

Environmental Review Guidance

Neighborhood Stabilization Program (NSP)

Revised September 2009



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STATE OF CALIFORNIA



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ENVIRONMENTAL REVIEW GUIDANCE

For NSP

1. Overview

The Neighborhood Stabilization Program (NSP) requires that an environmental review must be completed for every activity before funds (even non-NSP funds associated with the activity) are committed or expended. Such environmental reviews must comply with the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed at 24 CFR Part 58. An environmental review must be conducted considering federal laws, authorities, and regulations which address noise, air quality, historic properties, floodplains, wetlands, water quality, solid waste disposal, man-made hazards, farmlands protection, wild and scenic rivers, coastal areas, endangered species and others. In addition, jurisdictions must comply with the California Environmental Quality Act (CEQA) guidelines.

In accordance with 24 CFR Part 58, recipients, owners, developers, sponsors or any other third party partners **CAN NOT** take any physical actions on a site, begin construction, commit, expend, or enter into any legally binding agreements that constitute choice limiting actions for any U.S. Department of Housing and Urban Development (HUD) or non-HUD funds before the environmental review process has been completed and the jurisdiction has received a Release of Funds approval from the California Department of Housing and Community Development (HCD), Neighborhood Stabilization Program (NSP). **Any violation of the environmental statute of regulations will result in the activity to become ineligible for NSP or other federal funding.**

For all NSP activities, the Responsible Entity/grantee must ensure compliance with 24 CFR Part 58.6 requirements. Section 58.6 addresses the Flood Disaster Protection Act of 1973/Flood Insurance, the Coastal Barriers Resources Act, and the Airport Runway Clear Zones/Clear Zone Disclosures.

Private citizens and organizations can object to the Release of Funds (ROF) for NSP activities on certain procedural grounds relating to the environmental review. Therefore, it is important that all procedural requirements be met.

The environmental review process leading to a Release of Funds can take 60 to 110 days for even uncomplicated activities. Therefore, jurisdictions are strongly encouraged to begin the environmental review process as soon as all proposed NSP activities are determined.

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2. Responsibility for the Environmental Review

Local Governments – NSP’s environmental review procedures require that units of general local governments, such as cities and counties, assume responsibility for all environmental reviews. The local government must complete the entire process; from gathering all required information to the publication of any/all notices. Local governments double as the Responsible Entity (RE) and as such submit Form HUD - 7015.15 *Request for Release of Funds and Certification* to the State NSP along with a copy of their applicable environmental review. The state acts as HUD and determines whether or not to accept the RE’s NEPA environmental clearance determination and execute Form HUD-7015.16 *Authority to Use Grant Funds*.

Other Entities (Non-Profits, For Profits, etc.; will be referred to throughout as “subrecipient”) – When NSP funds are provided by a unit of general local government to a subrecipient, the unit of general local government is always the RE and is responsible for conducting an appropriate environmental review. Only the RE can certify that the environmental review requirements have been met and, as such, is responsible for submitting Form HUD - 7015.15 *Request for Release of Funds and Certification* to the State NSP on the entity’s behalf, if required. If a *Request for Release of Funds and Certification* is not required, the RE will determine the project’s environmental clearance level and submit the appropriate documentation to the State NSP for concurrence and approval.

3. Environmental Review Record (ERR)

An Environmental Review Record (ERR) is the written record of an environmental review related to an NSP-assisted project/activity. The ERR must contain a description of the project and all activities determined to be part of the project. It must contain all documents, source documentation, public notices, and written determinations or environmental findings as evidence of review, decision making and actions pertaining to a particular project/activity. The ERR must be readily available for public review during normal business hours.

Local Governments must maintain the original written documents which make up their own ERR. Local governments should not send the entire ERR to the State NSP. Only the required documents/checklists (with original signatures), as specified within the appropriate level of environmental review category, must be sent to the State NSP.

Subrecipients must send the **original ERR** to the RE and maintain a copy for their own files.

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4. Allowable Activities Prior to Environmental Review Completion and Approval

The only tasks that may be undertaken prior to completing the environmental review are those activities that generally have no impact on the environment and are therefore considered **exempt** (see next section for exempt activities). Non-exempt tasks that are undertaken prior to completing the environmental review may constitute a choice limiting action which would result in the activity to become ineligible for NSP or other federal funding.

Conditional Commitment of Funds - An option agreement on a proposed site or property is allowable prior to the completion of the environmental review **if and only if** the option agreement is conditional in nature so as not to provide legal claim to any amount of NSP funds to be used for the specific project or site until the environmental review process is satisfactorily completed and *Release of Funds* has been executed by the State NSP.

5. Environmental Review Information

- National Environmental Policy Act (NEPA) review requirements apply to **all** NSP funded activities.
- The environmental review must identify and address the physical, social, and economic impacts of the entire proposed activity. The environmental review process must consider the ultimate effect of a proposed project, including the potential effects of both the NSP and related project activities. For example, if NSP funds are being used to extend a water line to a site for a new residential development, then the ultimate effect of the project is not only the new water line, but also the new residential development. Therefore, the environmental review must address the impacts of both the NSP-funded water line as well as the development of the new residential units. The scope of an environmental review encompasses this definition of a project.
- Environmental review is a critical component of the readiness for each activity. It documents compliance with NEPA and the California Environmental Quality Act (CEQA). Although State NSP staff does not monitor for compliance with CEQA, each grantee should also ensure that it has complied with CEQA requirements.
- Each level of review requires different types of documentation. Below is a summary of the required forms for each level of review and a list of typical activities associated with the review(s).

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Glossary:

- NEPA - National Environmental Policy Act
- CEQA - California Environmental Quality Act
- CHRIS - California Historic Resources Information System
- SHPO - State Historic Properties Office
- NOI - Notice of Intent
- RROF - Request Release of Funds
- FONSI - Finding of No Significant Impact
- ERR - Environmental Review Record – this is the entire file containing all documents and findings pertaining to the environmental review.

6. Levels of Environmental Review

There are six levels of environmental review: Exempt; Categorically Excluded **Not** Subject to 24 CFR 58.5; Categorically Excluded Subject to 24 CFR 58.5; Categorically Excluded Activities Converted to Exempt; Environmental Assessment (EA); and Environmental Impact Statement (EIS).

a. **EXEMPT (§ 58.34(a))**

Exempt activities are those having no physical impact or resulting in no physical change on the environment. Other than documenting the level of review as Exempt, the RE does not have to comply with actions under NEPA and other provisions of laws or authorities cited in §58.5. Funds from any source may be used for these purposes after the RE submits the Finding of Exemption form to the State NSP and the State NSP has provided the Release of Funds approval.

The following types of activities are Exempt under §58.34(a):

- General Administrative and management activities.
- Payment of costs for eligible public services that will not have a physical impact or result in any physical changes (such as homebuyer counseling).
- Inspections and testing of properties for hazards and defects.
- Engineering and design.
- Environmental and other studies.
- Technical assistance and training.
- Activities that are Categorically Excluded and subject to 58.5, but have converted to Exempt.

Required Forms:

- NSP Determination of Exemption Form
(This form includes Statutes and Regulations listed at §58.6)

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b. CATEGORICALLY EXCLUDED NOT SUBJECT TO §58.5 (§58.35(b))

HUD has determined that certain categorically excluded activities would not alter any conditions that would require an environmental review or compliance determination under Federal laws and authorities. These activities are treated like exempt activities. Examples of activities that are categorical exclusions not subject to § 58.5 authorities include the following:

The following types of activities are categorically excluded **not** subject to § 58.5 authorities:

- Financing Mechanisms including activities that assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buy downs, shared equity, loan guarantees, and similar activities that result in the transfer of title.

Warning: Homebuyer assistance for units not already under construction must be treated as a categorical exclusion requiring compliance with the authorities cited in §58.5.

- Tenant-based rental assistance (TBRA).
- Payment of NSP eligible operating costs.
- Payment of NSP eligible supportive service costs, including but not limited to, health care, housing counseling services, day care or nutritional services.
- Homeownership Assistance programs.
- Affordable housing predevelopment costs.

NOTE: Housing rehabilitation loans must comply with environmental review requirements for the housing rehabilitation activity (which is Categorically Excluded Subject to §58.5).

Required Forms:

- NSP Categorically Excluded Activities NOT Subject to §58.5 Form. (This form includes Statutes and Regulations listed at §58.6)

Note: If **any** additional activities are taking place, such as rehabilitation or new construction, or if the project is associated with the expansion of existing operations, the project **must** meet a higher environmental clearance level, **even if NSP funds are not paying for the additional activities.**

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c. CATEGORICALLY EXCLUDED SUBJECT TO §58.5 (§58.35(a))

These are actions that do not individually or cumulatively have a significant effect on the human environment; however, the completion of a “compliance determination” review using the *Statutory Worksheet* may be required. The worksheet identifies all applicable Federal environmental laws and authorities. If the proposed project does not comply with any one of those laws or authorities, mitigation must be sought and completed before the review can be considered finished. Examples of activities that are Categorically excluded subject to § 58.5 authorities are identified in the sections that follow.

(a) Statutory Worksheet with No Secondary Findings

Typical Activities:

- Payment of assessments for NSP households, where the project is dependent on NSP funding, and with a less than 20% increase in system capacity.
- Public Improvements and Public Facility projects with less than a 20% change in size or capacity.
- Residential rehabilitation with one to four units (when the exact addresses are known at the time of environmental review).
- Multi-family residential rehabilitation (when the exact addresses are known at the time of environmental review).
- An individual action (acquisition, demolition, disposition, etc.) on a 1 to 4 unit dwelling; *or*
An individual action on 5 or more units on scattered sites more than 2,000 feet apart and no more than 4 units per site.

