastal high hazard area, unless the action is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for VZones.

(vii) Wetlands. (A) No draining, dredging, channelizing, filling, diking, impounding, or related grading activities are to be performed in wetlands. No activities, structures, or facilities funded under this program are to adversely impact a wetland. (B) A wetland means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. This definition includes those wetland areas separated from their natural supply of water as a result of activities, such as the construction of structural flood protection methods or solid-fill road beds, or mineral extraction and navigation improvements. This definition is independent of the definition of jurisdictional wetland used by the U. S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.).

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

(ix) Contamination. All properties assisted with HTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. (A) All proposed multifamily (more than four housing units) HTF projects require a Phase I Environmental Site Assessment (ESA–ASTM). If the Phase I ESA identifies recognized environmental concerns [conditions] (RECs), a Phase II (ESA–ASTM) will be required. ASTM reports shall be prepared in accordance with the most current ASTM standard. Single family housing does not require a Phase I ESA. (B) HTF projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.

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

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

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

(xiii) Safe drinking water. Projects with a potable water system must use only lead-free pipes, solder, and flux.

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

(2) Rehabilitation projects environmental requirements—

(i) Historic preservation. (A) The project activities (including demolition) must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places, unless the project activities meet the Secretary of the Interior's Standards for Rehabilitation, either as certified through the Federal and/or State historic rehabilitation tax credit programs or as verified by someone that meets the relevant Secretary of the Interior's Professional Qualification Standards; (B) Archaeological resources. If archaeological resources or human remains are discovered on the project site during construction or rehabilitation, the grantee must consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law, and/or local ordinance (e.g., State unmarked burial law).

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

(iii) Airport zones. Projects are not permitted within the runway protection zones of civilian airports, or the clear zones or accident potential zones of military airfields.

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

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

(vi) Floodplains. Except as modified below, definitions for terms used below can be found at 24 CFR part 55. (A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated at least to the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and

floodproofed buildings must adhere to National Flood Insurance Program standards. The primary sources of floodplain data are Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMS). When FEMA provides interim flood hazard data, such as Advisory Base Flood Elevations (ABFE) or preliminary maps or studies, the latest of these sources shall be used. (B) No HTF assistance may be approved with respect to: (1) Any action, other than functionally dependent uses, located in a floodway; (2) Any critical action located in a coastal high hazard area, 100- or 500- year floodplain; or (3) Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V-Zones. “Any non-critical action in a coastal high hazard area, unless the action is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V-Zones.”

(vii) Wetlands. No rehabilitation of existing properties that expands the footprint into a wetland is allowed. A wetland means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. This definition includes those wetland areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-fill road beds and activities such as mineral extraction and navigation improvements. This definition is independent of the definition of jurisdictional wetland used by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.).

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

(ix) Contamination. All properties assisted with HTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property: (A) All proposed multifamily (more than four housing units) HTF project activities require a Phase I Environmental Site Assessment (ESA— ASTM). If the Phase I ESA identifies recognized environmental concerns [conditions] (RECs), a Phase II (ESA—ASTM) will be required. ASTM reports shall be prepared in accordance with the most current ASTM standard. Single family housing does not require a Phase I ESA. (B) HTF projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended utilization of the property.

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

(xi) Endangered species. (A) The grantee must avoid all actions that could jeopardize the continued existence of any species designated by the U.S. Fish and Wildlife Service or National Marine Fisheries Service as endangered or threatened. (B) The grantee must avoid all actions that adversely modify the critical habitat of such species.

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

(xiii) Safe drinking water. Projects with a potable water system must use only lead-free pipes, solder, and flux.

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

- (3) Acquisition projects environmental requirements. (i)(A) Existing housing that is acquired with HTF funds, and has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds must meet the property standards at paragraph (f)(1) of this section. (B) All other existing housing that is acquired with HTF assistance must meet the property standards requirements of paragraph (f)(2) of this section. (ii) If under paragraph (f)(3)(i)(A) or paragraph (B) of this section, the property does not meet these standards, with the exception of the noise standards in paragraph (f)(2) of this section, HTF funds cannot be used to acquire the property.
- (4) Manufactured housing environmental requirements. Manufactured housing is subject to the environmental standards in paragraph (f)(1) of this section for new construction or paragraph (f)(2) of this section for rehabilitation, as applicable. If an existing property does not meet these standards, HTF funds cannot be used to acquire the property unless it is rehabilitated to meet the standards in paragraph (f)(2), as applicable, with the exception of noise standards in paragraph (f)(2)(x).

Appendix B – 24 CFR § 93.301(f)(1) New Construction

(including new construction of manufactured housing or acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds)¹

New construction projects environmental requirements—

(i) **Historic preservation**—(A) Standards. The project activities (including demolition) must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places, unless the project activities meet the Secretary of the Interior’s Standards for Rehabilitation, either as certified through the Federal and/or State historic rehabilitation tax credit programs or as verified by someone that meets the relevant Secretary of the Interior’s Professional Qualification Standards; (B) Archaeological resources. If archaeological resources or human remains are discovered on the project site during construction, the grantee must consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

Resources:

Check to see if the property is listed or eligible for listing in the National Register of Historic Places or located within a historic district - <https://www.nps.gov/nr/research/>
Secretary of the Interior’s Standards for Rehabilitation - including the Standards related to new construction - <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

Documentation:

- Document if the project is not listed or eligible to be listed on the National Register of Historic Places (certification by a qualified professional).
- If the project is listed or eligible to be listed on the National Register of Historic Places, provide documentation on how the work meets the Secretary of Interior’s Standards for Rehabilitation (photos, architectural plans, and certification by a qualified professional).
- If archaeological resources or human remains are discovered on the project site during construction, document all consultation correspondence with affected tribes and/or descendant communities and how the project complies with the Native American Graves

¹ 93.301(f)(3) Acquisition projects environmental requirements. (i)(A) Existing housing that is acquired with HTF funds, and has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds must meet the property standards at paragraph (f)(1) of this section. (B) All other existing housing that is acquired with HTF assistance must meet the property standards requirements of paragraph (f)(2) of this section. (ii) If under paragraph (f)(3)(i)(A) or paragraph (B) of this section, the property does not meet these standards, with the exception of the noise standards in paragraph (f)(2) of this section, HTF funds cannot be used to acquire the property. (4) Manufactured housing environmental requirements. Manufactured housing is subject to the environmental standards in paragraph (f)(1) of this section for new construction or paragraph (f)(2) of this section for rehabilitation, as applicable. If an existing property does not meet these standards, HTF funds cannot be used to acquire the property unless it is rehabilitated to meet the standards in paragraph (f)(2), as applicable, with the exception of noise standards in paragraph (f)(2)(x).

Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

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

Resources:

USDA Web Soil Survey - <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

Documentation:

A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.

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

Resources:

NEPAssist - <https://www.epa.gov/nepa/nepassist> (Airport polygons under Transportation)

Documentation:

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

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

Resources:

FWS Coastal Barrier Resources System Mapper - <http://www.fws.gov/ecological-services/habitat-conservation/cbra/maps/mapper.html>

Documentation:

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

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

Resources:

HUD's Environmental Review Page – Coastal Zone Management - <https://www.hudexchange.info/environmental-review/coastal-zone-management/>

Documentation:

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

(vi) **Floodplains.** Except as modified below, definitions for terms used below can be found at 24 CFR part 55. (A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated at least the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards. The primary sources of floodplain data are Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). When FEMA provides interim flood hazard data, such as Advisory Base Flood Elevations (ABFE) or preliminary maps or studies, the latest of these sources shall be used. (B) No HTF assistance may be approved with respect to: (1) Any action, other than a functionally dependent use, located in a floodway; (2) Any new construction critical action located in a coastal high hazard area, 100- or 500-year floodplain; or (3) Any non-critical new construction action in a coastal high hazard area, unless the action is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for VZones.

