

CHAPTER 1. Introduction

1-1 Purpose

This handbook specifies the environmental review and documentation requirements to be followed by HUD Field Offices for grants under HUD's program for Housing Opportunities for Persons with AIDS (hereafter, HOPWA Grants).

The handbook explains the manner in which HOPWA grantees, before undertaking property acquisition, rehabilitation, conversion, lease, repair or construction activities, are to submit to HUD Field Offices property-specific information so that HUD may assure conformance with requirements related to the environment. Definition: "Property acquisition, rehabilitation, conversion, lease, repair or construction activities" means the recipient's commitment or expenditure of any HUD, State, local or other funds for property acquisition, rehabilitation, conversion, lease, repair, or construction activities under the HOPWA Program.

HUD Field Offices shall provide a copy of this handbook to all HOPWA grantees with the grant approval letter. Field CPD Representatives for the HOPWA Program assisted by Environmental Officers shall provide assistance to grantees and their staff to ensure full understanding and implementation of this handbook. This handbook alerts grantees of the environmental criteria important in the selection of properties free of major hazards and problems.

This handbook contains special procedures only for HOPWA Grants and does not affect the environmental procedures for any other HUD program.

1-2 Authority

- A. The authority for this policy is set forth in HOPWA Program Regulations at Sect. 574.510 of 24 CFR part 574 (hereafter, the HOPWA Program Regulations).
- B. HUD Environmental Regulations at Sect. 50.3(i) and 50.17(i) of 24 CFR part 50 (hereafter HUD Environmental Regulations) allow a new post-award decision point for compliance with the National

Environmental Policy Act of 1969 (NEPA) and the other applicable Federal environmental laws and authorities listed in 50.4. The decision point for environmental compliance review is not the approval by HUD of the award of grants to successful applicants, but rather HUD approval of specific properties identified by the grantee for use in a HOPWA program. The reasons for this post-award decision point are the following:

1. Applications for funding under Formula Entitlement grants are not likely to identify specific properties to be used in

local HOPWA programs, whereas Federal environmental laws and authorities require review of specific properties; and

2. Applications for funding for Competitive grants are to identify specific properties to be used in the local HOPWA programs, but for administrative convenience, HUD has determined that an award of a grant will be conditioned on the applicant's compliance with Federal environmental policies and procedures that require environmental approval of the property by HUD before any funds are used in support of the property.

C. To implement Sect. 50.3(i) and 50.17(i), HUD Environmental Regulations provide for an environmental assurance.

D. The Department has determined that NEPA and the other Federal laws and authorities listed at 50.4 apply to: (i) physical development activities listed under 574.300(b) (3) and (4), and (ii) project-based rental assistance under 574.300(b) (5). Also HUD has determined that the other activities cited in 574.300(b), which by their nature do not propose a physical change to a property, are categorically excluded from NEPA review and do not trigger the laws and authorities in 50.4.

1-3 Activities not subject to environmental review

To preclude the need for doing repetitive findings of no significant impact for non-physical development activities and to provide for an efficient and effective use of resources and staff responsible for compliance with HUD Environmental Regulations, 50.19 and 50.20(b)

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and (o) authorize the following list of activities, which HUD has determined are categorically excluded from NEPA and not subject to the 50.4 authorities:

- A. Information services;
- B. Resource identification and planning to establish and coordinate strategies, including feasibility studies, environmental studies and testing;
- C. Tenant-based rental assistance;
- D. Supportive services including, but not limited to, health care, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;
- E. Operating costs including maintenance, security, operation, insurance, utilities, furnishings, equipment, supplies, staff training and recruitment, and other incidental costs;
- F. Technical assistance; and

G. Administrative expenses.

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