Required Forms:

- NSP Categorically Excluded Activities Subject to §58.5 Form (This form includes Statutes and Regulations listed at §58.6)
- Statutory Worksheet (site-specific) with letter from either CHRIS or SHPO.
- **A *Radon Gas and Mold Notice and Release Agreement*** is required for every property sale.

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(b) Statutory Worksheet with Secondary Findings

Typical Activities:

- Payment of assessments for NSP households, where the project is dependent on NSP funding, and with a less than 20% increase in system capacity.
- Public Improvements and Public Facility projects with less than a 20% change in size or capacity.
- Residential rehabilitation with one to four units (when the exact addresses are known at the time of environmental review).
- Multi-family residential rehabilitation (when the exact addresses are known at the time of environmental review).
- An individual action (acquisition, demolition, disposition, etc.) on a 1 to 4 unit dwelling; *or*
An individual action on 5 or more units on scattered sites more than 2,000 feet apart and no more than 4 units per site.

Required Forms:

- NSP Categorically Excluded Activities Subject to §58.5 Form (This form includes Statutes and Regulations listed at §58.6)
- Statutory Worksheet (site-specific) with letter from either CHRIS or SHPO
- Notice of Intent to Request Release of Funds (NOI/RROF) - 7-day public notice period (submit proof of publication)
(Note: The 7-day public notice period begins the day after publication.)
- Request for Release of Funds and Certification (RROF/C) – the State NSP will conduct a 15-day objection period beginning the day after all environmental review/special conditions documentation is satisfactorily submitted.
- **A Radon Gas and Mold Notice and Release Agreement** is required for every property sale.

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(c) Tiered Review for Acquisition/Rehabilitation/Disposition Programs

Typical Activities:

The tiered 2009 Rehabilitation Environmental Review (RER) process may be used for:

- Rehabilitation of existing single-family residential structures, per §58.35(a)(3)(i), with or without the acquisition and/or disposition of the existing structure, per §58.35(a)(5).
- Acquisition/rehabilitation/disposition of individual units in a multi-family structure.

Notes: The 2009 RER process may not be used for projects involving changes in use or new construction activities.

Acquisition/rehabilitation/disposition of an entire multi-family building, per §58.35(a)(3)(ii), may require a Statutory Worksheet or higher level of environmental review.

To obtain environmental clearance for the program **at the beginning** of the grant, submit the following Required Forms:

- NSP Categorically Excluded Activities Subject to §58.5 Form (This form includes Statutes and Regulations listed at §58.6)
- Rehabilitation Environmental Review (RER) 2009, excluding Appendix A
- SHPO letter and/or programmatic agreement
- NOI/RROF – 7-day public notice period (submit proof of publication)
(Note: The 7-day public notice period begins the day after publication.)
- RROF and Cert. – the State NSP will conduct a 15-day objection period beginning the day after all environmental review/ special conditions documentation is satisfactorily submitted.
- ***A Radon Gas and Mold Notice and Release Agreement*** is required for every property sale.

Prior to purchasing a property or commencing work on a housing rehabilitation project (whichever is assisted first with federal funds), complete the following:

- Appendix A 2009 of the Rehabilitation Environmental Review (2009) Form

This required form is to be maintained in the grantee's housing assistance files for monitoring/auditing purposes. Do not send the form to the State NSP.

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d. **ENVIRONMENTAL ASSESSMENT (§58.36)**

If project activities are not Exempt or Categorically Excluded, or do not meet the threshold of an Environmental Impact Statement (EIS - the highest level of review), an *Environmental Assessment (EA)* is required. The EA level of review involves examining feasible ways to eliminate or minimize adverse environmental impacts. Once actual and potential impacts as a result of project activities are identified, the RE must then assess if adequate and reasonable mitigation measures are feasible to undertake the project. It is at this point that the RE is then capable of choosing the best project alternative and related activities to meet the needs of the RE and its beneficiaries, while maintaining compatibility with the environment.

An EA is normally required for five (5) or more units only if the sites are less than 2,000 ft. apart and/or there are more than four (4) units on one site. This includes:

- New construction of five (5) or more residential units;
- Major rehabilitation and reconstruction of five (5) or more residential units;
- Conversion of non-residential land use to residential land use;
- Acquisition of vacant land for future development when five (5) or more units will be involved.

An EA addresses the same issues as those found on the *Statutory Worksheet*, as well as the following analysis:

- determines existing conditions and describes the character, features, and resources of the project area and its surroundings; identifies the trends that are likely to continue in the absence of the project;
- identifies all potential environmental impacts, whether beneficial or adverse, and the conditions that would change as a result of the project;
- identifies, analyzes and evaluates all impacts to determine the significance of their effects on the human environment and whether the project will require further compliance under related laws and authorities;
- examines and recommends feasible ways in which the project or external factors relating to the project could be modified in order to eliminate or minimize adverse environmental impacts;
- examines alternatives to the project itself, if appropriate, including the alternative of no action;
- includes a compliance determination for all related laws and authorities;
- leads to an RE's Finding of No Significant Impact (FONSI), or a Finding of *Significant Impact (FOSI)*. In the event that a FOSI is made, an *Environmental Impact Statement (EIS)* must be executed.

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Examples of activities that require an Environmental Assessment include:

- New construction
- Rehabilitation of a public facility or public improvement with more than 20% increase in the size or capacity
- Conversion of land use

Required Forms:

- Form 58.6
- Environmental Assessment (EA) with letter from either CHRIS or SHPO
- Combined Notice (FONSI and NOI/RROF)/15-day public notice period (Note: The 15- day public notice period begins the day after publication.)
- RROF and Certification - the State NSP will conduct a 15-day objection period beginning the day after all environmental review/special conditions documentation is satisfactorily submitted.

e. **ENVIRONMENTAL IMPACT STATEMENT (EIS) DETERMINATION (\$58.37)**

An environmental impact statement is a complex analysis required for proposed activities that would have a significant impact on the human environment in accordance with NEPA. EIS thresholds are stated at Section 58.37(a) and (b)(2).

Examples of activities that require and Environmental Impact Statement include:

- Projects determined by a previously written EA to have a potentially significant impact on the human environment.
- Projects involving 2,500 or more units being removed, demolished, converted, rehabilitated, and/or constructed.

Required Forms:

- Notice of Intent to Prepare an EIS Draft and Final EIS
- Record of Decision

7. Level of Environmental Review¹ Chart

<p style="text-align: center;">Exempt 58.34</p>	<p style="text-align: center;">Categorically Excluded NOT subject to 58.5</p>
<p>TYPE OF ACTIVITIES</p>	
<ul style="list-style-type: none"> ➤ Administrative and management activities. ➤ Environmental and other studies. ➤ Resource identification. ➤ Information and financial services. ➤ Public services, i.e. employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation, welfare, recreational needs. ➤ Inspections and testing for hazards or defects. ➤ Purchase insurance or tools. ➤ Engineering or design costs. ➤ Technical assistance and training. ➤ Temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities to control or arrest the effects from disasters or imminent threats to public safety, including those resulting from physical deterioration. ➤ Payments of principal and interest on loans or obligations guaranteed by HUD. 	<ul style="list-style-type: none"> ➤ Tenant-based rental assistance. ➤ Supportive services such as health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent, mortgage, or utilities, assistance in gaining access to government benefits. ➤ Operating costs including maintenance, furnishings, security, equipment, operation, supplies, utilities, staff training and recruitment. ➤ Economic development activities including equipment purchase, inventory financing, interest subsidy, operating costs, and other expenses not associated with construction or expansion. ➤ Activities to assist homeownership of existing dwelling units or units under construction, including closing costs and down payment assistance to homebuyers, interest buy downs or other activities which do not have a physical impact. ➤ Affordable housing pre-development costs: legal consulting, developer and other site-option costs, project financing, administrative costs for loan commitments, zoning approvals and other activities which do not have a physical impact. ➤ Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under Part 58, if: approval is by the same Responsible Entity, and re-evaluation is not required, per 58.47.

¹ Adapted from chart prepared by Anchorage Office of Native American Programs, HUD

Level of Environmental Review

Categorically Excluded AND subject to 58.5 ("A" checked for <u>all</u> items in the "Status" column)	Categorically Excluded AND subject to 58.5 ("B" checked for <u>one or more</u> items in the "Status" column)
TYPE OF ACTIVITIES	
<ul style="list-style-type: none"> ➤ Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings), when the facilities and improvements are already in place and will be retained in the same use without change in size or capacity of more than 20%: <ul style="list-style-type: none"> ○ Replacement of water or sewer lines; ○ Reconstruction of curbs & sidewalks; and ○ Repaving of streets. ➤ Special Projects directed toward the removal of material and architectural barriers that restrict the mobility of and accessibility to the elderly and handicapped. ➤ Single Family Housing Rehabilitation: <ul style="list-style-type: none"> ○ Unit density is not increased beyond 4 units; ○ Project does not involve change in land use from residential to non-residential; and ○ The footprint of the building is not increased in a floodplain or a wetland. ➤ Multifamily Housing Rehabilitation: <ul style="list-style-type: none"> ○ Unit density change is not more than 20%; ○ Project does not involve change in land use from residential to non-residential; and ○ Cost of rehabilitation is less than 75% of the estimated cost of replacement after rehabilitation. ➤ Non-Residential Structures: <ul style="list-style-type: none"> ○ Facilities and improvements were in place and will not be changed in size or capacity by more than 20%; and ○ Activity does not involve change in land use from non-residential to residential, commercial to industrial, or one industrial use to another. ➤ Individual action (e.g. disposition, new construction, demolitions, acquisition) on a 1 to 4 unit dwelling; or individual action on 5 or more units scattered on sites more than 2000 feet apart and not more than 4 units per site. ➤ Acquisition (including leasing) or disposition of, or equity loans on an existing structure or acquisition (including leasing) of vacant land provided that the structure of land acquired or disposed of will be retained for the same use. ➤ Combinations of the above activities. 	

