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

**Part 58 Environmental Review Process and Resources (HOME)**

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

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

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| **Finding A**  24 CFR  § 58.34  *EX: Administration,*  *Environmental and Other Studies,*  *Soil Surveys* | **EXEMPT**  **All project activities can be considered exempt** *(Not Likely)*   1. Document compliance with the following requirements (§ 58.6):    1. Federal Emergency Management Agency (FEMA) Flood Hazards    2. Coastal Barrier Resources    3. Airport Runway Clear Zones or Clear Zones 2. Prepare a Finding of Exemption 3. Submit requests to Commerce for drawdown of funds as needed (Request for Release of Funds or “RROF” not required)   Environmental Review Record Requirements:   * Designation by adopted resolution of ECO1 * [**HUD Form: Environmental Review for Activity/Project that is Exempt or Categorically Excluded Not Subject to § 58.5**](https://www.hudexchange.info/resource/3141/part-58-environmental-review-exempt-or-censt-format/) (This shows compliance with § 58.6 and documents a Finding of Exemption) * Other documentation and applicable correspondence |
| **Finding B**  24 CFR  § 58.35(b)  *EX: Homebuyer Assistance, Supportive Services* | **CATEGORICALLY EXCLUDED, NOT SUBJECT TO § 58.5 (CENST)**  **All project activities can be categorically excluded, and no activities are affected by federal statutes and executive orders**   * Document compliance with the following requirements (§ 58.6):   + Federal Emergency Management Agency (FEMA) Flood Hazards   + Coastal Barrier Resources   + Airport Runway Clear Zones or Clear Zones * Prepare a Finding of Exemption (CENST) * Submit requests to Commerce for drawdown of funds as needed (RROF not required unless specifically requested by Commerce)   Environmental Review Record Requirements:   * Designation by adopted resolution of ECO1 * [**HUD Form: Environmental Review for Activity/Project that Is Exempt or Categorically Excluded Not Subject to § 58.5**](https://www.hudexchange.info/resource/3141/part-58-environmental-review-exempt-or-censt-format/) (This shows compliance with § 58.6 and documents a Finding of Exemption “CENST”) * Other documentation and applicable correspondence |
| **Finding C**  24 CFR  § 58.35(a)  *EX: Multi- and Single-Family Rehabilitation (Not Significant)* | **CATEGORICALLY EXCLUDED, SUBJECT TO § 58.5 (CEST)**  **All project activities can be categorically excluded, and some activities are affected by federal statutes and executive orders**   * Document compliance with the following requirements (§ 58.6):   + Federal Emergency Management Agency (FEMA) Flood Hazards   + Coastal Barrier Resources   + Airport Runway Clear Zones or Clear Zones * Complete the Statutory Checklist (§ 58.5) * Prepare a Finding of Categorical Exclusion (CEST) * Prepare a Notice of Intent to Request Release of Funds (NOI/RROF)\* * Submit RROF and Certification to Commerce or HUD as applicable\*   Environmental Review Record Requirements:   * Designation by adopted resolution of ECO[[2]](#footnote-2) * [**HUD Form: Environmental Review for Activity/Project that Is Categorically Excluded Subject to § 58.5**](https://www.hudexchange.info/resource/3139/part-58-environmental-review-cest-format/) (This shows compliance with § 58.6, includes the Statutory Checklist for requirements at § 58.5, and documents a Finding of Categorical Exclusion “CEST”)   [Documentation showing compliance with related laws and authorities](https://www.hudexchange.info/programs/environmental-review/federal-related-laws-and-authorities/), including but not limited to:   * + [Explosive and flammable facilities](https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/) documentation/worksheet and, if needed, [Acceptable Separation Distance “ASD”](https://www.hudexchange.info/environmental-review/asd-calculator/) calculation (as applicable by project)   + [Noise abatement and control](https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/) documentation/worksheet and, if needed, [Day/Night Noise Level “DNL”](https://www.hudexchange.info/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/) calculation (as applicable by project)   + [Floodplain management eight-step decision making process](https://www.hudexchange.info/programs/environmental-review/floodplain-management/) documentation/worksheet (as applicable by project)   + [Early public notice for activities in 100-/500-year floodplain or wetland](https://www.hudexchange.info/resource/3191/early-notice-and-public-review-of-a-proposed-activity-floodplain/) (as applicable by project)   + [Final notice and public explanation for activities in a 100-/500-year floodplain or wetland](https://www.hudexchange.info/resource/3191/early-notice-and-public-review-of-a-proposed-activity-floodplain/) (as applicable by project) * [NOI/RROF](https://www.hudexchange.info/resource/2754/sample-notice-of-intent-to-request-release-of-funds/) and proof of publication * [RROF and Certification (Form HUD 7015.15)](https://www.hudexchange.info/resource/2338/hud-form-701515-request-release-funds-certification/) * [Authority to Use Grant Funds (Form HUD 7015.16)](https://www.hudexchange.info/resource/2602/hud-form-701516-authority-use-grant-funds/) * NOI/RROF distribution list * Other documentation and applicable correspondence (comments, responses) |
| **Finding D**  24 CFR  § 58.36  *EX: Multi- and Single-Family New Construction and Rehabilitation (Significant)* | **ENVIRONMENTAL ASSESSMENT (FINDING OF NO SIGNIFICANT IMPACT)**  **Preparation of an environmental assessment (EA) is necessary and a Finding of No Significant Impact (FONSI) is required**   * Document compliance with the following requirements (§ 58.6):   + Federal Emergency Management Agency (FEMA) Flood Hazards   + Coastal Barrier Resources   + Airport Runway Clear Zones or Clear Zones * Complete the Statutory Checklist (§ 58.5) and prepare an Environmental Assessment (EA) (HUD form) with a Finding of No Significant Impact (FONSI)3 * Prepare a Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOI/RROF)\* * Submit RROF and Certification to Commerce or HUD as applicable\*   Environmental Review Record Requirements:   * Designation by adopted resolution of ECO2 * [**HUD Form: Environmental Assessment Determinations and Compliance Findings**](https://www.hudexchange.info/resource/3140/part-58-environmental-assessment-form/)[[3]](#footnote-3) (This shows compliance with § 58.6, includes the Statutory Checklist for requirements at § 58.5, and documents a Finding of No Significant Impact “FONSI”)   [Documentation showing compliance with related laws and authorities](https://www.hudexchange.info/programs/environmental-review/federal-related-laws-and-authorities/), including but not limited to:   * + [Explosive and flammable facilities](https://www.hudexchange.info/programs/environmental-review/explosive-and-flammable-facilities/) documentation/worksheet and, if needed, [Acceptable Separation Distance “ASD”](https://www.hudexchange.info/environmental-review/asd-calculator/) calculation (as applicable by project)   + [Noise abatement and control](https://www.hudexchange.info/programs/environmental-review/noise-abatement-and-control/) documentation/worksheet and, if needed, [Day/Night Noise Level “DNL”](https://www.hudexchange.info/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/) calculation (as applicable by project)   + [Floodplain management eight-step decision making process](https://www.hudexchange.info/programs/environmental-review/floodplain-management/) documentation/worksheet (as applicable by project)   + [Early public notice for activities in 100-/500-year floodplain or wetland](https://www.hudexchange.info/resource/3191/early-notice-and-public-review-of-a-proposed-activity-floodplain/) (as applicable by project)   + [Final notice and public explanation for activities in a 100-/500-year floodplain or wetland](https://www.hudexchange.info/resource/3191/early-notice-and-public-review-of-a-proposed-activity-floodplain/) (as applicable by project) * [FONSI/NOI/RROF](https://www.hudexchange.info/resource/2755/sample-fonsi-and-rrof/) and proof of publication * [RROF and Certification (Form HUD 7015.15)](https://www.hudexchange.info/resource/2338/hud-form-701515-request-release-funds-certification/) * [Authority to Use Grant Funds (Form HUD 7015.16)](https://www.hudexchange.info/resource/2602/hud-form-701516-authority-use-grant-funds/) * FONSI/NOI/RROF distribution list * Other documentation and applicable correspondence (comments, responses) |
| **Finding E**  24 CFR  § 58.37 | **ENVIRONMENTAL ASSESSMENT (FINDING OF SIGNIFICANT IMPACT)**  **Preparation of an environmental assessment (EA) is necessary and a Finding of Significant Impact is required** *(Not Likely)*   1. Consult with Commerce for further action |