Resources:

FEMA Flood Map Service Center - <https://msc.fema.gov/portal>

Documentation:

- FEMA FIRM or other latest-available FEMA data showing the project location is not within a floodplain.
- If the project site is within the 100-year floodplain, document whether there is a practicable alternative. If so, select a site outside the floodplain. If there is no practicable alternative, provide the FIRM or later FEMA data and document that the structure has been elevated to at least the BFE or floodproofed to one foot above the BFE, that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is a not a Critical Action.
- If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.
- If the project site is within a Coastal High Hazard area, provide the FIRM or latest-available FEMA data and document that the structure is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.
- If the project site is within the 500-year floodplain provide the FIRM or later FEMA data and document that the structure is not a Critical Action.

(vii) Wetlands. (A) No draining, dredging, channelizing, filling, diking, impounding, or related grading activities are to be performed in wetlands. No activities, structures, or facilities funded under this program are to adversely impact a wetland. (B) A wetland means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. This definition includes those wetland areas separated from their natural supply of water as a result of activities, such as the construction of structural flood protection methods or solid-fill road beds, or mineral extraction and navigation improvements. This definition is independent of the definition of jurisdictional wetland used by the U. S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.).

Resources:

FWS National Wetlands Inventory - <http://www.fws.gov/wetlands/Data/Mapper.html>

Documentation:

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

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

Resources:

HUD's Environmental Review Page – Explosives and Flammable Facilities - <https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/>

Documentation:

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

(ix) Contamination. All properties assisted with HTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. (A) All proposed multifamily (more than four housing units) HTF projects require a Phase I Environmental Site Assessment (ESA–ASTM). If the Phase I ESA identifies recognized environmental conditions (RECs), a Phase II (ESA–ASTM) will be required. ASTM reports shall be prepared in accordance with the most current ASTM standard. Single family housing does not require a Phase I ESA. (B) HTF projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.

Resources:

HUD's Environmental Review Page – Site Contamination -

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

Documentation:

- Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.
- Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.
- Multifamily properties (4 or more units) - a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.
- Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.

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

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

Resources:

HUD's Environmental Review Page – Noise Abatement and Control -

<https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>

Documentation:

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

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

Resources:

HUD's Environmental Review Page – Endangered Species -

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

FWS – IPAC Information for Planning and Conservation - <https://ecos.fws.gov/ipac/>

NMFS - Endangered and Threatened Marine Species under NMFS' Jurisdiction -

<http://www.nmfs.noaa.gov/pr/species/esa/listed.htm>

Documentation:

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

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

Resources:

HUD's Environmental Review Page – Wild and Scenic Rivers - Guidance

<https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers/>

Documentation:

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

(xiii) Safe drinking water. Projects with a potable water system must use only lead-free pipes, solder, and flux.

Resources:

EPA's Drinking Water Requirements for States and Public Water Systems -
<https://www.epa.gov/dwreginfo>

Documentation:

Document that the project only uses lead-free pipes, solder, and flux. This may include architectural plans, building specifications, and certification by qualified professional.

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

Resources:

HUD's Environmental Review Page – Sole Source Aquifers - Guidance
<https://www.hudexchange.info/environmental-review/sole-source-aquifers/>

Documentation:

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

**Suggested Format for Determining Compliance with Environmental Provisions
24 CFR § 93.301(f)(1) New Construction**

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

Environmental Provision and Resource	Yes/ No	Recordkeeping
<p><u>Historic Preservation</u> The project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district. http://www.nps.gov/nr/research/</p> <p>OR</p> <p>The project is listed or eligible to be listed on the National Register of Historic Places, individually or as part of an historic district, and MEETS the Secretary of Interior’s Standards for Rehabilitation – including the Standards related to new construction. https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm</p> <p>AND</p> <p>If archaeological resources or human remains are discovered on the project site during construction, consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).</p>		<p>Document that the project is not listed or eligible to be listed on the National Register of Historic Places by a qualified professional.</p> <p>OR</p> <p>If the project is listed or eligible to be listed on the National Register of Historic Places, provide documentation on how the work meets the Secretary of Interior’s Standards for Rehabilitation</p> <p>AND</p> <p>Document all consultation correspondence with the affected tribe and/or descendant communities, and how compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law) has been met.</p>
<p><u>Farmlands</u> The project will NOT convert unique, prime or significant (state or local) farmland to an urban use. http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx</p>		<p>A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.</p>

Environmental Provision and Resource	Yes/ No	Recordkeeping
<p><u>Airport Zones</u> The project is NOT located within a Runway Protection Zone (RPZ) of a civilian airport or the clear zone or Accident Potential Zone (APZ) of a military airfield. https://www.epa.gov/nepa/nepassist</p>		<p>A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport.</p> <p>If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so.</p> <p>If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ or a letter from the airport operator stating so.</p>
<p><u>Coastal Barrier Resources</u> The project is NOT located within a Coastal Barrier Resources System unit. http://www.fws.gov/CBRA/Maps/Mapper.html</p>		<p>A map showing that the project site is not located in a CBRS Unit or a statement that the state contains no CBRS units.</p>
<p><u>Coastal Zone Management</u> The project is NOT located in a Coastal Zone, or it has been determined that the project IS CONSISTENT with the State Coastal Zone Management Plan. https://www.hudexchange.info/environmental-review/coastal-zone-management/</p>		<p>Document that the project site is not located in a Coastal Zone. If a project is located within a Coastal Zone document that the project is consistent with the State Coastal Zone Management Plan, this may require contacting the state Coastal Zone Management Agency to obtain a letter of consistency for the project.</p>

<p><u>Floodplains</u> The project is NOT located in the Floodway, Coastal High Hazard Area or 100-year or 500-year floodplain on the latest FEMA floodmap (including preliminary maps and Advisory Base Flood Elevations). https://msc.fema.gov/portal</p> <p>OR</p> <p><u>100-year floodplain -</u> If there are no practicable alternatives to new construction or substantial improvement the structure IS elevated at least to the base flood elevation (BFE) or floodproofed to one foot above the BFE and the project IS NOT a Critical Action.</p> <p>OR</p> <p><u>Floodway –</u> The project IS a functionally dependent use.</p> <p>OR</p> <p><u>Coastal High Hazard Area –</u> The project IS reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.</p> <p>OR</p> <p><u>500-year floodplain –</u> The project is NOT a Critical Action.</p>	<p>FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.</p> <p>OR</p> <p>If the project site is within the 100-year floodplain, document whether there is a practicable alternative. If so, select a site outside the floodplain. If there is no practicable alternative, provide the FIRM or latest-available FEMA data and document that the structure has been elevated at least the BFE or floodproofed to one foot above the BFE, that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is a not a Critical Action.</p> <p>OR</p> <p>If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.</p> <p>OR</p> <p>If the project site is within a Coastal High Hazard Area, provide the FIRM or latest-available FEMA data and document that the structure is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.</p> <p>OR</p> <p>If the project site is within the 500-year floodplain provide the FIRM or later FEMA data and document that the structure is not a Critical Action.</p>
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Environmental Provision and Resource	Yes/ No	Recordkeeping
<p><u>Wetlands</u> The project will NOT adversely impact a wetland. The project will NOT drain, dredge, channelize, fill, dike, impound, or perform grading activities in wetlands. http://www.fws.gov/wetlands/Data/Mappe r.html</p>		<p>A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.</p>
<p><u>Explosives and Hazards</u> The project IS in compliance with the standards for acceptable separation distances, as set forth at 24 CFR part 51, subpart C. https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/</p>		<p>Document that the project meets the standards for acceptable separation distance.</p>
<p><u>Contamination</u> The project is FREE of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.</p> <p>AND</p> <p>The project IS NOT located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content</p>		<p>Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Multifamily properties (4 or more units) - a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location,</p>