Level of Environmental Review

NEPA Environmental Assessment
<ul style="list-style-type: none">➤ Activities not exempt or categorically excluded.➤ Generally, new construction of 5 or more homes.➤ Conversion from one type of land use to another.

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NEPA Determination of Exemption

Grantee: _____

Grant Number: _____

Except for the applicable requirements of §58.6, the responsible entity does not have to comply with other provisions of law or authorities cited in §58.5. Below, please check the applicable activity(ies) to be implemented, which are considered exempt per §58.34(a):

- (1) Environmental and other studies, resource identification and the development of plans and strategies;
- (2) Information and financial services;
- (3) Administrative and management activities;
- (4) Public services that will not have a physical impact or result in any physical change, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
- (5) Inspections and testing of properties for hazards or defects;
- (6) Purchase of insurance;
- (7) Purchase of tools;
- (8) Engineering or design costs;
- (9) Technical assistance and training;
- (10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from disasters, imminent threats or physical deterioration;
- (11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
- (12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in §58.5. (This is determined by completing the site-specific *Statutory Worksheet* form, which identifies the status of ALL compliance factors as "A".)

Statutes and Regulations listed at §58.6 - Other Requirements

A. FLOOD INSURANCE / FLOOD DISASTER PROTECTION ACT

(1) Does the project involve the acquisition, construction or rehabilitation of structures, buildings or mobile homes?

No. Flood insurance is not required. The review of this factor is completed. *Skip to Section B. Coastal Barriers Resources Act.*

Yes. *Continue to question 2.*

(2) Is the structure or part of the structure located in a FEMA-designated Special Flood Hazard Area?

No. Cite Source Document (FEMA/FIRM floodplain zone designation, map panel number, date or other credible source). _____.
Flood insurance is not required. The review of this factor is completed. *Skip to Section B. Coastal Barriers Resources Act.*

Yes. Cite Source Document (FEMA/FIRM floodplain zone designation, map panel number, etc.). _____.
Continue to question 3.

- (3) Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?
- Yes. Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project in the amount of the total project cost. A copy of the flood insurance policy declaration must be kept in the Environmental Review Record.
- No. **[Federal assistance may not be used in the Special Flood Hazards Area.]**

B. COASTAL BARRIERS RESOURCES ACT

- (1) Does the project involve any one of the following uses of Federal assistance?
- acquisition, construction, repair, improvement or rehabilitation of public facilities;
 - acquisition, construction, repair, improvement or rehabilitation of residential or non-residential structures;
 - flood insurance for new or substantially improved structures;
 - erosion control or stabilization of inlet, shoreline or inshore areas.
- No. Cite Source Documentation. _____
The review of this factor is completed. *Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.*
- Yes. *Continue to question 2.*
- (2) Is the project in an area along the Atlantic Coast, Gulf of Mexico, or Great Lakes?
- No. Cite Source Documentation. **There are no Coastal Barrier Resources on the U.S. West Coast.**
The review of this factor is completed. *Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.*
- Yes. *Continue to question 3.*
- (3) Is the project located in a coastal barrier resource designated on a FEMA map?
- No. Cite Source Documentation. _____
The review of this factor is completed. *Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.*
- Yes. **[Federal assistance may not be used in such an area.]**

C. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES

- (1) Does the project involve the sale or acquisition of an existing building or property within a Civil Airport's Runway Clear Zone, Approach Protection Zone or a Military Installation's Clear Zone?
- No. Cite Source Documentation. _____
Project complies with 24 CFR 51.303(a)(3). The review of this factor is completed.
- Yes. **Disclosure statement must be provided** to buyer and a copy of the signed disclosure statement must be maintained in this project's Environmental Review Record [24 CFR 51.303(a)(3)].

I hereby certify that the identified activities have been reviewed and determined to be Exempt per 24 CFR 58.34(a) and 24 CFR 58.6.

Preparer Name Title

Preparer Signature: _____ **Date:** _____

Responsible Entity (RE) Official Name Title

RE Official Signature: _____ **Date:** _____



Categorically Excluded Activities NOT Subject to §58.5

Grantee: _____ Grant Number: _____

Project Name: _____ Date: _____

HUD has determined that the following categorically excluded activities would not alter any conditions that would require a review or compliance determination. The recipient remains responsible for carrying out any applicable requirements under §58.6. Below, please check the applicable activity that is eligible per §58.35(b):

- (1) Tenant-based rental assistance;
- (2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, Federal government benefits and services;
- (3) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
- (4) Economic development activities, including but not limited to, equipment purchases, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
- (5) Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, and similar activities that result in the transfer of title. **WARNING:** Homebuyer assistance for units not already under construction will require compliance with environmental authorities cited in §58.5 (i.e. Statutory Worksheet).
- (6) Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.

Statutes and Regulations listed at §58.6 - Other Requirements

A. FLOOD INSURANCE / FLOOD DISASTER PROTECTION ACT

(1) Does the project involve the acquisition, construction or rehabilitation of structures, buildings or mobile homes?

No. Flood insurance is not required. The review of this factor is completed. *Skip to Section B. Coastal Barriers Resource Act.*

Yes. *Continue to question 2.*

(2) Is the structure or part of the structure located in a FEMA designated Special Flood Hazard Area?

No. Cite Source Document (FEMA/FIRM floodplain zone designation, map panel number, date or other credible source). _____

Flood insurance is not required. The review of this factor is completed. *Skip to Section B. Coastal Barriers Resource Act.*

Yes. Cite Source Document (FEMA/FIRM floodplain zone designation, map panel number, date or other credible source). _____

Continue to question 3.

- (3) Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?
- Yes. *Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project in the amount of the total project cost. A copy of the *flood insurance policy declaration must be kept in the Environmental Review Record.*
- No. **[Federal assistance may not be used in the Special Flood Hazards Area.]**

B. COASTAL BARRIERS RESOURCES ACT

- (1) Does the project involve any one of the following uses of Federal assistance:
- acquisition, construction, repair, improvement or rehabilitation of public facilities;
 - acquisition, construction, repair, improvement or rehabilitation of residential or non-residential structures;
 - flood insurance for new or substantially improved structures;
 - erosion control or stabilization of inlet, shoreline or inshore areas?
- No. Cite Source Documentation. _____
The review of this factor is completed. **Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.**
- Yes. *Continue to question 2.*
- (2) Is the project in an area along the Atlantic Coast, Gulf of Mexico, or Great Lakes?
- No. Cite Source Documentation. **There are no Coastal Barrier Resources on the U.S. West Coast.**
The review of this factor is completed. **Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.**
- Yes. *Continue to question 3.*
- (3) Is the project located in a coastal barrier resource designated on a FEMA map?
- No. Cite Source Documentation. _____
The review of this factor is completed. **Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.**
- Yes. **[Federal assistance may not be used in such an area.]**

C. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES

- (1) Does the project involve the sale or acquisition of an existing building or property within a Civil Airport's Runway Clear Zone, Approach Protection Zone or a Military Installation's Clear Zone?
- No. Cite Source Documentation. _____
Project complies with 24 CFR 51.303(a)(3). The review of this factor is completed.
- Yes. **Disclosure statement must be provided** to buyer and a copy of the signed disclosure statement must be maintained in this project's Environmental Review Record [24 CFR 51.303(a)(3)].

I hereby certify that the identified Projects/activities have been reviewed and determined to be Categorically Excluded and NOT Subject to §58.5 per 24 CFR 58.35(b) and 24 CFR 58.6.

Preparer Name Title

Preparer Signature: _____ Date: _____

Responsible Entity (RE) Official Name Title

RE Official Signature: _____ Date: _____



Categorically Excluded Activities Subject to §58.5

Grantee: _____ Grant Number: _____

Project Name: _____ Date: _____

Describe the activity. Include the present and proposed use of the property:

HUD has determined that the following categorically excluded activities would not alter any conditions that would require a review or compliance determination. The recipient remains responsible for carrying out any applicable requirements under §58.6. Below, please check the applicable activity that is eligible per §58.35(a):

- (1) Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use with out change in size or capacity or more than 20 percent (e.g., replacement of water and sewer lines).

- (2) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.

- (3) Rehabilitation of buildings and improvements when the following conditions are met:
 - (i) In the case of a building for residential use containing one to four units:
 - (A) The density is not increased beyond four units;
 - (B) The land is not changed; and
 - (C) The footprint of the building is not increased in a floodplain or in a wetland;

 - (ii) In the case of multifamily residential buildings:
 - (A) Unit density is not changed more than 20 percent;
 - (B) The project does not involve changes in land use from residential to nonresidential; and
 - (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

 - (iii) In the case of non-residential structures, including commercial, industrial, and public buildings:
 - (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent;
 - (B) The activity does not involve a change in land use from non-residential to residential, commercial to industrial, or from one industrial use to another.

- (4) (i) An individual action (acquisition, demolition, disposition, etc.) on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; *[This section does not apply to rehabilitation of a building for residential use (with one to four units). See (3)(i) above] or*

- (4) (ii) An individual action (acquisition, demolition, disposition, etc.) on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are **not** more than four housing units on any one site. *[This section does not apply to rehabilitation of a building for residential use (with one to four units). See (3)(i) on previous page]*
- (5) Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.
- (6) Combinations of the above activities.

