

CHAPTER 2. Responsibility

2-1 Applicant's environmental assurance

- A. HOPWA Program Regulations require an assurance that the applicant will:
1. supply HUD with information necessary for HUD to perform any applicable environmental review of each property in accordance with the environmental laws and authorities cited in 24 CFR part 50;
 2. carry out mitigating measures required by HUD or select alternate eligible property; and
 3. not acquire, rehabilitate, convert, lease, repair or construct property to provide housing, or commit HUD, State, local - or other funds to such program activities with respect to any eligible property, until HUD approval of the property is received. The grantee shall assure that project sponsors comply with these requirements.

2-2 Grantee's data for HUD environmental review

- A. The grantee will cooperate in providing data for HUD's performance of the environmental review. In submitting data to HUD, grantees may use the sample format provided in Appendix 2, or develop an equivalent format of their own. Grantees are to provide a separate format for each property. If available, grantees also may provide HUD with previously issued environmental reviews prepared by other local, State, or Federal agencies for the subject property.
- B. For community residences only, grantees who prepare environmental data and related worksheets after the effective date of the HOPWA grant agreement may use approved technical assistance funds from the HOPWA Grant to pay for costs incurred.
- C. Grantees are prohibited from committing or expending HUD, State, local, or other funds to undertake any property acquisition, rehabilitation, conversion, lease, repair or construction activities (for definition, refer to Paragraph 1-1 above),

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until HUD approval is received for the specific property for use in the grantee's HOPWA Program.

2-3 HUD's responsibility for performance of the environmental review

- A. Sec. 574.510 of HOPWA Program Regulations requires that before any amounts under this program are used to acquire, rehabilitate, convert, lease, repair or construct properties to provide housing, HUD shall perform a review in accord with 24 CFR part

50, which implements the National Environmental Policy Act (NEPA) and the related Federal environmental laws and authorities listed under Sect 50.4. In performing its environmental review, HUD will receive certain information provided by the grantee (refer to Appendix 2). Also, grantees may provide HUD with previously issued environmental reviews prepared by other local, State, or Federal agencies for the proposed property. HUD must, however, conduct the environmental analysis and prepare the environmental review and be responsible for the required environmental findings.

- B. HUD shall determine whether a NEPA environmental assessment is required. HUD shall also determine whether the assisted activities will trigger thresholds for other applicable Federal environmental laws and authorities, when the property is:
1. located within designated coastal barriers;
 2. listed on, or eligible for listing on, the National Register of Historic Places; or is located within, or adjacent to, an historic district or property; or is a property whose area of potential effects includes an historic district or property;
 3. located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature;
 4. contaminated by toxic chemicals or radioactive materials;
 5. located within a runway clear zone at a civil airport or within a clear zone or accident potential
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- zone at a military airfield;
6. located within certain flood hazard areas or (for new construction only) a designated wetland;
 7. located within an area requiring flood insurance protection; or
 8. located within a high noise area.
- C. For proposed new construction or conversion (including demolition), major rehabilitation or substantial improvement of existing properties, HUD also shall determine whether the assisted activities will trigger thresholds for Federal environmental laws and authorities that may apply when the property:
1. is located within a coastal management zone;
 2. is located on a sole source aquifer; or
 3. would affect an endangered species.

2-4 Field Office Responsibility

- A. Secretary's Representatives and State Coordinators, assisted by Field Environmental Officers, are responsible for overseeing the performance of environmental procedures under 574.510 of the HOPWA Program Regulations.
- B. Field CPD Division Directors, assisted by CPD Representatives (Reps) assigned to the HOPWA Program in the HUD Field Offices have the lead responsibility for carrying out the intent of this handbook and are to:
 - 1. Review the grantee's data submission and if complete, perform the necessary environmental review and document compliance on applicable HUD Forms 4128 or 4128.1, which are available from the Field Environmental Officer.

Within five working days of the HUD receipt of the recipient's complete data submission (see Appendix 2), Field CPD Reps assigned to the HOPWA Program are to notify the recipient by letter from the Director for Community Planning

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and Development (CPD), or his/her deputy, indicating one of the following (To form the letters, refer to Appendix 1):

Option 1: HUD approval;

Option 2: HUD environmental approval with special conditions, including any mitigating measures to be undertaken by the grantee;

Option 3: HUD request for additional information to perform either the threshold determination or the compliance review, or both, or HUD advice that additional time will be required; or

Option 4: HUD disapproval and recommendation that the grantee select an alternate eligible property.

- 2. Complete the environmental record on HUD Forms 4128 or 4128.1 prior to preparing the Field Office's reply to the grantee regarding HUD approval or disapproval of the property.
 - 3. Keep environmental records until the closeout of the project by HUD; and
 - 4. Monitor compliance with any mitigation measures.
- C. Field CPD Reps who need advice or assistance concerning the implementation of this handbook should contact the Field Environmental Officer.