Environmental Provision and Resource	Yes/ No	Recordkeeping
<p>as CERCLIS. https://www.hudexchange.info/environmental-review/site-contamination/</p>		<p>such as subdivision development, should be evaluated as multifamily</p> <p>Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.</p>
<p><u>Noise</u> External noise level is LESS THAN 65 dB.</p> <p>OR</p> <p>External noise level is between 65 dB and less than 75 dB. Mitigation measures result in an interior standard of 45 dB.</p> <p>OR</p> <p>External noise level is 75 dB or greater. There are NO noise sensitive outdoor uses (e.g., picnic areas, tot lots, balconies, or patios) and mitigation measures to the building shell achieve the 45 dB interior standard. https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/</p>		<p>Document the external noise level.</p> <p>OR</p> <p>Document the external noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB.</p> <p>OR</p> <p>Document the exterior noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB. Also document that there are no outside noise sensitive uses involved in the project.</p>
<p><u>Endangered Species</u> The project will NOT impact endangered or threatened species or their habitat. https://www.hudexchange.info/programs/environmental-review/endangered-</p>		<p>Provide documentation that there are no endangered, threatened species, or critical habitat on the project site. If there are endangered, threatened species or critical</p>

Environmental Provision and Resource	Yes/ No	Recordkeeping
species/		habitat on the project site, document that the project will not jeopardize an endangered or threatened species, and will not adversely modify critical habitat. This may require informal consultation with FWS and/or NMFS.
<u>Wild and Scenic Rivers</u> The project is NOT located near a Wild and Scenic River. OR The project is located near a Wild and Scenic River and IS CONSISTENT with the River’s Management Plan. https://www.hudexchange.info/programs/environmental-review/wild-and-scenic-rivers/		Document that the project is not located near a Wild and Scenic River. OR Document that the project is located near a Wild and Scenic River and the project is consistent with the River’s Management Plan.
<u>Sole Source Aquifers</u> The project will NOT impact a Sole Source Aquifer. https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/		Document that the project site is not located on a SSA. If the project site located on a SSA provide documentation from EPA that the project will not impact the SSA (including regional MOUs).
<u>Safe Drinking Water</u> The project is CONSTRUCTED WITH lead-free pipes, solder, and flux. https://www.epa.gov/dwreginfo		Document that the project only uses lead-free pipes, solder, and flux (architectural plans, building specifications, and certification by qualified professional).

If any of the answers to the worksheet above are “No” the project cannot be funded through the Housing Trust Fund. However, it is possible that the project can be funded using other HUD funds.²

² 93.301(f)(3) Acquisition projects environmental requirements. (i)(A) Existing housing that is acquired with HTF funds, and has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds must meet the property standards at paragraph (f)(1) of this section. (B) All other existing housing that is acquired with HTF assistance must meet the property standards requirements of paragraph (f)(2) of this section. (ii) If under paragraph (f)(3)(i)(A) or paragraph (B) of this section, the property does not meet these standards, with the exception of the noise standards in paragraph (f)(2) of this section, HTF funds cannot be used to acquire the property. (4) Manufactured housing environmental requirements. Manufactured housing is subject to the environmental standards in paragraph (f)(1) of this section for new construction or paragraph (f)(2) of this section for rehabilitation, as applicable. If an existing property does not meet these standards, HTF funds cannot be used to acquire the property unless it is rehabilitated to meet the standards in paragraph (f)(2), as applicable, with the exception of noise standards in paragraph (f)(2)(x).

Appendix C – 24 CFR § 93.301(f)(2) Rehabilitation

(including rehabilitation of manufactured housing or acquisition of existing housing that has not been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds)³

Rehabilitation projects environmental requirements—

(i) Historic preservation. (A) The project activities (including demolition) must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places, unless the project activities meet the Secretary of the Interior’s Standards for Rehabilitation, either as certified through the Federal and/or State historic rehabilitation tax credit programs or as verified by someone that meets the relevant Secretary of the Interior’s Professional Qualification Standards; (B) Archaeological resources. If archaeological resources or human remains are discovered on the project site during construction or rehabilitation, the grantee must consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law, and/or local ordinance (e.g., State unmarked burial law).

Resources:

Check to see if the property is listed or eligible for listing in the National Register of Historic Places or located within a historic district - <https://www.nps.gov/nr/research/>
Secretary of the Interior’s Standards for Rehabilitation - including the Standards related to new construction - <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

Documentation:

- Document if the project is not listed or eligible to be listed on the National Register of Historic Places (certification by a qualified professional).
- If the project is listed or eligible to be listed on the National Register of Historic Places, provide documentation on how the work meets the Secretary of Interior’s Standards for Rehabilitation (photos, architectural plans, and certification by a qualified professional).
- If archaeological resources or human remains are discovered on the project site during construction, document all consultation correspondence with affected tribes and/or descendant communities and how the project complies with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

³ 93.301(f)(3) Acquisition projects environmental requirements. (i)(A) Existing housing that is acquired with HTF funds, and has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds must meet the property standards at paragraph (f)(1) of this section. (B) All other existing housing that is acquired with HTF assistance must meet the property standards requirements of paragraph (f)(2) of this section. (ii) If under paragraph (f)(3)(i)(A) or paragraph (B) of this section, the property does not meet these standards, with the exception of the noise standards in paragraph (f)(2) of this section, HTF funds cannot be used to acquire the property. (4) Manufactured housing environmental requirements. Manufactured housing is subject to the environmental standards in paragraph (f)(1) of this section for new construction or paragraph (f)(2) of this section for rehabilitation, as applicable. If an existing property does not meet these standards, HTF funds cannot be used to acquire the property unless it is rehabilitated to meet the standards in paragraph (f)(2), as applicable, with the exception of noise standards in paragraph (f)(2)(x).

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

Resources:

USDA Web Soil Survey - <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

Documentation:

- If the project activities consist solely of rehabilitation, then the project will not result in the conversion of unique, prime, or locally significant agricultural properties to urban uses. Document a summary of rehabilitation activities that are part of the project.
- If project activities are not solely rehabilitation provide a map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.

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

Resources:

NEPAssist - <https://www.epa.gov/nepa/nepassist> (Airport polygons under Transportation)

Documentation:

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

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

Resources:

FWS Coastal Barrier Resources System Mapper - <http://www.fws.gov/ecological-services/habitat-conservation/cbra/maps/mapper.html>

Documentation:

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

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

Resources:

HUD's Environmental Review Page – Coastal Zone Management - <https://www.hudexchange.info/environmental-review/coastal-zone-management/>

Documentation:

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

(vi) Floodplains. Except as modified below, definitions for terms used below can be found at 24 CFR part 55. (A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated at least to the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards. The primary sources of floodplain data are Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMS). When FEMA provides interim flood hazard data, such as Advisory Base Flood Elevations (ABFE) or preliminary maps or studies, the latest of these sources shall be used. (B) No HTF assistance may be approved with respect to: (1) Any action, other than functionally dependent uses, located in a floodway; (2) Any critical action located in a coastal high hazard area, 100- or 500- year floodplain; or (3) Any non-critical action in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V-Zones.

Resources:

FEMA Flood Map Service Center - <https://msc.fema.gov/portal>

Documentation:

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

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

(vii) Wetlands. No rehabilitation of existing properties that expands the footprint into a wetland is allowed. A wetland means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. This definition includes those wetland areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-fill road beds and activities such as mineral extraction and navigation improvements. This definition is independent of the definition of jurisdictional wetland used by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.).

