

Rehabilitation Environmental Review (2004 all previous versions obsolete)

This RER tiered review format [per 24CFR §58.15] may only be used for the environmental review of the rehabilitation of existing residential structures [according to §58.35(a)(3)] with or without the acquisition of the existing structure [according to §58.35(a)(5)]. It may not be used for projects involving changes of use, or when the estimated cost of rehabilitation is less than 75% of the total estimated cost of replacement after rehabilitation, or new construction activities.

It may be used for the rehabilitation of individual units in a multi-family structure, but not for the rehabilitation/acquisition of an entire multi-family building, where using a Statutory Worksheet is recommended.

Grantee Name: _____
Grant Number: _____
Project Description: _____
(attach program abstract)
Funding Source: Lead Hazard Control Lead Demo Other _____
Funding Amount: _____
Program Period of Performance: From (month/year): _____ To (month/year): _____

Definition of Area of Consideration, i.e. Program Target Area:

(Attach a composite map showing area of consideration)

Area-wide Factors

Floodplain Management

Check box only if no part of the area of consideration is located in a Special
1 Flood Hazard Area (SFHA, i.e. area designated "A" or "V" Zone by FEMA) .

(Source documentation, e.g. FIRM panel number[s] and date)

If any part of the area of consideration is in a SFHA, complete Part I on back.

Coastal Zone Management

Check box if no part of the area of consideration is within the Coastal
Zone according to the recognized local or state Coastal Commission,
Planning Department (if certified Local Coastal Plan), etc.

(Source documentation)

If any part of the area of consideration is within the Coastal Zone, complete Part II of this form.

NOTES:

1. **Area of consideration** is the geographic portion of a State, County or City from which applications for rehabilitation/acquisition loans or grants are to be accepted under this HUD-funded program.
2. Ordinarily, the following **laws/authorities listed at 24 CFR 58.5** are not invoked by housing rehabilitation projects under the identified citations or references: Wetland Protection, Executive Order 11990, Sections 1(a) and 2(a); 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)]; 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. **Should exceptional circumstances require compliance steps with any of these authorities, such compliance must be documented prior to approving the site-specific loan or grant.**

Part I FLOODPLAIN MANAGEMENT

Complete this part if this program will ever involve any of the following activities within Special Flood Hazard Areas: (1) property acquisition, (2) rehabilitation of single family units exceeding 50% of the market value of the structure before rehabilitation, or (3) rehabilitation of multifamily residential structures.

1. Before approving any minor rehabilitation/acquisition loans or grants within a SFHA, comply with Executive Order 11988 by completing the 8-step-decision-making process for the entire area of consideration, according to 24 CFR §55.20. **ATTACH A COPY OF THIS 8-STEP PROCESS (including copies of all published notices).**

2. Did completion of the 8-step process result in a determination that there is no practicable alternative to carrying out rehabilitation and/or acquisition of residential units within the Special Flood Hazard Area?

Yes No

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

Yes No

4. If either answer to questions #2 and #3 (or to both) is no, loans and grants may not be approved within the Special Flood Hazard Area.

5. If both answers to questions #2 and #3 are yes, compliance review of this factor is complete.

NOTE: As an alternative to doing the 8-step process, the responsible entity may choose to revise the boundaries of the area of consideration to exclude the Special Flood Hazard Areas (**SFHA's**). However, properties within the excluded portions would then be ineligible for HUD-assisted acquisition/rehabilitation loans or grants under this program.

WARNING: The Flood Disaster Protection Act (listed at §58.6) additionally 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, but **not for routine maintenance** activities, *except where the purpose of funding is to remove or fix damages sustained by a building from flooding or other hazards (such as with the OHHLHC Lead and Healthy Homes Demonstration Programs)*. Recipients with projects located in SFHA's are responsible for ensuring 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. The necessary documentation for compliance is the Policy Declaration form. 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 Act.

Part II COASTAL ZONE MANAGEMENT

Complete this part only if you have determined that the area of consideration (or portions of it) is within the Coastal Zone.

1. Have all acquisition/rehabilitation activities under this program been found to be consistent with the applicable Coastal Zone Management Plan?