Statutes and Regulations listed at §58.6 - Other Requirements

A. FLOOD INSURANCE / FLOOD DISASTER PROTECTION ACT

- (1) Does the project involve the acquisition, construction or rehabilitation of structures, buildings or mobile homes?
- No. Flood insurance is not required. The review of this factor is completed. *Skip to Section B. Coastal Barriers Resource Act.*
 - Yes. *Continue to question 2.*
- (2) Is the structure or part of the structure located in a FEMA designated Special Flood Hazard Area?
- No. Cite Source Document (FEMA/FIRM floodplain zone designation, map panel number, date or other credible source). _____
Flood insurance is not required. The review of this factor is completed. *Skip to Section B. Coastal Barriers Resource Act.*
 - Yes. Cite Source Document (FEMA/FIRM floodplain zone designation, map panel number, date or other credible source). _____
Continue to question 3.
- (3) Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?
- Yes. *Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project in the amount of the total project cost. A copy of the *flood insurance policy declaration must be kept in the Environmental Review Record.*
 - No. **[Federal assistance may not be used in the Special Flood Hazards Area].**

B. COASTAL BARRIERS RESOURCES ACT

- (1) Does the project involve any one of the following uses of Federal assistance?
- acquisition, construction, repair, improvement or rehabilitation of public facilities;
 - acquisition, construction, repair, improvement or rehabilitation of residential or non-residential structures;
 - flood insurance for new or substantially improved structures;
 - erosion control or stabilization of inlet, shoreline or inshore areas.
- No. Cite Source Documentation. _____
The review of this factor is completed. *Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.*
- Yes. *Continue to question 2.*
- (2) Is the project in an area along the Atlantic Coast, Gulf of Mexico, or Great Lakes?
- No. Cite Source Documentation. **There are no Coastal Barrier Resources on the U.S. West Coast.**
The review of this factor is completed. *Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.*
- Yes. *Continue to question 3.*
- (3) Is the project located in a coastal barrier resource designated on a FEMA map?
- No. Cite Source Documentation. _____
The review of this factor is completed. *Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.*
- Yes. **[Federal assistance may not be used in such an area.]**

C. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES

- (1) Does the project involve the sale or acquisition of an existing building or property within a Civil Airport's Runway Clear Zone, Approach Protection Zone or a Military Installation's Clear Zone?
- No. Cite Source Documentation. _____
Project complies with 24 CFR 51.303(a)(3). The review of this factor is completed.
- Yes. **Disclosure statement must be provided** to buyer and a copy of the signed disclosure statement must be maintained in this project's Environmental Review Record [24 CFR 51.303(a)(3)].

I hereby certify that the _____ Project has been reviewed and determined to be **Categorically Excluded per 24 CFR 58.35(a) and 24 CFR 58.6.** [Note: If required, also submit a completed site-specific Statutory Worksheet for this project.]

Preparer Name Title

Preparer Signature: _____ **Date:** _____

Responsible Entity (RE) Official Name Title

RE Official Signature: _____ **Date:** _____



Statutory Worksheet
 (for Categorically Excluded Projects subject to §58.5)

Grantee: _____ Grant Number: _____

Project Name: _____ Date: _____

Use this worksheet only for projects that are Categorically Excluded per 24 CFR Section 58.35(a).
 (Note: Compliance with the laws and statutes listed at 24 CFR §58.6 must also be documented).

Description of project. [Include all contemplated activities which are either geographically and/or functionally part of the project]:

Specific Site Address:

This project is determined to be Categorically Excluded according to: [Cite appropriate section(s) of the regulation]

DIRECTIONS: Write “**A**” in the Status Column when the proposal, by its scope and nature, does not affect the resources under consideration; OR
 Write “**B**” in the Status Column if the project triggers formal compliance consultation procedures with the oversight agency, or requires mitigation (see Statutory Worksheet Instructions). Compliance documentation must contain verifiable source documents and relevant base data.

Compliance Factors:

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	Status A/B	Compliance Documentation
Historic Preservation [36 CFR Part 800]		
Floodplain Management [24 CFR Part 55, Executive Order 11988]		
Wetland Protection [Executive Order 11990]		
Coastal Zone Management Act [Sections 307(c), (d)]		

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5	Status A/B	Compliance Documentation
Sole Source Aquifers [40 CFR Part 149]		
Endangered Species Act [50 CFR Part 402]		
Wild and Scenic Rivers Act [Sections 7(b), (c)]		
Clean Air Act [Sections 176(c), (d), and 40 CFR Parts 6, 51, 93]		
Farmland Protection Policy Act [7 CFR Part 658]		
Environmental Justice [Executive Order 12898]		
HUD ENVIRONMENTAL STANDARDS		
Noise Abatement and Control [24 CFR Part 51, Subpart B]		
Explosive and Flammable Operations [24 CFR Part 51, Subpart C]		
Toxic Chemicals and Radioactive Materials [24CFR Part 58, § 5(i)(2)]		
Airport Clear Zones and Accident Potential Zones [24 CFR Part 51, Subpart D]		

DETERMINATION:

- This project converts to Exempt, per § 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities). Funds may be drawn down for this (now) EXEMPT project; OR
 - This project cannot convert to Exempt because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per §§ 58.70 and 58.71 before drawing down funds; OR
 - The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.
-

Preparer Name Title

Preparer Signature: _____ **Date:** _____

Responsible Entity (RE) Official Name Title

RE Official Signature: _____ **Date:** _____



INSTRUCTIONS for completing the STATUTORY WORKSHEET (2008)

For HUD funded projects which are categorically excluded per 24 CFR §58.35(a), the Responsible Entity (RE) must make a determination of whether the proposal achieves compliance with each applicable statute, Executive Order or regulation with or without requiring formal consultation procedures, mitigation, permits or having adverse effects on the resources protected by the statute. (These instructions provide a brief description of essential compliance findings needed. Regulations take precedence over these brief instructions). The Preparer must DOCUMENT OR ATTACH THE SOURCES OF THE DETERMINATION.

Record the finding status on the STATUTORY WORKSHEET for each listed Federal statute, regulation, authority as follows:

Status “A” applies when compliance with the authority is achieved without adverse effects on the protected resource, without necessary mitigation or attenuation AND when no formal consultation, permit or agreement is required to establish compliance. In these situations, enter “A” in the STATUTORY WORKSHEET status column.

Status “B” applies when project compliance with the authority requires formal consultation, a permit or agreement, OR when the proposal may have an adverse effect on the protected resources. Part B summarizes what additional steps or formal procedures must be completed prior to submitting a Request for Release of Funds (RROF) to HUD or to the State. Evidence of completion and implementation of the required procedures or mitigation must be retained in the project Environmental Review Record (ERR).

Historic Properties (including archeology): A) The RE and SHPO agree that there are No Historic Properties Affected per 36 CFR 800.4 or SHPO has not objected within 30 days to such fully documented determination. **B)** The proposal has an effect on historic properties. Consult with SHPO et al., per §800.5 et seq., to resolve or mitigate adverse effects on historic properties.

Guidance: <http://www.hud.gov/offices/cpd/environment/review/historic.cfm>

Floodplain Management: A) The project does not involve property acquisition, management, construction or improvements within a 100 year floodplain (Zones A or V) identified by FEMA maps, and does not involve a “critical action” (e.g., emergency facilities, facility for mobility impaired persons, etc.) within a 500 year floodplain (Zone B). If FEMA has not published flood maps, the RE must make a finding based on best available data, e.g. from the City/County Engineer or local Flood Control Agency. **B)** Complete the 8-step decision making process according to 24 CFR Part 55.20 to document that there are no practicable alternatives to the proposal and to mitigate effects of the project in a floodplain.

Guidance: <http://www.hud.gov/offices/cpd/environment/review/floodplain.cfm>

Wetlands Protection: A) The project does not involve new construction within or adjacent to wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the USDI Fish & Wildlife Service or U.S. Corps of Engineers. **B)** Complete the 8-step decision making process in 24 CFR 55.20 to document there are no practicable alternatives and to mitigate effects of the project on wetlands. Such action also requires obtaining a permit from the U.S. Corps of Engineers under Section 404 of the Clean Water Act. Guidance: <http://www.hud.gov/offices/cpd/environment/review/floodplain.cfm>

Coastal Zone Management: A) The project does not involve the placement, erection or removal of materials, nor an increase in the intensity of use in the Coastal Zone (CZ) per certified local coastal plan, California Coastal Commission, SF BCDC, etc. **B)** Secure concurrence from the CZ Commission or delegated local planning commission with your determination of consistency with the applicable CZ Plan, or obtain coastal zone permit.

Guidance: <http://www.hud.gov/offices/cpd/environment/review/coastal.cfm>

Sole Source Aquifers (Safe Drinking Water Act): A) The project is not located within a U.S. EPA-designated sole source aquifer watershed area per EPA Ground Water Office, **OR** the project need not be referred to EPA for evaluation according to the HUD-EPA (Region IX) Sole Source Aquifer Memorandum of Understanding of 1990.

B) Consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement appropriate mitigation measures. Guidance: <http://www.hud.gov/offices/cpd/environment/review/aquifers.cfm>

Endangered Species: A) The RE documents that the proposal will have “no effect” **or** “is not likely to adversely affect” any federally protected (listed or proposed) Threatened or Endangered Species (i.e., plants or animals, fish, or invertebrates), nor adversely modify designated critical habitats. This finding is to be based on the review of designated critical habitats, contacts with the U.S. Fish and Wildlife Service or National Marine Fisheries Service, or by special study completed by a biologist or botanist. A determination of “no effect” based on the well-documented absence of listed species and critical habitats does not require U.S. FWS concurrence. **B)** Consult with the U.S. FWS or with the National Marine Fisheries Service, as appropriate, in accordance with procedural regulations contained in 50 CFR Part 402. Formal consultation with FWS or NMFS is always required for federally funded “major construction” activities and anytime a “likely to adversely affect” determination is made.

Guidance: <http://www.hud.gov/offices/cpd/environment/review/endangeredspecies.cfm>

Wild and Scenic Rivers: A) The project is not located within one mile of a listed Wild and Scenic River, **OR** the project will have no effects on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system. **B)** Consult with the U.S. Department of Interior, National Park Service for impact resolution and mitigation.