Resources:

FWS National Wetlands Inventory - <http://www.fws.gov/wetlands/Data/Mapper.html>

Documentation:

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

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

Resources:

HUD's Environmental Review Page – Explosives and Flammable Facilities - <https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/>

Documentation:

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

(ix) Contamination. All properties assisted with HTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect

the health and safety of occupants or conflict with the intended use of the property: (A) All proposed multifamily (more than four housing units) HTF project activities require a Phase I Environmental Site Assessment (ESA— ASTM). If the Phase I ESA identifies recognized environmental conditions (RECs), a Phase II (ESA—ASTM) will be required. ASTM reports shall be prepared in accordance with the most current ASTM standard. Single family housing does not require a Phase I ESA. (B) HTF projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended utilization of the property.

Resources:

HUD's Environmental Review Page – Site Contamination -

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

Documentation:

- Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.
- Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.
- Multifamily properties (4 or more units) - a Phase I ESA—ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA—ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.
- Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.

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

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

Resources:

HUD's Environmental Review Page – Noise Abatement and Control - <https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>

Documentation:

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

Note: There is an exception for rehabilitation of manufactured housing or acquisition of existing housing that has not been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds

(xi) Endangered species. (A) The grantee must avoid all actions that could jeopardize the continued existence of any species designated by the U.S. Fish and Wildlife Service or National Marine Fisheries Service as endangered or threatened. (B) The grantee must avoid all actions that adversely modify the critical habitat of such species.

Resources:

HUD's Environmental Review Page – Endangered Species - <https://www.hudexchange.info/environmental-review/endangered-species/>
FWS – IPAC Information for Planning and Conservation - <https://ecos.fws.gov/ipac/>
NMFS - Endangered and Threatened Marine Species under NMFS' Jurisdiction - <http://www.nmfs.noaa.gov/pr/species/esa/listed.htm>

Documentation:

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

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

Resources:

HUD's Environmental Review Page – Wild and Scenic Rivers - <https://www.hudexchange.info/environmental-review/wild-and-scenic-rivers/>

Documentation:

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

(xiii) Safe drinking water. Projects with a potable water system must use only lead-free pipes, solder, and flux.

Resources:

EPA's Drinking Water Requirements for States and Public Water Systems -
<https://www.epa.gov/dwreginfo>

Documentation:

Document that the project only uses lead-free pipes, solder, and flux. This may include architectural plans, building specifications, and certification by qualified professional.

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

Resources:

HUD's Environmental Review Page – Sole Source Aquifers -
<https://www.hudexchange.info/environmental-review/sole-source-aquifers/>

Documentation:

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

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

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

Environmental Provision and Resource	Yes/ No	Recordkeeping
<p><u>Historic Preservation</u> The project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district. http://www.nps.gov/nr/research/</p> <p>OR</p> <p>The project is listed or eligible to be listed on the National Register of Historic Places, individually or as part of an historic district, and the work MEETS the Secretary of Interior’s Standards for Rehabilitation. https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm</p> <p>AND</p> <p>If archaeological resources or human remains are discovered on the project site during construction, consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).</p>		<p>Document that the project is not listed or eligible to be listed on the National Register of Historic Places by a qualified professional.</p> <p>OR</p> <p>If the project is listed or eligible to be listed on the National Register of Historic Places, provide documentation on how the work meets the Secretary of Interior’s Standards for Rehabilitation (photos, architectural plans, and certification by the qualified professional).</p> <p>AND</p> <p>Document all consultation correspondence with the affected tribe and/or descendant communities, and how compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law) has been met.</p>
<p><u>Farmlands</u> The project activity IS solely rehabilitation.</p> <p>OR</p> <p>The project will NOT convert unique, prime or significant (state or local) farmland to an urban use - http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm</p>		<p>Document a summary of rehabilitation activities that are part of the project.</p> <p>OR</p> <p>A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.</p>

Environmental Provision and Resource	Yes/ No	Recordkeeping
<p><u>Airport Zones</u> The project is NOT located within a Runway Protection Zone (RPZ) of a civilian airport or the clear zone or Accident Potential Zone (APZ) of a military airfield. https://www.epa.gov/nepa/nepassist</p>		<p>A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport. If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so. If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ or a letter from the airport operator stating so.</p>
<p><u>Coastal Barrier Resources</u> The project is NOT located within a Coastal Barrier Resources System unit. http://www.fws.gov/CBRA/Maps/Mapper.html</p>		<p>A map showing that the project site is not located in a CBRS Unit OR a statement that the state contains no CBRS units.</p>
<p><u>Coastal Zone Management</u> The project is NOT located in a Coastal Zone, or it has been determined that the project IS CONSISTENT with the State Coastal Zone Management Plan. https://www.hudexchange.info/environmental-review/coastal-zone-management/</p>		<p>Document that the project site is not located in a Coastal Zone. If a project is located within a Coastal Zone document that the project is consistent with the State Coastal Zone Management Plan, this may require contacting the state Coastal Zone Management Agency to obtain a letter of consistency for the project.</p>
<p><u>Floodplains</u> The project is NOT located in the Floodway, Coastal High Hazard Area or 100-year or 500-year floodplain on the latest FEMA floodmap (including preliminary maps and Advisory Base Flood Elevations). https://msc.fema.gov/portal</p> <p>OR</p> <p><u>100-year floodplain -</u> If there are no practicable alternatives to substantial improvement the structure IS elevated at least to the base flood elevation (BFE) or floodproofed to one foot above the BFE and the project IS NOT a Critical Action.</p>		<p>FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.</p> <p>OR</p> <p>If the project site is within the 100-year floodplain, document whether there is a practicable alternative. If so, select a site outside the floodplain. If there is no practicable alternative, provide the FIRM or latest-available FEMA data and if the structure will be substantially improved, document that the structure has been elevated at least the BFE or floodproofed to one foot above the BFE that elevated and floodproofed buildings must adhere</p>

Environmental Provision and Resource	Yes/ No	Recordkeeping
<p>OR</p> <p><u>Floodway –</u> The project IS a functionally dependent use.</p> <p>OR</p> <p><u>Coastal High Hazard Area –</u> The project IS designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.</p> <p>OR</p> <p><u>500-year floodplain –</u> The project is NOT a Critical Action.</p>		<p>to National Flood Insurance Program standards, and that the project is not a Critical Action.</p> <p>OR</p> <p>If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.</p> <p>OR</p> <p>If the project site is within a Coastal High Hazard Area, provide the FIRM or latest-available FEMA data and document that the structure is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.</p> <p>OR</p> <p>If the project site is within the 500-year floodplain provide the FIRM or later FEMA data and document that the structure is not a Critical Action.</p>
<p><u>Wetlands</u> The project will NOT adversely impact a wetland. The project will NOT drain, dredge, channelize, fill, dike, impound, or perform grading activities in wetlands.</p> <p>http://www.fws.gov/wetlands/Data/Mapper.html</p>		<p>A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.</p>

Environmental Provision and Resource	Yes/ No	Recordkeeping
<p><u>Explosives and Hazards</u> The rehabilitation of the building will NOT increase residential densities in the building.</p> <p>OR</p> <p>The project will increase residential densities, and IS in compliance with the standards for acceptable separation distances, as set forth at 24 CFR part 51, subpart C. https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/</p>		<p>Document that the rehabilitation will not increase the number of dwelling units in the building.</p> <p>OR</p> <p>Document that the project meets the standards for acceptable separation distance.</p>
<p><u>Contamination</u> The project is FREE of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.</p> <p>AND</p> <p>The project IS NOT located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.</p> <p>https://www.hudexchange.info/environmental-review/site-contamination/</p>		<p>Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Multifamily properties (4 or more units) a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily</p>

Environmental Provision and Resource	Yes/ No	Recordkeeping
		Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.
<u>Noise</u> The internal noise level will be 45 decibels or less (mitigation may be required). https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/		Document that that interior noise levels will be no more than 45 dB.
<u>Endangered Species</u> The project will NOT impact endangered or threatened species or their habitat. https://www.hudexchange.info/programs/environmental-review/endangered-species/		Provide documentation that there are no endangered, threatened species, or critical habitat on the project site. If there are endangered, threatened species or critical habitat on the project site, document that the project will not jeopardize an endangered or threatened species, and will not adversely modify critical habitat. This may require informal consultation with FWS and/or NMFS.
<u>Wild and Scenic Rivers</u> The project is not located near a Wild and Scenic River. OR The project is located near a Wild and Scenic River and IS CONSISTENT with the River’s Management Plan. https://www.hudexchange.info/programs/environmental-review/wild-and-scenic-rivers/		Document that the project is not located near a Wild and Scenic River. OR Document that the project is located near a Wild and Scenic River, and the project is consistent with the River’s Management Plan.