\*The grant recipient or Commerce (as applicable) must allow for an initial minimum 7- or 15-day public comment period for NOI/RROFs and FONSI/NOI/RROFs, respectively, and Commerce or HUD (as applicable) must wait a minimum of 15 calendar days after receipt of the RROF for public comment prior to releasing funds. Sample timelines illustrating minimum calendar periods for publication and public comment are included below.

March 15, 20\_\_ Publication and distribution of **NOI/RROF**

March 16-22, 20\_\_ Minimum **7-day** comment period

March 23, 20\_\_ Commerce/grantee mails RROF, allowing 3 days for delivery

March 25, 20\_\_ Commerce/HUD receives RROF (transmittal)

March 26-April 9, 20\_\_ Commerce/HUD 15-day objection period

April 10, 20\_\_ Commerce/HUD release of funds (earliest date possible)

March 15, 20\_\_ Publication and distribution of **FONSI/NOI/RROF**

March 16-30, 20\_\_ Minimum **15-day** comment period

March 31, 20\_\_ Commerce/grantee mails RROF, allowing 3 days for delivery

April 2, 20\_\_ Commerce/HUD receives RROF (transmittal)

April 3-17, 20\_\_ Commerce/HUD 15-day objection period

April 18, 20\_\_ Commerce/HUD release of funds (earliest date possible)

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

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

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

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

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

1. Designation by adopted resolution of ECO is not required when the ECO is the chief elected official. [↑](#footnote-ref-1)
2. Designation by adopted resolution of ECO is not required when the ECO is the chief elected official. [↑](#footnote-ref-2)
3. If HOME funds are used in combination with CDBG funds, the Consolidated EA Form may be used in lieu of the Statutory Checklist and EA. [↑](#footnote-ref-3)