Guidance: <http://www.rivers.gov/wildriverslist.html>

Air Quality: **A)** The project is located within an “attainment” area, **OR**, if within a “non-attainment” area, conforms with the EPA-approved State Implementation Plan (SIP), per contact with the State Air Quality Management District or Board, **AND** the project requires no individual NESHAP permit or notification; **B)** Negotiate suitable mitigation measures with the Air Quality Management District or Board, obtain necessary permits, issue required notices. (For example, 40 CFR §61.145 requires 10-day prior notification to the Air Quality District Administrator whenever either 260 linear ft., 160 sq. ft., or 35 cubic ft., of asbestos containing material is to be disturbed during rehabilitation/demolition activities in multi-family properties).

Guidance: <http://www.hud.gov/offices/cpd/environment/review/cleanair.cfm>

Farmland Protection: **A)** The project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service NRCS (formerly the Soil Conservation Service), **OR** the project site includes prime or unique farmland, but is located in an area committed to urban uses; **B)** Request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands).

Guidance: <http://www.hud.gov/offices/cpd/environment/review/farmlands.cfm>

Noise Abatement and Control: **A)** The project does not involve development of noise sensitive uses, **OR** the project is not within line-of-sight of a major or arterial roadway or railroad, **OR** ambient noise level is documented to be 65 LDN (CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG) for calculating noise levels and Airport Noise Contour map; **B)** Apply the noise standard, per 24 CFR §51.101, to the decision whether to approve the proposal (see §51.104), and implement noise attenuation measures (NAG page 39-40) as applicable.

Guidance: <http://www.hud.gov/offices/cpd/environment/review/noise.cfm>

Explosive or Flammable Operations: **A)** The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to “Siting of HUD-Assisted Projects Near Hazardous Facilities” (Appendices F & G, pp. 51-52), **OR** the project will expose neither people nor buildings to such hazards; **B)** mitigate the blast overpressure or thermal radiation hazard with the construction of a barrier of adequate size and strength to protect the project (per 24 CFR 51.205). Guidance: <http://www.hud.gov/offices/cpd/environment/review/explosive.cfm>

Toxic Chemicals and Radioactive Materials: **A)** The subject and adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the subject property. Particular attention should be given to nearby dumps, landfills, industrial sites and other operations with hazardous wastes. **B)** Mitigate the adverse environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency; **OR** reject the proposal. Guidance: <http://www.hud.gov/offices/cpd/environment/review/hazardous.cfm>

Airport Clear Zones and Accident Potential Zones: **A)** The project is not within an FAA-designated civilian airport Runway Clear Zone (RCZ) -or Runway Protection Zone, or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ) -Approach Protection Zone, based upon information from the civilian airport or military airfield administrator identifying the boundaries of such zones, **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in the RCZ or CZ; **B)** It is HUD policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site. Guidance: <http://www.hud.gov/offices/cpd/environment/review/airport.cfm>

Environmental Justice: **A)** The proposed site is suitable for its proposed use and will NOT be adversely impacted by adverse environmental conditions; **B)** Site suitability is a concern; the proposal is adversely affected by environmental conditions impacting low income or minority populations. Avoid such impacts or mitigate them to the extent practicable. Address and mitigate the disproportional human health or environmental effects adversely affecting the low income or minority populations **OR** reject the proposal. Guidance: <http://www.hud.gov/offices/cpd/environment/review/justice.cfm>

REV AUG 2008 -All previous editions are obsolete



Rehabilitation Environmental Review (2009)

(This is the latest HUD-recommended format. Previous versions are obsolete)

[This RER tiered review format [per 24CFR §58.15] may only be used for the environmental review of the **rehabilitation of existing single-family residential structures**, per §58.35(a)(3)(i), with or without the acquisition and/or disposition of the existing structure per §58.35(a)(5). **It may not be used for projects involving changes in use or new construction activities.** It may also be used for the acquisition/rehabilitation/disposition of individual units in a multi-family structure, but not for the rehabilitation/acquisition/disposition of an entire multi-family building per §58.35(a)(3)(ii), where environmental review using a Statutory Worksheet may be appropriate].

Program/project name and description: (include maximum number of units and maximum grant/loan amounts)

From: (month/year)

To: (month/year)

Area of Consideration: (Define the geographic area from which applications for this program will be accepted. Attach a composite map showing target area and floodplains.)

INSTRUCTIONS for completing the RER (2009)

The Factors addressed in this RER review phase apply to the entire **area of consideration**. Prepare an RER form **once for the maximum scope and magnitude of each program** that meets the criteria of rehabilitation/acquisition/disposition at §58.35(a)(3) and (5), and retain it in the Environmental Review Record (ERR). A new RER must be completed whenever there is a new Consolidated Plan, Public Housing Plan or changes in the area of consideration or changes in environmental conditions which could affect the program. After completion of the RER, publish or disseminate a Notice of Intent to Request Release of Funds (NOI/RROF), according to §58.70. The **NOI/RROF** shall identify the issues to be addressed in the **site-specific review phase (Appendix A 2009)**. **Do not commit HUD funds** to any specific activity **before obtaining the Authority to Use Grant Funds** (HUD form 7015.16) for the project **or before successfully completing a site-specific Appendix A 2009**.

Site specific factors listed at Sections 58.5 and 58.6 (including historic preservation, explosive/flammable operations, toxic substances, airport clear zones and flood insurance) shall be addressed by completing an **Appendix A before approving any specific loans or grants**. **An Appendix A shall be completed and maintained for each site to document compliance with these laws and authorities. Documents supporting compliance as well as the implementation of required mitigation measures shall be maintained in the ERR.**

Area-wide Factors

Floodplain Management

Is any part of the area of consideration located in a Special Flood Hazard Area (SFHA, i.e. area designated "A" or "V" Zone by FEMA)?

- YES; complete Part I – Floodplain Management.
- NO; provide Source Documentation (FIRM panel number(s) and dates): _____

(The entire program is in compliance with Executive Order 11988, Floodplain Management.)

Coastal Zone Management

Is any part of the area of consideration within the Coastal Zone according to the California Coastal Commission, Hawaii Coastal Commission, San Francisco Bay Conservation & Development Commission or the Planning Department (for certified Local Coastal Plans)?

Yes; complete Part II – Coastal Zone Management.

No; provide Source Documentation. Source Documentation: _____

(The entire project is in compliance with Executive Order 11988 and 24 CFR Part 55.)

NOTES: Normally, these **laws/authorities listed at 24 CFR 58.5** are not invoked by housing rehabilitation projects: Executive Order 11990 Protection of Wetlands; Endangered Species Act, 16 USC 1531 et seq. as amended, particularly 16 USC 1536, 50 CFR 402; Wild and Scenic Rivers Act of 1968, 16 U.S.C. 1271 et. seq., as amended [particularly Sections 7(b) and (c)]; Clean Air Act, 42 U.S.C. 7401 et seq. as amended, particularly section 176(c) and (d), Farmland Protection Act, 7 CFR 658.3(c); Noise Abatement, 24 CFR 51.101(a)(2); Sole Source Aquifers, Memorandum of Agreement between HUD Region IX and U.S. Environmental Protection Agency Region IX, dated 4/30/90, and Executive Order 12898 Environmental Justice. **However, if exceptional circumstances require compliance steps with any of these authorities, such compliance must be established and documented prior to approving the site-specific loan or grant.**

Part I – Floodplain Management

1. Will this program involve the following activities **within Special Flood Hazard Areas** (100 yr. floodplain): **a)** rehabilitation of single family units costing more than 50% of the market value of the structure before rehabilitation, **or b)** rehabilitation of units in multi-family residential structures?

Yes; proceed to question #2.

No; compliance with Executive Order 11988 is established by program definition.

2. Comply with Executive Order 11988 by completing the 8-step-decision-making process per 24 CFR §55.20 for the entire area of consideration, before approving rehabilitation activities within a SFHA. **KEEP A COPY OF THIS 8-STEP PROCESS (including copies of all published notices) in the ERR.**

3. Did the 8-step process result in a determination that there is no practicable alternative to carrying out the residential rehabilitation/acquisition/disposition activities within the Special Flood Hazard Area (SFHA)?

Yes; proceed.

No; proceed.

4. Is the community participating in the National Flood Insurance Program?

Yes; proceed.

No; proceed.



APPENDIX A 2009

(Previous versions are obsolete)

Before an activity is approved, this **Appendix A** review must be successfully completed and kept in file for each residential structure proposed for acquisition/rehabilitation/disposition. The Appendix A may be used only in conjunction with a currently valid **RER** (Rehabilitation Environmental Review) for the target area. Completion of the Appendix A does not require the submission of an additional RROF/C (Request for Release of Funds/Certification-HUD 7015.15) if the Responsible Entity has received Authority to Use Grant Funds (HUD 7015.16) for the project.

Building/unit Address:

Part III – Historic Preservation (NHPA, Section 106)

1. Does this undertaking involve only those activities permitted without further consultation under a currently valid **programmatic agreement** among the responsible entity, the State Historic Preservation Officer (**SHPO**) or Tribal Historic Preservation Officer (**THPO**) and/or the Advisory Council on Historic Preservation?
 - Yes. If Yes, note date of programmatic agreement _____, document implementation of the terms of the agreement and STOP here; the Section 106 Historic Preservation review is complete.
 - No. If No, PROCEED.

2. Does the undertaking involve only acquisition and/or minor, interior rehabilitation of a 1-4 unit residential structure that is **less than 50 years old**, with **no visible changes to the exterior and no potential to cause effects** on historic properties per §800.3(a)(1)?
 - Yes. If Yes, record date of building construction _____, age: _____ years, enclose documentation why the proposal has no potential to affect historic property per §800.3(a)(1) and STOP here. The Section 106 Historic Preservation review is complete.
 - No. If No, PROCEED.