Environmental Provision and Resource	Yes/ No	Recordkeeping
<u>Sole Source Aquifers</u> The project will NOT impact a Sole Source Aquifer. https://www.hudexchange.info/programs/environmental-review/sole-source-aquifers/		Document that the project site is not located on a SSA. If the project site located on a SSA provide documentation from EPA that the project will not impact the SSA (including regional MOUs).
<u>Safe Drinking Water</u> The project CONTAINS lead-free pipes, solder, and flux. https://www.epa.gov/dwreginfo		Document that the project only uses lead-free pipes, solder, and flux (architectural plans, building specifications, and certification by qualified professional).

If any of the answers to the worksheet above are “No” the project cannot be funded through the Housing Trust Fund. However, it is possible that the project can be funded using other HUD funds.⁴

⁴ 93.301(f)(3) Acquisition projects environmental requirements. (i)(A) Existing housing that is acquired with HTF funds, and has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds must meet the property standards at paragraph (f)(1) of this section. (B) All other existing housing that is acquired with HTF assistance must meet the property standards requirements of paragraph (f)(2) of this section. (ii) If under paragraph (f)(3)(i)(A) or paragraph (B) of this section, the property does not meet these standards, with the exception of the noise standards in paragraph (f)(2) of this section, HTF funds cannot be used to acquire the property. (4) Manufactured housing environmental requirements. Manufactured housing is subject to the environmental standards in paragraph (f)(1) of this section for new construction or paragraph (f)(2) of this section for rehabilitation, as applicable. If an existing property does not meet these standards, HTF funds cannot be used to acquire the property unless it is rehabilitated to meet the standards in paragraph (f)(2), as applicable, with the exception of noise standards in paragraph (f)(2)(x).

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

(including new construction of manufactured housing or acquisition of existing housing that has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds)⁵

The following procedures must be used when combining HTF and other HUD funds, including HUD funding from another HUD grantee, that require an environmental review under 24 CFR Part 50 or Part 58.

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

Due to the HTF Environmental Provisions streamlined approach, the HUD Environmental Review Online System (HEROS) may not be used to document environmental provisions for projects funded by HTF. Appendices D and E include suggested formats to document compliance with the HTF Environmental Provisions. The Responsible Entity or HUD must maintain the Environmental Review Record, and provide a copy to the agency administering HTF.

Part 58 - Public comment and Request for Release of Funds Requirements

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

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

⁵ 93.301(f)(3) Acquisition projects environmental requirements. (i)(A) Existing housing that is acquired with HTF funds, and has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds must meet the property standards at paragraph (f)(1) of this section. (B) All other existing housing that is acquired with HTF assistance must meet the property standards requirements of paragraph (f)(2) of this section. (ii) If under paragraph (f)(3)(i)(A) or paragraph (B) of this section, the property does not meet these standards, with the exception of the noise standards in paragraph (f)(2) of this section, HTF funds cannot be used to acquire the property. (4) Manufactured housing environmental requirements. Manufactured housing is subject to the environmental standards in paragraph (f)(1) of this section for new construction or paragraph (f)(2) of this section for rehabilitation, as applicable. If an existing property does not meet these standards, HTF funds cannot be used to acquire the property unless it is rehabilitated to meet the standards in paragraph (f)(2), as applicable, with the exception of noise standards in paragraph (f)(2)(x).

Environmental Provisions, Environmental Justice must be analyzed as part of the environmental review.

Part 50 and 58 compliance with the following Laws and Authorities meet the HTF Environmental Provisions; therefore Part 50 or 58 compliance procedures must be followed –

- Coastal Barrier Resources
- Coastal Zone Management
- Sole Source Aquifers
- Endangered Species
- Wild and Scenic Rivers
- Explosives and Hazards
- Environmental Justice

Part 50 and 58 compliance with the following Laws and Authorities DOES NOT MEET the HTF Environmental Provisions under 24 CFR § 93.301(f)(1); therefore, Part 50 or 58 compliance procedures are not sufficient. More specific information on how to meet the HTF Environmental Provisions is provided in the section below.

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

Environmental Provisions for New Construction when Part 50 and 58 Compliance DOES NOT MEET HTF Requirements-

Historic preservation—(A) Standards. The project activities (including demolition) must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places, unless the project activities meet the Secretary of the Interior’s Standards for Rehabilitation, either as certified through the Federal and/or State historic rehabilitation tax credit programs or as verified by someone that meets the relevant Secretary of the Interior’s Professional Qualification Standards; (B) Archaeological resources. If archaeological resources or human remains are discovered on the project site during construction, the grantee must consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

Resources:

Check to see if the property is listed or eligible for listing in the National Register of Historic Places or located within a historic district - <https://www.nps.gov/nr/research/>
Secretary of the Interior’s Standards for Rehabilitation - including the Standards related to new construction - <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

HTF - Part 50/58 Process:

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

- If the project is listed or eligible to be listed on the National Register of Historic Places, there must be No Adverse Effect. Provide documentation on how the work meets the Secretary of Interior's Standards for Rehabilitation (photos, architectural plans, and certification by a qualified professional). Also, document if the project is not listed or eligible to be listed.
- If archaeological resources or human remains are discovered on the project site during construction, document all consultation correspondence with affected tribes and/or descendant communities and how the project complies with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).

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

Resources:

USDA Web Soil Survey - <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

HTF - Part 50/58 Process:

A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.

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

Resources:

NEPAssist - <https://www.epa.gov/nepa/nepassist> (Airport polygons under Transportation)

HTF - Part 50/58 Process:

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

Floodplains. Except as modified below, definitions for terms used below can be found at 24 CFR part 55. (A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated to at least the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards. The primary sources of floodplain data are Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). When FEMA provides interim flood hazard data, such as Advisory Base Flood Elevations (ABFE) or preliminary maps or studies, the latest of these sources shall be used. (B) No HTF assistance may

be approved with respect to: (1) Any action, other than a functionally dependent use, located in a floodway; (2) Any new construction critical action located in a coastal high hazard area, 100- or 500-year floodplain; or (3) Any non-critical new construction action in a coastal high hazard area, unless the action is reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.

Resources:

FEMA Flood Map Service Center - <https://msc.fema.gov/portal>

HTF - Part 50/58 Process:

- FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.
- If the project site is within the 100-year floodplain, an 8-step Process including notifications is required. Any structure located within the 100-year floodplain must be elevated to at least the BFE or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, Critical Actions are not allowed.
- If the project site is within a Floodway, the structure must be a functionally dependent use.
- If the project site is within a Coastal High Hazard area, the structure must be a non-critical reconstruction following destruction caused by a disaster and be designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.
- If the project site is within the 500-year floodplain the structure must not be a Critical Action.

Wetlands. (A) No draining, dredging, channelizing, filling, diking, impounding, or related grading activities are to be performed in wetlands. No activities, structures, or facilities funded under this program are to adversely impact a wetland. (B) A wetland means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. This definition includes those wetland areas separated from their natural supply of water as a result of activities, such as the construction of structural flood protection methods or solid-fill road beds, or mineral extraction and navigation improvements. This definition is independent of the definition of jurisdictional wetland used by the U. S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.).