Yes No

Source of this finding is:

certified local Planning Department

State/local Coastal Commission / Hawaii Coastal Commission

Other: _____

a. If question #1 was answered "Yes", STOP HERE. Compliance with the Coastal Zone Management Act is documented.

b. If question #1 was answered "No", require the acquisition of the coastal zone permit or determination of consistency. **DO NOT APPROVE ANY HUD-FUNDED LOAN OR GRANT WITHIN THE COASTAL ZONE** prior to obtaining this documentation.

Preparer Name and Title	Signature	Date
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Responsible Entity Official (or designee) Name and Title	Signature	Date
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Instructions:

The Factors addressed in this RER form apply to the entire **area of consideration (i.e., program target area)**. Prepare an **RER form once for each program** that meets the criteria of minor rehabilitation/acquisition at §58.35 (a) (3), and retain it in the programmatic Environmental Review Record (**ERR**). A new RER must be completed whenever there are changes in the area of consideration or changes in the environmental conditions which could affect the program or which may bear on the program's impact on the environment. Publish or disseminate a Notice of Intent to Request Release of Funds (NOI/RROF) per §58.70, after completion of this RER. The **NOI/RROF** shall identify the issues to be addressed in the **site-specific reviews (Appendix A)** per §58.15. **Do not commit HUD funds to specific projects before obtaining the Authority to Use Grant Funds** (HUD form 7015.16) or equivalent (i.e., letter removing environmental grant conditions), for the program or before completing the site-specific **Appendix A** environmental review.

Site specific issues (historic preservation, air quality, explosive/flammable operations, toxic substances, airport clear zones) which apply to individual rehabilitation/acquisition proposals, shall be addressed by completing **Appendix A** when an individual loan or grant application is received. Before **approving any site-specific loan or grant, complete the Appendix A for each structure, document and implement the mitigation of impacts as necessary, and keep all supporting documents in the ERR as evidence of compliance.**

Background: HUD encourages tiered ([24 CFR 58.15](#)) environmental review for non-site specific activities aggregated under a singular evaluation with two stages. The focus of the environmental review in stage one is on the geographic areas or neighborhoods or residential subdivisions (recorded or unrecorded) in which the activities are proposed. The applicable environmental laws and authorities are applied (see Q1 through 16 immediately above) to the geographic areas or neighborhoods or residential subdivisions. The environmental review should indicate whether the geographic areas or neighborhoods or residential subdivisions in which the activities will take place contain and may affect (or be affected by) the following environmental factors: designated coastal barrier resources, toxic chemicals or radioactive materials, special flood hazard areas or designated wetlands, locations requiring flood insurance purchase, airport runway or accident potential zones, historic properties or archeological resources, locations near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature, noise hazards, sole source aquifers, endangered or threatened species, listed wild and scenic rivers, listed prime and unique farmlands, air pollution hazards, and environmental justice issues. The stage one (the "umbrella" or original) environmental review should address how the selection of sites will be treated if the sites for the proposed activity impact on environmental hazards and resources, if the recipient is unable to avoid the environmental hazards and resources. Generally, there would not be any need for subsequent site-specific environmental reviews, unless the recipient selects a site that triggers any of the environmental factors discussed above. At stage two - as specific sites and locations are selected, environmental review is required, if the recipient's site is unable to avoid the environmental hazards and resources identified in the original review and that such impacts and their satisfactory mitigation were not addressed in the stage one environmental review. It is the responsibility of the recipient to bring this information including information on any adverse environmental impacts to the attention of the entity that performed the original environmental review. The recipient may be asked to select an alternate site or property, if mitigation is infeasible or other reason ([24 CFR 50.3\(h\)](#)). The initial or "umbrella" environmental review lasts for at least the duration of the grant period, but may last beyond in accordance with [24 CFR 58.47](#), if the review is current. When other Federal, State, or local agencies have prepared an environmental assessment (EA) or other environmental analysis for a proposed property or neighborhood proposed for assistance, these documents should be requested and used as supporting evidence to the extent possible (see [24 CFR 50.35](#)) when preparing the original environmental review .