3. If the proposed rehabilitation involves physical work with potential to affect any historic structure, **determine** -in consultation with the appropriate **SHPO/THPO**- whether the building is **listed or eligible** for inclusion in the National Register of Historic Places (NR);

Is the building listed in or eligible for listing in the NR?

 - Yes. If Yes, PROCEED.
 - No. If No, attach SHPO/THPO concurrence or other evidence of conclusion and STOP here. This part is complete pursuant to 36 CFR §800.4(d).

4. Determine whether **historic properties are affected** per §800.4(d). Has SHPO/THPO concurred with your fully documented determination of “no historic properties affected”, or failed to object within 30 days of receipt of such determination, allowing sufficient time for mail delivery?

- Yes. If Yes, enclose documentation and STOP here. Section 106 review is complete.
- No. If No, PROCEED.

5. **Determine whether the undertaking will have adverse effects** on historic properties according to § 800.5, in consultation with the SHPO/THPO and consulting parties [see §800.2(c)].

Will this undertaking have adverse effect(s) on historic properties?

- Yes. If Yes, PROCEED.
- No. If No, attach SHPO/THPO concurrence and STOP here. This part is complete per 36 CFR §800.5(d)(1).

6. Resolve Adverse Effects per §800.6 -in consultation with the SHPO/THPO, the Advisory Council on Historic Preservation (ACHP) if participating, and any consulting parties. The loan or grant may not be approved until adverse effects are resolved according to §800.6 or ACHP comment is considered by the Responsible Entity.

- NOTES:**
- 1. A determination/consultation of eligibility for the NR, may be sent to SHPO/THPO concurrently with the determination of effect/no effect and with the determination of adverse/no adverse effects.
 - 2. The **Chief Executive Officer of the jurisdiction cannot delegate to another person** the decision to approve a project in opposition to Advisory Council comment.

Part IV - Airport Clear Zones (24CFR 51D)

1. Does this proposal involve the purchase or sale of property?

- Yes. If Yes, PROCEED.
- No. If No, STOP here. This project complies with 24 CFR Subpart D §51.300.

2. Is the subject property located in the Clear Zone (CZ), Approach Protection Zone, or in the Runway Clear Zone (RCZ) of a commercial civil airport or military airfield?

- Yes. If Yes, provide an airport disclosure statement advising the buyer that the property is in a RCZ or CZ, what the implications of such a location are and that there is a possibility that the property may, at a later date, be acquired by the airport operator. Obtain the buyer’s signature acknowledging receipt of this information and attach it to this Appendix. (This disclosure requirement does not apply to Accident Potential Zones). PROCEED with next section.
- No. If No, include Source Documentation: _____
STOP here. This project complies with 24 CFR

51Subpart D §51.300

Part V - Explosive & Flammable Operations (24CFR51C)

1. Will this proposed acquisition/rehabilitation project result in increased residential density or cause a vacant building to become physically or legally habitable?

- Yes. If Yes, PROCEED.
- No. If the answer to both parts of the question is No, STOP here. This proposal complies with 24 CFR §51.201.

2. Is this proposed project within 1 mile of any visible, explosive-or-flammable-substance container (a stationary, above-ground tank with a capacity of more than 100 gallons)?

Field inspection by: _____ Date: _____

- Yes. If Yes, PROCEED.
- No. (See 24 CFR 51C, Appendices I and II). If No, STOP here. This part is complete

3. Note Tank volume: _____ gallons, or diked area around tank: _____ square feet.
Record distance from the project to the flammable/explosives container: _____ feet.

4. According to HUD Guidebook "Siting of HUD-Assisted Projects Near Hazardous Facilities" (HUD-1060-CPD), the **Acceptable Separation Distance (ASD)** for thermal radiation (Appendix F) is is: _____ feet and the ASD for blast overpressure (Appendix G) is _____ feet.
The greater ASD is _____ ft.

Is the project located beyond the ASD according to Appendices F and G?

- Yes. If Yes, STOP here. The project complies with 24 CFR 51C.
- No. If No, **Deny HUD Assistance**, or **APPROVE ONLY** if the following shielding/mitigation measures- designed in compliance with 24 CFR §51.205- are carried out:

Part VI - Toxic/Hazardous/Radioactive Materials Policy (24 CFR 58.5(i)(2))

1. Field Observations of the property (exterior/interior):

2. Are there visible dumps, landfills, industrial sites or other locations containing or releasing toxic/hazardous/ radioactive/ materials, chemicals or hazardous wastes on or near the subject site

Yes. If Yes, describe and proceed.

No. If No, PROCEED.

3. Does this project site contain an underground storage tank (which is not a residential fuel tank)?

Yes. If Yes, describe and proceed.

No. If No, PROCEED.

4. Search Federal, State or local environmental toxic sites records (e.g., www.epa.gov/enviro/emef). Do these sources reveal nearby on or nearby sites that may pose threats to the subject site occupants' health or safety?

Yes. If Yes, cite databases, describe and proceed.

No. If No, cite databases and proceed.

5. **Determination:** Are the neighborhood and property free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which would affect the health or safety of occupants?

Yes, according to toxic site database research and field observations

No, the following toxic or hazardous conditions must be mitigated before approval:

(Attach appropriate mitigation, disclosure & clearance documents).

No, hazardous exposure or risk will not be mitigated; **Deny HUD Assistance for this activity.**

Part VII - Flood Insurance/Flood Disaster Protection Act [24CFR58.6(a)]

(The Flood Disaster Protection Act mandates the purchase of **flood insurance** for buildings located in SFHA's as a condition of approval for federal financial assistance. Flood insurance protection is mandatory for acquisition, construction, reconstruction, repair and improvement activities. Responsible Entities approving such federally assisted activities located in SFHA's must ensure that flood insurance is maintained for the statutorily-prescribed period and dollar amount. In the case of grants, flood insurance must be maintained for the life of the building. In the case of loans, flood insurance must be maintained for the term of the loan. A copy of the flood insurance Policy Declaration must be maintained in the ERR. The amount of flood insurance coverage must be at least equal to the total project cost (less the estimated land cost) or to the maximum limit of coverage made available by the NFIP).

1. Does the project involve the acquisition or rehabilitation of structures, buildings or mobile homes?
 Yes. If Yes, PROCEED.
 No. If No, flood insurance is not required. STOP here; compliance is established.

2. Is the structure or part of the structure located in a FEMA designated Special Flood Hazard Area?
 Yes. Source Document (FEMA/FIRM floodplain zone designation, panel number, date):
_____ (PROCEED).
 No. Source Document (FEMA/FIRM floodplain zone designation, panel number, date):
_____ (STOP here, compliance is established.)

3. Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?
 Yes. Flood Insurance under the National Flood Insurance Program **must** be obtained and maintained for the economic life of the activity to cover the total activity cost. A copy of the flood insurance policy declaration must be kept in the Environmental Review Record.
 No. **HUD assistance may not be provided for this property in the Special Flood Hazards Area.**

Preparer Name Title

Preparer Signature: _____ **Date:** _____

Responsible Entity (RE) Official Name Title

RE Official Signature: _____ **Date:** _____



Statutes and Regulations listed at §58.6 - Other Requirements (to be used with site-specific projects requiring completion of Appendix A)

This §58.6 compliance form must be completed, in addition to the Appendix A, for each residential structure proposed for rehabilitation and/or acquisition before HUD funds are committed to specific projects. It may be used only in conjunction with a currently valid **RER** (Rehabilitation Environmental Review) form.

Building/unit Address:

A. FLOOD INSURANCE / FLOOD DISASTER PROTECTION ACT

- (1) Does the project involve the acquisition, construction or rehabilitation of structures, buildings or mobile homes?
- No. Flood insurance is not required. The review of this factor is completed. *Skip to Section B. Coastal Barriers Resources Act.*
- Yes. *Continue to question 2.*
- (2) Is the structure or part of the structure located in a FEMA designated Special Flood Hazard Area?
- No. Cite Source Document (FEMA/FIRM floodplain zone designation, map panel number, date or other credible source). _____
Flood insurance is not required. The review of this factor is completed. *Skip to Section B. Coastal Barriers Resources Act.*
- Yes. Cite Source Document (FEMA/FIRM floodplain zone designation, map panel number, date or other credible source). _____
Continue to question 3.
- (3) Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?
- Yes. *Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project in the amount of the total project cost. A copy of the *flood insurance policy declaration must be kept in the Environmental Review Record.*
- No. **[Federal assistance may not be used in the Special Flood Hazards Area.]**

B. COASTAL BARRIERS RESOURCES ACT

- (1) Does the project involve any one of the following uses of Federal assistance?
- acquisition, construction, repair, improvement or rehabilitation of public facilities;
 - acquisition, construction, repair, improvement or rehabilitation of residential or non-residential structures;
 - flood insurance for new or substantially improved structures;
 - erosion control or stabilization of inlet, shoreline or inshore areas.
- No. Cite Source Documentation. _____
The review of this factor is completed. *Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.*
- Yes. *Continue to question 2.*

- (2) Is the project in an area along the Atlantic Coast, Gulf of Mexico, or Great Lakes?
- No. Cite Source Documentation. **There are no Coastal Barrier Resources on the U.S. West Coast.**
The review of this factor is completed. *Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.*
- Yes. *Continue to question 3.*
- (3) Is the project located in a coastal barrier resource designated on a FEMA map?
- No. Cite Source Documentation. _____
The review of this factor is completed. *Skip to Section C. Airport Runway Clear Zones and Clear Zones Disclosures.*
- Yes. **[Federal assistance may not be used in such an area.]**

C. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES

- (1) Does the project involve the sale or acquisition of an existing building or property within a Civil Airport's Runway Clear Zone, Approach Protection Zone or a Military Installation's Clear Zone?
- No. Cite Source Documentation. _____
Project complies with 24 CFR 51.303(a)(3). The review of this factor is completed.
- Yes. **Disclosure statement must be provided** to buyer and a copy of the signed disclosure statement must be maintained in this project's Environmental Review Record [24 CFR 51.303(a)(3)].