Resources:

FWS National Wetlands Inventory - <http://www.fws.gov/wetlands/Data/Mapper.html>

HTF - Part 50/58 Process:

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

Contamination. All properties assisted with HTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. (A) All proposed multifamily (more than four housing units) HTF projects require a Phase I Environmental Site Assessment (ESA–ASTM). If the Phase I ESA identifies recognized environmental conditions (RECs), a Phase II (ESA–ASTM) will be required. ASTM reports shall be prepared in accordance with the most current ASTM standard. Single family housing does not require a Phase I ESA. (B) HTF projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.

Resources:

HUD’s Environmental Review Page – Site Contamination -

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

HTF - Part 50/58 Process:

- Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.
- Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.
- Multifamily properties (4 or more units) - a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.
- Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.

Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the

Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.

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

Resources:

HUD's Environmental Review Page – Noise Abatement and Control -
<https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>

HTF - Part 50/58 Process:

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

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

Resources:

EPA's Drinking Water Requirements for States and Public Water Systems -
<https://www.epa.gov/dwreginfo>

HTF - Part 50/58 Process:

Document that the project only uses lead-free pipes, solder, and flux. This may include architectural plans, building specifications, and certification by qualified professional.

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

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

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

Document compliance with the following Laws and Authorities in the Part 50 or Part 58 Environmental Review Record. Part 50 and 58 compliance with the following Laws and Authorities meet the HTF Environmental Provisions; therefore Part 50 or 58 compliance procedures must be followed-

- Coastal Barrier Resources
- Coastal Zone Management
- Sole Source Aquifers
- Endangered Species
- Wild and Scenic Rivers
- Explosives and Hazards
- Environmental Justice

Part 50 and 58 compliance with the following Laws and Authorities DOES NOT MEET the HTF Environmental Provisions under 24 CFR § 93.301(f)(1); therefore, Part 50 or 58 compliance procedures are not sufficient. More specific information on how to meet the HTF Environmental Provisions is provided in the section below.

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

Environmental Provision and Resource	Yes/ No	Environmental Review Record
<p><u>Historic Preservation</u> Consultation with interested parties such as the State Historic Preservation Officers, federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); and Native Hawaiian Organizations.</p> <p>AND</p> <p>If the project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district. http://www.nps.gov/nr/research/</p> <p>OR</p> <p>If the project IS listed or eligible to be listed on the National Register of Historic Places, individually or as part of an historic district, and work DOES NOT include demolition and MEETS the Secretary of Interior’s Standards for Rehabilitation – including the Standards related to new construction. https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm</p> <p><u>Archaeological Resources</u> If archaeological resources or human remains are discovered on the project site during construction, consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).</p>		<p>Document the consultation process.</p> <p>AND</p> <p>Document that the project is not listed or eligible to be listed on the National Register of Historic Places.</p> <p>OR</p> <p>Document how the work meets the Secretary of Interior’s Standards for Rehabilitation.</p> <p>Document all consultation correspondence with the affected tribe and/or descendant communities, and how compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law) has been met.</p>
<p><u>Farmlands</u> The project will NOT convert unique, prime or significant (state or local) farmland to an urban use - http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx</p>		<p>A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.</p>

Environmental Provision and Resource	Yes/ No	Environmental Review Record
<p><u>Airport Zones</u> The project is NOT located within a Runway Protection Zone (RPZ) of a civilian airport or the clear zone or Accident Potential Zone (APZ) of a military airfield. https://www.epa.gov/nepa/nepassist</p>		<p>A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport. If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so. If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ or a letter from the airport operator stating so.</p>
<p><u>Floodplains</u> The project is NOT located in the Floodway, Coastal High Hazard Area or 100-year or 500-year floodplain on the latest FEMA floodmap (including preliminary maps and Advisory Base Flood Elevations). https://msc.fema.gov/portal</p> <p>OR</p> <p><u>100-year floodplain -</u> If the project site is within the 100-year floodplain, an 8-step Process and required notifications are required. Any structure located within the 100-year floodplain WILL BE elevated to at least the BFE or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, and the project MUST NOT BE a Critical Action.</p> <p>OR</p> <p><u>Floodway –</u> The project IS a functionally dependent use.</p> <p>OR</p> <p><u>Coastal High Hazard Area –</u> The project IS reconstruction following destruction caused by a disaster and is designed for location in a coastal high hazard area consistent with the FEMA</p>		<p>FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.</p> <p>OR</p> <p>Document the 8-step Process and required notifications. Provide the FIRM or latest-available FEMA data and document that the structure will be elevated at least the BFE or floodproofed to one foot above the BFE, that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is a not a Critical Action.</p> <p>OR</p> <p>If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.</p> <p>OR</p> <p>If the project site is within a Coastal High Hazard Area, provide the FIRM or latest-available FEMA data and document that the structure is reconstruction following destruction caused by a disaster and is</p>

Environmental Provision and Resource	Yes/ No	Environmental Review Record
<p>National Flood Insurance Program requirements for V Zones</p> <p>OR</p> <p><u>500-year floodplain</u> – The project is NOT a Critical Action.</p>		<p>designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.</p> <p>OR</p> <p>If the project site is within the 500-year floodplain provide the FIRM or latest-available FEMA data and document that the structure is not a Critical Action.</p>
<p><u>Wetlands</u> The project will NOT adversely impact a wetland. The project will NOT drain, dredge, channelize, fill, dike, impound, or perform grading activities in wetlands.</p> <p>http://www.fws.gov/wetlands/Data/Mapper.html</p>		<p>A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.</p>
<p><u>Contamination</u> The project is FREE of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.</p> <p>AND</p> <p>The project IS NOT located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Note: The CERCLIS Public Access Database has been retired. The EPA is</p>		<p>Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Multifamily properties (4 or more units) - a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be</p>

Environmental Provision and Resource	Yes/ No	Environmental Review Record
<p>transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.</p> <p>https://www.hudexchange.info/environmental-review/site-contamination/</p>		<p>required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily</p> <p>Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.</p>
<p><u>Noise</u> External noise level is LESS THAN 65 dB.</p> <p>OR</p> <p>External noise level is between 65 dB and less than 75 dB. Mitigation measures result in an interior standard of 45 dB.</p> <p>OR</p> <p>External noise level is 75 dB or greater. There are NO noise sensitive outdoor uses (e.g., picnic areas, tot lots, balconies, or patios) and mitigation measures to the building shell achieve the 45 dB interior standard.</p> <p>https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/</p>		<p>Document the external noise level.</p> <p>OR</p> <p>Document the external noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB.</p> <p>OR</p> <p>Document the exterior noise level, and the mitigation measures taken to meet the interior noise level standard of no more than 45 dB. Also document that there are no outside noise sensitive uses involved in the project.</p>

Environmental Provision and Resource	Yes/ No	Environmental Review Record
<u>Safe Drinking Water</u> The project is CONSTRUCTED WITH lead-free pipes, solder, and flux. https://www.epa.gov/dwreginfo		Document that the project only uses lead-free pipes, solder, and flux (architectural plans, building specifications, and certification by qualified professional).

If any of the answers to the worksheet above are “No” the project cannot be funded through the Housing Trust Fund. However, it is possible that the project can be funded using other HUD funds.⁶

⁶ 93.301(f)(3) Acquisition projects environmental requirements. (i)(A) Existing housing that is acquired with HTF funds, and has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds must meet the property standards at paragraph (f)(1) of this section. (B) All other existing housing that is acquired with HTF assistance must meet the property standards requirements of paragraph (f)(2) of this section. (ii) If under paragraph (f)(3)(i)(A) or paragraph (B) of this section, the property does not meet these standards, with the exception of the noise standards in paragraph (f)(2) of this section, HTF funds cannot be used to acquire the property. (4) Manufactured housing environmental requirements. Manufactured housing is subject to the environmental standards in paragraph (f)(1) of this section for new construction or paragraph (f)(2) of this section for rehabilitation, as applicable. If an existing property does not meet these standards, HTF funds cannot be used to acquire the property unless it is rehabilitated to meet the standards in paragraph (f)(2), as applicable, with the exception of noise standards in paragraph (f)(2)(x).

