

FEDERAL ENVIRONMENTAL LAWS AND AUTHORITIES

Applicable to Reviews by HUD Grant Recipients and Responsible Entities

National Environmental Policy Act of 1969 (NEPA)

Created Council on Environmental Quality (CEQ)
CEQ regulations at 24 CFR Part 1500-1508 establish general procedures,
including Environmental Impact Statements, Environmental Assessments, and Categorical Exclusions

Housing and Community Development Act of 1974, as amended

Decent housing in a suitable living environment
Energy conservation
Delegation of environmental responsibilities to local and state government
Sec. 104(g) Request for Release of Funds (RROF)

Executive Orders 11988 and 11990 (1977) (Floodplain Management and Protection of Wetlands)

Water Resources Council Floodplain Management Guidelines (1978)
(8 Step Process)

Multifamily Housing Property Disposition Reform Act of 1994

Permits states and general local governments to assume environmental review responsibilities for certain non-governmental or quasi-governmental recipients
(non-profits, public housing agencies, housing finance agencies, etc.)

HUD Environmental Review Procedures at 24 CFR Part 58

incorporates CEQ regulations
applicable to many programs
establishes thresholds and guidelines for EIS and Environmental Assessments
defines Categorical Exclusions and Exemptions
defines procedures for Request for Release of Funds
defines assumption procedures for Responsible Entities

Sec. 58.5 Other Federal Laws and Authorities

Historic Properties
Floodplain Management* and Wetland Protection
Coastal Zone Management
Sole Source Aquifers
Endangered Species
Wild and Scenic Rivers
Air Quality
Farmlands Protection
HUD Environmental Standards: 24 CFR Part 51
 Noise Abatement and Control [51(B)]
 Explosive or Flammable Hazards [51(C)]
 Siting in Airport Clear Zones [51(D)]
 Toxic or Radioactive Sites (HUD Notice 79-33)
Environmental Justice (Executive Order 12898)

Sec. 58.6 Other Requirements

Flood Insurance
Coastal Barriers
Runway Clear Zone Notification

* HUD implementing regulations published at 24 CFR Parts 50, 55, 58 & 200

ENVIRONMENTAL REVIEW PROCEDURES

Reviews by Grant Recipients that are Responsible Entities

Summary of Environmental Review Procedures

- 58.32 Define project considering aggregation, non-HUD funding, and cumulative effects
Conduct an appropriate level of review (including determination of exemptions)
Revise or mitigate project actions, if necessary
- 58.15 Consider tiering (i.e. multi-year community-wide housing rehabilitation project)
- 58.38 Document review in public Environmental Review Record (ERR)
If necessary, disseminate and post or publish public Notice (RROF or RROF and FONSI)
Submit a HUD-7015.15, Request for Release of Funds and Certification (RROF/C)
(when required)
- 58.22 Do not commit or spend funds [except for exempt or 58.35(b) activities] until RROF/C
is approved by HUD (or State). Do not commit non-HUD funds if activity would have adverse
environmental impact or limit choice of alternatives.
- 58.47 Revise or update review, if necessary
& (New Public Notice, FONSI & RROF may be needed)
58.32(d)(2)

Level of Review Required

- 58.34(a) Exempt (i.e., administration, planning, public services)
- requires compliance with 58.6
(Request for Release of Funds not required)
- 58.35(b) Categorically Excluded, not subject to 58.5 (pre-determined by HUD)
- requires compliance with 58.6
(Request for Release of Funds not required)
- 58.34(a)(12) Categorically Excluded, determined to be Exempt
- no circumstances requiring compliance with 58.5 laws and authorities documented
- requires compliance with 58.6
(Request for Release of Funds not required)
- 58.35(a) Categorically Excluded (from NEPA requirement for Environmental Assessment or EIS)
- requires review of 58.5 Other Laws and Authorities
- requires compliance with 58.6
- requires Request for Release of Funds
- 58.36 Environmental Assessment (leads to FONSI or EIS)
- includes 58.5 review and 58.6 compliance
- requires FONSI & Request for Release of Funds
(FONSI & NOI/RROF may be combined)
- 58.37 Environmental Impact Statement
- high thresholds, e.g. construction of 2,500 or more housing units
- includes 58.5 review and 58.6 compliance
- requires publication of various notices, draft & final EIS, etc.
- requires Request for Release of Funds

Reviews by Grant Recipients that are Responsible Entities

Request for Release of Funds and Certification

58.22 HUD approval of RROF required before commitment of HUD or non-HUD funds
Exceptions: Exempt activities [58.34(a)]
Categorically Excluded activities not subject to 58.5 [58.35(b)]
Categorically Excluded activities determined to be exempt [58.34(a)(12)]
Non-HUD funds that would not have adverse environmental impact
or limit choice of alternatives

58.43 Disseminate and post or publish NOI/RROF, FONSI, or combined FONSI/NOI/RROF
Send notices to: interested individuals and groups
local news media
appropriate tribal, local, State & Federal agencies
Regional Office of EPA
HUD Field Office

Newspaper publication optional
If no publication, send Notices as above and display them:
in public buildings
in project area
(or as determined by citizen participation process)

58.45 Minimum Public Comment Periods*

FONSI: 15 days if published

NOI/RROF 7 days if published

18 days if posted

10 days if posted

Concurrent/combined FONSI and NOI/RROF: Same as FONSI Notice

A FONSI and NOI/RROF are usually combined, with a 15 (if published) or 18 (if posted) day local comment period. If a FONSI is published before the NOI/RROF, a 15 or 18-day comment period is required, **and** the subsequent NOI/RROF then requires an **additional** 7 (if published) or 10 (if posted)-day comment period before submission of the RROF. Unless otherwise specified, the Responsible Entity is to use an RROF/C form (HUD-7015.15).

58.46 FONSI requires 30-day comment period for exceptional circumstances

58.43(c) Consider comments (and make modifications, if appropriate) before submission of RROF /C

58.71 Submit RROF/C signed by Certifying Officer along with a copy of the environmental Notice as published/posted (RROF package) to HUD (or State) at least one day after local comment period ends

58.73 Statutory Objection Period (HUD/State): The later of date in Notice, or 15 days after receipt of RROF*

58.32(d) Multi-Year projects: one submission of RROF/C

58.33 Emergencies (Presidentially-declared disasters): FONSI/NOI/RROF may be submitted to HUD (or State) simultaneously with dissemination and posting or publishing public Notice

58.72-- HUD Field Office (or State) issues Release of Funds to Recipient after end of the

58.77 Objection Period

*Per 58.21: the date of posting/publication in a newspaper is not counted as one of the days in the "comment" period; and, the date an RROF/C is received by HUD (or State) is not counted in the 15-day "objection" period