I hereby certify that the _____ Project has been reviewed and determined to be **Categorically Excluded per 24 CFR 58.35(a) and 24 CFR 58.6.**

Preparer Name Title

Preparer Signature: _____ **Date:** _____

Responsible Entity (RE) Official Name Title

RE Official Signature: _____ **Date:** _____



Environmental Assessment for HUD-funded Proposals

*Recommended format per 24 CFR 58.36, revised March 2005
[Previously recommended EA formats are obsolete].*



Project Identification: _____

Preparer: _____

Responsible Entity: _____

Month/Year: _____, _____

Environmental Assessment

Responsible Entity: _____
[24 CFR 58.2(a)(7)]

Certifying Officer: _____
[24 CFR 58.2(a)(2)]

Project Name: _____

Project Location: _____

Estimated Total Project Cost: \$ _____

Grant Recipient: _____
[24 CFR 58.2(a)(5)]

Recipient Address: _____

Project Representative: _____

Telephone Number: _____

Conditions for Approval: (List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as requirements). [24 CFR 58.40(d), 40 CFR 1505.2(c)]

FINDING: [58.40(g)]

- Finding of No Significant Impact**
(The project will not result in a significant impact on the quality of the human environment)

- Finding of Significant Impact**
(The project may significantly affect the quality of the human environment)

Preparer Signature: _____ **Date:** _____

Name/Title/Agency: _____

RE Approving Official Signature: _____ **Date:** _____

Name/Title/Agency: _____

Statement of Purpose and Need for the Proposal: [40 CFR 1508.9(b)]

Description of the Proposal: Include all contemplated actions which logically are either geographically or functionally a composite part of the project, regardless of the source of funding.
[24 CFR 58.32, 40 CFR 1508.25]

Existing Conditions and Trends: Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project. [24 CFR 58.40(a)]

Statutory Checklist

[24CFR §58.5]

Record the determinations made regarding each listed statute, executive order or regulation. Provide appropriate source documentation. Note reviews or consultations completed as well as any applicable permits or approvals obtained or required. Note dates of contact or page references. Provide compliance or consistency documentation. Attach additional material as appropriate. Note conditions, attenuation or mitigation measures required.

Factors	Determination and Compliance Documentation
Historic Preservation [36 CFR 800]	
Floodplain Management [24 CFR 55, Executive Order 11988]	
Wetlands Protection [Executive Order 11990]	
Coastal Zone Management Act [Sections 307(c), (d)]	
Sole Source Aquifers [40 CFR 149]	
Endangered Species Act [50 CFR 402]	
Wild and Scenic Rivers Act [Sections 7(b), (c)]	
Air Quality [Clean Air Act, Sections 176(c) and (d), and 40 CFR 6, 51, 93]	
Farmland Protection Policy Act [7 CFR 658]	
Environmental Justice [Executive Order 12898]	

HUD Environmental Standards

Determination and Compliance Documentation

Noise Abatement and Control [24 CFR 51 B]	
Toxic/Hazardous/Radioactive Materials, Contamination, Chemicals or Gases [24 CFR 58.5(i)(2)]	
Siting of HUD-Assisted Projects near Hazardous Operations [24 CFR 51 C]	
Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]	

Environmental Assessment Checklist

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a determination of impact.

Impact Codes: (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional material as appropriate. Note conditions or mitigation measures required.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning		
Compatibility and Urban Impact		
Slope		
Erosion		
Soil Suitability		
Hazards and Nuisances including Site Safety		
Energy Consumption		

Noise - Contribution to Community Noise Levels		
Air Quality Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels		
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale		

Socioeconomic	Code	Source or Documentation
Demographic Character Changes		
Displacement		
Employment and Income Patterns		

**Community Facilities
and Services**

	Code	Source or Documentation
Educational Facilities		
Commercial Facilities		
Health Care		
Social Services		
Solid Waste		
Waste Water		
Storm Water		
Water Supply		
Public Safety		
- Police		
- Fire		
- Emergency Medical		
Open Space and Recreation		
- Open Space		
- Recreation		
- Cultural Facilities		
Transportation		

Natural Features

	Code	Source or Documentation
Water Resources		
Surface Water		
Unique Natural Features and Agricultural Lands		
Vegetation and Wildlife		

Other Factors	Code	Source or Documentation
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]		
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]		
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]		
Other Factors		

Summary of Findings and Conclusions:

ALTERNATIVES TO THE PROPOSED ACTION

Alternatives and Project Modifications Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9]

(Identify other reasonable courses of action that were considered and not selected, such as other sites, design modifications, or other uses of the subject site. Describe the benefits and adverse impacts to the human environment of each alternative and the reasons for rejecting it.)

No Action Alternative [24 CFR 58.40(e)]

(Discuss the benefits and adverse impacts to the human environment of not implementing the preferred alternative).

Mitigation Measures Recommended [24 CFR 58.40(d), 40 CFR 1508.20]

(Recommend feasible ways in which the proposal or its external factors should be modified in order to minimize adverse environmental impacts and restore or enhance environmental quality.)

Additional Studies Performed:

(Attach studies or summaries)

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]

**Radon Gas and Mold Notice
and Release Agreement**

**U.S. Department of Housing
and Urban Development**
Office of Housing
Federal Housing Commissioner

Property Case #: _____
Property address: _____

**PURCHASERS ARE HEREBY NOTIFIED AND UNDERSTAND THAT RADON
GAS AND SOME MOLDS HAVE THE POTENTIAL TO CAUSE SERIOUS
HEALTH PROBLEMS.**

Purchaser acknowledges and accepts that the HUD-owned property described above (the "Property") is being offered for sale "AS IS" with no representations as to the condition of the Property. The Secretary of the U.S. Department of Housing and Urban Development, his/her officers, employees, agents, successors and assigns (the "Seller") and [insert name of M & M Contractor], an independent management and marketing contractor ("M & M Contractor") to the Seller, have no knowledge of radon or mold in, on, or around the Property other than what may have already been described on the web site of the Seller or M & M Contractor or otherwise made available to Purchaser by the Seller or M & M Contractor.

Radon is an invisible and odorless gaseous radioactive element. Mold is a general term for visible growth of fungus, whether it is visible directly or is visible when barriers, such as building components (for example, walls) or furnishings (for example, carpets), are removed.

Purchaser represents and warrants that Purchaser has not relied on the accuracy or completeness of any representations that have been made by the Seller and/or M & M Contractor as to the presence of radon or mold and that the Purchaser has not relied on the Seller's or M & M Contractor's failure to provide information regarding the presence or effects of any radon or mold found on the Property.

Real Estate Brokers and Agents are not generally qualified to advise purchasers on radon or mold treatment or its health and safety risks. **PURCHASERS ARE ENCOURAGED TO OBTAIN THE SERVICES OF A QUALIFIED AND EXPERIENCED PROFESSIONAL TO CONDUCT INSPECTIONS AND TESTS REGARDING RADON AND MOLD PRIOR TO CLOSING.** Purchasers are hereby notified and agree that they are solely responsible for any required remediation and/or resulting damages, including, but not limited to, any effects on health, due to radon or mold in, on or around the property.

In consideration of the sale of the Property to the undersigned Purchaser, Purchaser does hereby release, indemnify, hold harmless and forever discharge the Seller, as owner of the Property and separately, M & M Contractor, as the independent contractor responsible for maintaining and marketing the Property, and its officers, employees, agents, successors and assigns, from any and all claims, liabilities, or causes of action of any kind that the Purchaser may now have or at any time in the future may have against the Seller and/or M & M Contractor resulting from the presence of radon or mold in, on or around the Property.

Purchaser has been given the opportunity to review this Release Agreement with Purchaser's attorney or other representatives of Purchaser's choosing, and hereby acknowledges reading and understanding this Release. Purchaser also understands that the promises, representations and warranties made by Purchaser in this Release are a material inducement for Seller entering into the contract to sell the Property to Purchaser.

Dated this _____ day of _____, 20_____.

Purchaser's Signature

Purchaser's Signature

Purchaser's Printed Name

Purchaser's Printed Name

{SAMPLE}

Notice of Intent to Request a Release of Funds

The language below is HUD's recommended wording of the Notice of Intent to Request a Release of Funds. This Notice is used to request the environmental release of funds for Categorically Excluded projects [24 CFR Part 58, Section 58.35(a)] or for projects for which a Notice of Finding of No Significant Impact was previously issued. Words in **bold type** are required language. Words in *italics* are to be replaced by language appropriate to the particular project and Responsible Entity. The minimum comment period is seven days following publication or ten days if posting and mailing without publication is used

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Notice

Name of Responsible Entity [RE]

Address (e.g., Street No. or P.O. Box)

City, State, Zip Code

Telephone Number of RE

On or about *at least one day after the end of the comment period* **the name of RE will** *if the RE is not also the grant recipient, insert the following language here: "authorize the [name of grant recipient] to"* **submit a request to the California Department of Housing and Community Development (HCD) for the release of name of grant program funds under Title/Section [] of the name of the Act of [year], as amended, to undertake a project known as project title for the purpose of nature/scope of project, estimated funding (include non-HUD funding sources if applicable) and project location if applicable.**

The activities proposed *alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements or alternative #2: comprise a project for which a Finding of No Significant Impact on the environment was [published/posted] on [date of Finding publication/posting].* **An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review and may be examined or copied weekdays __A.M to __P.M.**

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the RE designated office responsible for receiving and responding to comments. All comments received by if notice is published: notice date plus seven days; if notice is mailed and posted: mailing and posting date plus ten days will be considered by the name of RE prior to authorizing submission of a request for release of funds.