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

(including rehabilitation of manufactured housing or acquisition of existing housing that is acquired with HTF funds, and has not been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds)⁷

The following procedures must be used when combining HTF and other HUD funds, including HUD funding from another HUD grantee, that require an environmental review under 24 CFR Part 50 or Part 58.

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

Due to the HTF Environmental Provisions streamlined approach, the HUD Environmental Review Online System (HEROS) may not be used to document environmental provisions for projects funded by HTF. Appendices D and E include suggested formats to document compliance with the HTF Environmental Provisions. The Responsible Entity or HUD must maintain the Environmental Review Record, and provide a copy to the agency administering HTF.

Part 58 - Public Comment and Request for Release of Funds Requirements

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

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

⁷ 93.301(f)(3) Acquisition projects environmental requirements. (i)(A) Existing housing that is acquired with HTF funds, and has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds must meet the property standards at paragraph (f)(1) of this section. (B) All other existing housing that is acquired with HTF assistance must meet the property standards requirements of paragraph (f)(2) of this section. (ii) If under paragraph (f)(3)(i)(A) or paragraph (B) of this section, the property does not meet these standards, with the exception of the noise standards in paragraph (f)(2) of this section, HTF funds cannot be used to acquire the property. (4) Manufactured housing environmental requirements. Manufactured housing is subject to the environmental standards in paragraph (f)(1) of this section for new construction or paragraph (f)(2) of this section for rehabilitation, as applicable. If an existing property does not meet these standards, HTF funds cannot be used to acquire the property unless it is rehabilitated to meet the standards in paragraph (f)(2), as applicable, with the exception of noise standards in paragraph (f)(2)(x).

Part 50 and 58 compliance with the following Laws and Authorities meet the HTF Environmental Provisions; therefore Part 50 or 58 compliance procedures must be followed –

- Coastal Barrier Resources
- Coastal Zone Management
- Sole Source Aquifers
- Endangered Species
- Wild and Scenic Rivers
- Explosives and Hazards
- Environmental Justice

Part 50 and 58 compliance with the following Laws and Authorities DOES NOT MEET the HTF Environmental Provisions under 24 CFR § 93.301(f)(2); therefore, Part 50 or 58 compliance procedures are not sufficient. More specific information on how to meet the HTF Environmental Provisions is provided in the section below.

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

Environmental Provisions for Rehabilitation when Part 50 and 58 Compliance DOES NOT MEET HTF Requirements—

Historic preservation. (A) The project activities (including demolition) must not be performed on properties that are either listed in or determined eligible for listing in the National Register of Historic Places, unless the project activities meet the Secretary of the Interior’s Standards for Rehabilitation, either as certified through the Federal and/or State historic rehabilitation tax credit programs or as verified by someone that meets the relevant Secretary of the Interior’s Professional Qualification Standards; (B) Archaeological resources. If archaeological resources or human remains are discovered on the project site during construction or rehabilitation, the grantee must consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law, and/or local ordinance (e.g., State unmarked burial law).

Resources:

Check to see if the property is listed or eligible for listing in the National Register of Historic Places or located within a historic district - <https://www.nps.gov/nr/research/>
Secretary of the Interior’s Standards for Rehabilitation - including the Standards related to new construction - <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

HTF - Part 50/58 Process:

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

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

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

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

Resources:

USDA Web Soil Survey - <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

HTF - Part 50/58 Process:

- If the project activities consist solely of rehabilitation, then the project will not result in the conversion of unique, prime, or locally significant agricultural properties to urban uses. Document a summary of rehabilitation activities that are part of the project.
- If project activities are not solely rehabilitation provide a map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.

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

Resources:

NEPAssist - <https://www.epa.gov/nepa/nepassist> (Airport polygons under Transportation)

HTF - Part 50/58 Process:

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

Floodplains. Except as modified below, definitions for terms used below can be found at 24 CFR part 55. (A) Construction and other activities in the 100-year floodplain are to be avoided when practicable. If there are no practicable alternatives to new construction or substantial improvement in the 100-year floodplain, the structure must be elevated at least to the base flood elevation (BFE) or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards. The primary sources of floodplain data are Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMS). When FEMA provides interim flood hazard data, such as Advisory Base Flood Elevations (ABFE) or preliminary maps or studies, the latest of these sources shall be used. (B) No HTF assistance may be approved with respect to: (1) Any action, other than functionally dependent uses, located in a

floodway; (2) Any critical action located in a coastal high hazard area, 100- or 500- year floodplain; or (3) Any non-critical action in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V-Zones.

Resources:

FEMA Flood Map Service Center - <https://msc.fema.gov/portal>

HTF - Part 50/58 Process:

- FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.
- If the project site is within the 100-year floodplain, an 8-step Process and required notifications is required. Any structure that will be substantially improved and is located within the 100-year floodplain must be elevated to at least the BFE or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, Critical Actions are not allowed.
- If the project site is within a Floodway, the structure must be a functionally dependent use.
- If the project site is within a Coastal High Hazard area, the structure must be a non-critical action designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones.
- If the project site is within the 500-year floodplain the structure must not be a Critical Action.

Wetlands. No rehabilitation of existing properties that expands the footprint into a wetland is allowed. A wetland means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances, does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. This definition includes those wetland areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-fill road beds and activities such as mineral extraction and navigation improvements. This definition is independent of the definition of jurisdictional wetland used by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.).

Resources:

FWS National Wetlands Inventory - <http://www.fws.gov/wetlands/Data/Mapper.html>

HTF - Part 50/58 Process:

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

Contamination. All properties assisted with HTF funds must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property: (A) All proposed multifamily (more than four housing units) HTF project activities require a Phase I Environmental Site Assessment (ESA— ASTM). If the Phase I ESA identifies recognized

environmental concerns (RECs), a Phase II (ESA–ASTM) will be required. ASTM reports shall be prepared in accordance with the most current ASTM standard. Single family housing does not require a Phase I ESA. (B) HTF projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended utilization of the property.

Resources:

HUD's Environmental Review Page – Site Contamination -

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

HTF - Part 50/58 Process:

- Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.
- Document that the project is not located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.
- Multifamily properties (4 or more units) - a Phase I Environmental Site Assessment (ESA–ASTM) is required. If the Phase I ESA identifies recognized environmental conditions (RECs), a Phase II (ESA–ASTM) will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily.
- Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.

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

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

Resources:

HUD's Environmental Review Page – Noise Abatement and Control -
<https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/>

HTF - Part 50/58 Process:

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

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

Resources:

EPA's Drinking Water Requirements for States and Public Water Systems -
<https://www.epa.gov/dwreginfo>

HTF - Part 50/58 Process:

Document that the project only uses lead-free pipes, solder, and flux. This may include architectural plans, building specifications, and certification by qualified professional.

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

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

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

Document compliance with the following Laws and Authorities in the Part 50 or Part 58 Environmental Review Record. Part 50 and 58 compliance with the following Laws and Authorities meet the HTF Environmental Provisions; therefore Part 50 or 58 compliance procedures must be followed-

- Coastal Barrier Resources
- Coastal Zone Management
- Sole Source Aquifers
- Endangered Species
- Wild and Scenic Rivers
- Explosives and Hazards
- Environmental Justice

Part 50 and 58 compliance with the following Laws and Authorities DOES NOT MEET the HTF Environmental Provisions under 24 CFR § 93.301(f)(2); therefore, Part 50 or 58 compliance procedures are not sufficient. More specific information on how to meet the HTF Environmental Provisions is provided in the section below.

