



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

OFFICE OF HOUSING

MEMORANDUM FOR: Julia R. Gordon, Assistant Secretary for Housing-
FHA Commissioner, H

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Jeffrey D. Little

THROUGH: Jeffrey D. Little, Associate General Deputy Secretary
for Housing, H

DocuSigned by:
Ethan Handelman

FROM: Ethan D. Handelman, Deputy Assistant Secretary for
Multifamily Housing Programs, HT

SUBJECT: Environment Assessment and Finding of No Significant
Impact (FONSI) under the National Environmental Policy Act
(NEPA) for the Fiscal Year 2023 Section 811 Project Rental
Assistance for Persons with Disabilities Notice of Funding
Opportunity (FR-6700-N-53)

The attached Notice of Funding Opportunity (NOFO) for the Section 811 Project Rental Assistance Program (PRA) is not a major Federal action that will individually or cumulatively have a significant impact on the human environment. Therefore, an environmental impact statement is not required.

The NOFO announces the availability of Fiscal Year 2023 funding in the Consolidated Appropriations Act, 2022 (Pub. L. No. 117-103, enacted March 15, 2022) to house persons with disabilities and describes how HUD will provide project-based rental assistance funds to state housing agencies or other appropriate housing agencies to do so. The agencies will form partnerships with state Health and Human Service/Medicaid agencies and use the grant funds to provide permanent housing, including supportive services, for extremely low-income persons with disabilities.

Under Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), as amended by the Frank Melville Supportive Housing Investment Act of 2010 (Pub. L. No. 111-374), which authorizes the 811 PRA Program, state housing agencies select the specific properties to be assisted. HUD will not approve program funding for specific activities or the properties the housing agencies select for funding. Therefore, HUD will not perform any

environmental reviews of the selected sites. However, to ensure that the tenets of HUD's environmental policies regarding NEPA and other HUD environmental authorities are met, the NOFO specifies the following thirteen environmental analyses and determinations that selected housing agencies will be required to implement:

1. Site Contamination
2. Historic Preservation
3. Noise
4. Airport Clear Zones
5. Coastal Zone Management Act
6. Floodplains
7. Wetlands
8. Endangered Species Act of 1973
9. Farmland Protection
10. Sole Source Aquifers
11. Siting of Project Activities Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature
12. Coastal Barrier Resources Act
13. Flood Insurance

The NOFO outlines property standards and restrictions for each topic including prohibitions on new construction in wetlands and floodplains, or in locations that would risk listed endangered species or the conversion of productive agricultural properties. The NOFO requires grantees to assess their selected properties for hazards and/or provide an ASTM Phase I Environmental Site Assessment (ESA), as well as an ASTM Phase II ESA when recognized environmental conditions are identified. The NOFO also requires appropriate cleanup of any contamination in accordance with state policies.

The environmental doctrines apply to both existing and new projects. Applicants must implement all of the environmental requirements unless the project meets one of two conditions:

- The property is existing, is currently HUD-assisted or HUD-insured, and will not engage in activities with physical impacts or changes beyond routine maintenance or minimal repairs (but still must comply with Section 20 (Coastal Barrier Resources Act) and Section 21 (Flood Insurance), or
- The project already has environmental clearance under 24 CFR Part 50 or Part 58 as long as the environmental review was completed within 5 years and the project description covers the units proposed to be assisted by the PRA.

Since one exception is limited to projects that have no or minimal physical impacts, and the other covers projects that already had an environmental review, no significant environmental impacts are anticipated from these exceptions.

In addition to the above requirements, all 811 PRA units must meet local and state housing codes, ordinances and zoning requirements and must meet the established minimum HUD National Standards for the Physical Inspection of Real Estate for decent, safe, and sanitary housing (24 CFR 5.703). New construction and substantial rehabilitation projects must meet the requirement of Energy Star Qualified Homes, Energy Star Qualified Multifamily High-Rise Buildings, or state code requirements which approximate or exceed those standards. Assistance in Coastal Barrier Resource System units is prohibited, in accordance with the Coastal Barrier Resources Act.

In light of these requirements, potential environmental impacts resulting from 811 PRA activities will be minimized, and this office concludes that the NOFO will not result in any reasonably foreseeable significant environmental impacts. Since the NOFO will not create any significant environmental impacts and impact of activities stemming from the NOFO will be minimized, the overall action will not result in significant impacts on the physical/human environment and a Finding of No Significant Impact is hereby made.

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APPROVAL BY: *Julia Gordon*
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Julia R. Gordon, Assistant Secretary for Housing-
FHA Commissioner Date

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