ENVIRONMENTAL CERTIFICATION

The *name of RE* certifies to HCD that *name of Certifying Officer* in his/her capacity as *Official Title* consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HCD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the *name of grant recipient* to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

HCD will accept objections to its release of funds and the *RE's certification* for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following basis: (a) the certification was not executed by the Certifying Officer of the name of RE; (b) the RE has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HCD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to California Department of Housing and Community Development, Neighborhood Stabilization Program at 1800 3rd Street, Suite 330, Sacramento, CA 95811. Potential objectors should contact HCD to verify the actual last day of the objection period.

Name and Title of RE Certifying Officer

Note: The seven or ten-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of Funds and Certification [form HUD-7015.15] to the California Department of Housing and Community Development (HCD), Neighborhood Stabilization Program. The Responsible Entity may choose to allow a longer comment period. The fifteen-day objection period following submission of the request is a statutory requirement. The objection period begins the day after the submission date specified in the Notice or the day after actual receipt by HCD, whichever is later.

Following completion of the comment period, recipients may FAX the form HUD-7015.15 to HCD together with a copy of the public notice and a cover letter stating whether comments were received and, if so, how the recipient responded to the comments. The Request for Release of Funds and Certification should not be submitted before the recipient has responded to all comments. If the request is sent by FAX, the original signed form must be mailed to HCD. The date of receipt by FAX will be counted as the submission date. However, HCD will not issue the 7015.16 "Authority to Use Grant Funds" until after the original signed form is received.

{SAMPLE}
**COMBINED FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

(DATE OF NOTICE)

(NAME OF RESPONSIBLE ENTITY [RE])

(ADDRESS)

(CITY, STATE, ZIP CODE)

(TELEPHONE NUMBER OF RE PREPARER AGENCY)

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about (AT LEAST ONE DAY AFTER THE END OF THE COMMENT PERIOD) the (NAME OF RE) will [IF THE RE IS NOT ALSO THE GRANTEE INSERT THE FOLLOWING LANGUAGE HERE-- "AUTHORIZE THE (NAME OF GRANTEE) TO"] submit a request to the (California Department of Housing and Community Development (HCD)) for the release of (NAME OF GRANT PROGRAM) funds under [Title/Section ()] of the (NAME OF THE ACT) of (DATE OF ACT), as amended, to undertake a project known as (PROJECT TITLE), for the purpose of (NATURE/SCOPE OF PROJECT, AND PROJECT ADDRESS/LOCATION IF APPLICABLE).

FINDING OF NO SIGNIFICANT IMPACT

The (NAME OF RE) has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at (NAME AND ADDRESS OF RE OFFICE WHERE ERR CAN BE EXAMINED AND NAME AND ADDRESS OF OTHER LOCATIONS WHERE THE RECORD IS AVAILABLE FOR REVIEW) and may be examined or copied weekdays () A.M. to () P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the (RE DESIGNATED OFFICE RESPONSIBLE FOR RECEIVING AND RESPONDING TO COMMENTS). All comments received by (IF NOTICE PUBLISHED: NOTICE DATE PLUS FIFTEEN FULL DAYS--IF NOTICE POSTED: POSTING DATE PLUS EIGHTEEN FULL DAYS) will be considered by the (NAME OF RE) prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The (NAME OF RE) certifies to (HCD) that (NAME OF CERTIFYING OFFICER) in (HIS/HER) capacity as (OFFICIAL TITLE) consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. (HCD's) approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the (NAME OF GRANTEE) to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

(HCD) will consider objections to its release of funds and the (RE's NAME) certification received by (ANTICIPATED DATE OF HUD/STATE RECEIPT OF RROF/C PLUS FIFTEEN FULL DAYS) or a period of fifteen days from its receipt of the request (whichever is later) only if they are on one of the following basis: (a) the certification was not executed by the Certifying Officer or other officer of the (NAME OF RE) approved by (HCD); (b) the (RE) has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by (HCD); or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to (California Department of Housing and Community Development, Neighborhood Stabilization Program) at (1800 3rd Street, Suite 330, Sacramento, CA 95811). Potential objectors should contact (HCD) to verify the actual last day of the objection period.

(NAME AND TITLE OF RE CERTIFYING OFFICER)

Request for Release of Funds and Certification

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

OMB No. 2506-0087
(exp. 3/31/2011)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s)	2. HUD/State Identification Number	3. Recipient Identification Number (optional) Required DUNS #
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)		
8. HUD or State Agency and office unit to receive request	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)
--	--

11. Program Activity/Project Description

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Name & Title of Certifying Officer

Date signed

X

Address of Certifying Officer

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)



U.S. Department of Housing and Urban Development
Fort Worth Regional Office, Region VI
Office of Community Planning and Development
801 Cherry Street, PO Box 2905
Fort Worth, TX 76102
Phone (817) 978-5965 - Fax (817) 978-5567
www.hud.gov

Instructions for Completing the Request for Release of Funds and Certification [form HUD-7015.15]

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

Block 1. Program Title(s): enter the HUD program name - e.g., Community Development Block Grant, Neighborhood Stabilization Program, HOME, Supportive Housing, Shelter Plus Care, Section 8 Moderate Rehabilitation Single Room Occupancy, Housing Opportunities for Persons with AIDS, etc.

Block 2. HUD/State Identification Number: enter the letters/numbers assigned to your program/project by HUD- e.g. Community Development Block Grant, B-05-UC-48-XXXX; Supportive Housing Program, DE05B01XXXX; HOME, M-05-MC-48-XXXX; etc.

Block 3. Data Universal Numbering System (DUNS) Number: The DUNS number is a unique nine character identification number provided by D&B.

Block 4. OMB Catalog Number(s): enter designated OMB letters/numbers - e.g.,
CFDA No 14.235, Supportive Housing Program;
CFDA No. 14.218, Community Development Block Grant;
CFDA No. 14.228, Neighborhood Stabilization Program,
CDFA No. 14.239, HOME;
CFDA No. 14.246, Brownfields Economic Development Initiative;
CFDA No. 14.247, Self-Help Homeownership Opportunity Program (SHOP);
CFDA No. 14.866, HOPE VI Demolition/Revitalization Grants; etc.
CFDA No. 14.251, Economic Development Initiative-Special Project

NOTE: The OMB Catalog is available on line at <http://www.cfda.gov/public/faprs.htm>: click on "By Agency," then on "Housing and Urban Development" to get to the HUD Programs listing.

Block 5. Name and Address of Responsible Entity: enter the name and address of the unit of government or the State Agency/Department responsible for the environmental review of the activity(ies)/project(s). It may be the same as the grant recipient implementing the project.

Block 6. For Information about this request, Contact (name & phone number): enter the name of person to contact concerning this form HUD-7015.15 and the environmental review(s) for the activity(ies)/project(s) listed on this form.

Block 7. Name and Address of Recipient (if different than responsible entity): enter the name of the private, public, quasi-governmental, profit or non-profit organization which received the grant directly from HUD but lacks the legal capacity to assume the environmental review responsibility for the activity(ies)/project(s). As such the recipient is not environmentally liable in federal courts for the project per HUD's environmental review procedures.

Block 8. HUD or State Agency and Office Unit to Receive Request: enter the name and address of the State Agency to whom form HUD-7015.15 will be submitted. For State Neighborhood Stabilization Program, send to:

California Department of Housing and Community Development
Neighborhood Stabilization Program,
1800 3rd Street, Suite 330
Sacramento, CA 95811

Block 9. Program Activity/Project Name: enter the activity(ies)/project name(s) for which this form HUD-7015.15 is submitted.

Block 10. Location (Street address, city, county, and State): enter the location of the activity/project.

Block 11. Program Activity/Project Description: enter a description, including project scope and costs of the activity to experience environmental release via this request

Part 2. Environmental Certification (to be completed by responsible Entity)

Certification 3: Check either the first or second box. The second box is usually checked.

Signature of Certifying Officer of the Responsible Entity:

Title of Certifying Officer:

Date Signed:

The Certifying Officer signs his/her name, title, and the date. The Certifying Officer is usually the chief elected official for the responsible entity/jurisdiction in which the project is located, or his/her designee. The Certifying Officer may also be a Governor, or a State Agency official, formally and legally designated by the Governor. The Certifying Officer is attesting to the responsible entity's compliance with HUD's environmental review procedures (24 CFR Part 58) as set forth in points 1 - 8 in Part 2.

If the responsible entity is also the grant recipient, the completed form HUD-7015.15, along with a copy of the posted or published environmental Notice(s), is/are submitted to the appropriate HUD Office CPD Division Director. If the responsible entity is not also the grant recipient, the form HUD-7015.15 is then transmitted to the grant recipient, in accordance with 24 CFR Part 58.71(b), along with a copy of the completed signed and dated environmental review record, and the posted or published environmental Notices.

Part 3. To be completed when the Recipient is not the Responsible Entity

Signature of Authorized Officer of the Recipient:

Title of Authorized Officer:

Date Signed:

The recipient receives the completed form HUD-7015.15 from the responsible entity. It is to be signed and dated by the "Authorized Officer" of the recipient. The recipient then submits the completed form HUD-7015.15 along with a copy of the posted or published public Notice(s) to the appropriate HUD Office CPD Division Director cited in the above referenced environmental Notice(s). The recipient maintains the copy of the environmental review record for its official project file. **NOTE:** The recipient, by signing form HUD-7015.15, agrees to implement any special environmental conditions resulting from the environmental review prepared by the responsible entity. The recipient also agrees to notify the responsible entity of any proposed change in scope of the project or any change in environmental conditions. It also agrees not to implement any of those changes without a prior concurrence from the responsible entity and, if deemed necessary by the responsible entity, a supplemental formal release of funds from HUD.