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

Environmental Provision and Resource	Yes/ No	Environmental Review Record
<p><u>Historic Preservation</u> Consultation with interested parties such as the State Historic Preservation Officers, federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); and Native Hawaiian Organizations.</p> <p>AND</p> <p>If the project is NOT listed or eligible for listing in the National Register of Historic Places individually or as part of an historic district. http://www.nps.gov/nr/research/</p> <p>OR</p> <p>The project is listed or eligible to be listed on the National Register of Historic Places, individually or as part of an historic district, and the work MEETS the Secretary of Interior’s Standards for Rehabilitation. https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm</p> <p><u>Archaeological Resources</u> If archaeological resources or human remains are discovered on the project site during construction, consult with affected tribes and/or descendant communities and comply with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law).</p>		<p>Document the consultation process.</p> <p>AND</p> <p>Document that the project is not listed or eligible to be listed on the National Register of Historic Places.</p> <p>OR</p> <p>Document how the work meets the Secretary of Interior’s Standards for Rehabilitation.</p> <p>Document all consultation correspondence with the affected tribe and/or descendant communities, and how compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001–3013), State law and/or local ordinance (e.g., State unmarked burial law) has been met.</p>
<p><u>Farmlands</u> The project activity is strictly rehabilitation.</p> <p>OR</p> <p>The project will NOT convert unique, prime or significant (state or local) farmland to an urban use - http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm</p>		<p>Document a summary of rehabilitation activities that are part of the project.</p> <p>OR</p> <p>A map from the Web Soil Survey showing that the project site is not a unique, prime or statewide or locally significant agricultural property.</p>

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<p><u>Airport Zones</u> The project is NOT located within a Runway Protection Zone (RPZ) of a civilian airport or the clear zone or Accident Potential Zone (APZ) of a military airfield. https://www.epa.gov/nepa/nepassist</p>		<p>A map showing the site is not within 15,000 feet of a military airport or within 2,500 feet of a civilian airport. If within 15,000 feet of a military airport, a map showing the site is not within a designated APZ or a letter from the airport operator stating so. If within 2,500 feet of a civilian airport, a map showing the site is not within a designated RPZ or a letter from the airport operator stating so.</p>
<p><u>Floodplains</u> The project is NOT located in the Floodway, Coastal High Hazard Area or 100-year or 500-year floodplain on the latest FEMA floodmap (including preliminary maps and Advisory Base Flood Elevations). https://msc.fema.gov/portal</p> <p>OR</p> <p><u>100-year floodplain -</u> If the project site is within the 100-year floodplain, an 8-step Process including notifications is required. Any substantially improved structure located within the 100-year floodplain WILL BE elevated to at least the BFE or floodproofed to one foot above the BFE. Elevated and floodproofed buildings must adhere to National Flood Insurance Program standards, and the project MUST NOT BE a Critical Action.</p> <p>OR</p> <p><u>Floodway –</u> The project IS a functionally dependent use.</p> <p>OR</p> <p><u>Coastal High Hazard Area –</u> The project IS designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones</p>		<p>FEMA FIRM or other latest-available data from FEMA showing the project location is not within a floodplain.</p> <p>OR</p> <p>Document the 8-step Process and required notifications. Provide the FIRM or latest-available FEMA data and, if the structure will be substantially improved, document that the structure will be elevated at least the BFE or floodproofed to one foot above the BFE, that elevated and floodproofed buildings adhere to National Flood Insurance Program standards, and that the project is not a Critical Action.</p> <p>OR</p> <p>If the project site is within a Floodway, provide the FIRM or latest-available FEMA data and document that the structure is a functionally dependent use.</p> <p>OR</p> <p>If the project site is within a Coastal High Hazard Area, provide the FIRM or later FEMA data and document that the structure is designed for location in a coastal high hazard area consistent with the FEMA National Flood Insurance Program requirements for V Zones, and that the structure is not a Critical Action.</p>

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<p>OR</p> <p><u>500-year floodplain</u> – The project is NOT a Critical Action.</p>		<p>OR</p> <p>If the project site is within the 500-year floodplain provide the FIRM or latest-available FEMA data and document that the structure is not a Critical Action.</p>
<p><u>Wetlands</u> The project will NOT adversely impact a wetland. The project will NOT drain, dredge, channelize, fill, dike, impound, or perform grading activities in wetlands. http://www.fws.gov/wetlands/Data/Mapper.html</p>		<p>A map showing the project is not located in a jurisdictional or non-jurisdictional wetland.</p>
<p><u>Contamination</u> The project is FREE of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property.</p> <p>AND</p> <p>The project IS NOT located within 0.25 miles of a Superfund or CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System) site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the U.S. Environmental Protection Agency (EPA) or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Note: The CERCLIS Public Access Database has been retired. The EPA is transitioning to the Superfund Enterprise Management System, or SEMS. SEMS includes the same data fields and content as CERCLIS.</p> <p>https://www.hudexchange.info/environmental-review/site-contamination/</p>		<p>Document that the project is free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended use of the property. Document that the project is not located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property.</p> <p>Multifamily properties (4 or more units) a Phase I ESA–ASTM is required. If the Phase I ESA identifies RECs, a Phase II ESA–ASTM will be required. If the Phase II indicates the presence of hazardous substances or petroleum products above applicable local, state, tribal or federal (LSTF) screening levels, coordination with the relevant LSTF oversight agency will be required to complete the remediation process and obtain a determination that no further action is required. Development of more than four single family structures in the same location, such as subdivision development, should be evaluated as multifamily</p> <p>Single family properties - projects must avoid sites located within 0.25 miles of a Superfund or CERCLIS site or other contaminated site</p>

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		reported to Federal, State, or local authorities without a statement in writing from the EPA or the appropriate State agency that there is no hazard that could affect the health and safety of the occupants or conflict with the intended use of the property. In addition to the government records search, the screening process for single family does include a site visit. When the screening process raises concerns related to site contamination, it may be appropriate to contract with an environmental professional for preparation of a Phase I, testing and sampling, or other investigation.
<u>Noise</u> The internal noise level will be 45 decibels or less (mitigation may be required). https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/		Document that that interior noise levels will be no more than 45 dB.
<u>Safe Drinking Water</u> The project CONTAINS lead-free pipes, solder, and flux. https://www.epa.gov/dwreginfo		Document that the project only uses lead-free pipes, solder, and flux (architectural plans, building specifications, and certification by qualified professional).

If any of the answers to the worksheet above are “No” the project cannot be funded through the Housing Trust Fund. However, it is possible that the project can be funded using other HUD funds.⁸

⁸ 93.301(f)(3) Acquisition projects environmental requirements. (i)(A) Existing housing that is acquired with HTF funds, and has been newly constructed or rehabilitated less than 12 months before the commitment of HTF funds must meet the property standards at paragraph (f)(1) of this section. (B) All other existing housing that is acquired with HTF assistance must meet the property standards requirements of paragraph (f)(2) of this section. (ii) If under paragraph (f)(3)(i)(A) or paragraph (B) of this section, the property does not meet these standards, with the exception of the noise standards in paragraph (f)(2) of this section, HTF funds cannot be used to acquire the property. (4) Manufactured housing environmental requirements. Manufactured housing is subject to the environmental standards in paragraph (f)(1) of this section for new construction or paragraph (f)(2) of this section for rehabilitation, as applicable. If an existing property does not meet these standards, HTF funds cannot be used to acquire the property unless it is rehabilitated to meet the standards in paragraph (f)(2), as applicable, with the exception of noise standards in paragraph (f)(2)(x).