




OFFICE OF COMMUNITY PLANNING  
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-7000

MEMORANDUM FOR: Regional Environmental Officers, Program Environmental Clearance Officers

FROM:   
Danielle Schopp, Director, Office of Environment and Energy, DGE

SUBJECT: Determination of "No Potential to Cause Effects" under Section 106 of the National Historic Preservation Act for Rental Assistance Demonstration (RAD) Projects Limited to Maintenance Activities and Carried Out Under 24 CFR Part 50

The Rental Assistance Demonstration (RAD) program, administered by the Office of Recapitalization, Multifamily Housing, converts properties assisted under certain HUD programs to long-term, project-based Section 8 Housing Assistance Payment (HAP) Contracts to facilitate the financing of maintenance and improvements on the property. The participating programs include but are not limited to: Public Housing; Section 8 Moderate Rehabilitation; Moderate Rehabilitation McKinney Vento Single Room Occupancy; Rent Supplement; Rental Assistance Payment; and Section 202 Project Rental Assistance Contracts. The U.S. Department of Housing and Urban Development has determined that RAD conversions of existing properties that have no reasonably foreseeable physical impacts beyond maintenance will not alter physical conditions in a manner or to an extent that would cause effects under Section 106 of the National Historic Preservation Act (NHPA) [54 U.S.C. § 306108] and its implementing regulations at 36 CFR §800.3(a)(1). HUD Notice CPD-16-02 provides *Guidance for Categorizing an Activity as Maintenance*.

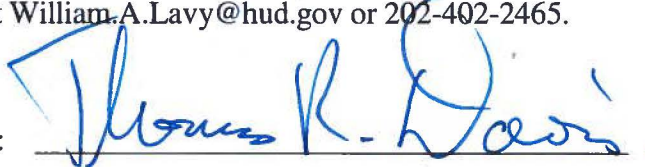
For RAD projects that upon conversion entail no physical activities or only activities that are limited to maintenance as defined in HUD Notice CPD-16-02, HUD has no further obligations under Section 106. HUD is not required to contact the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), and/or other interested parties or the public. A copy of this memorandum in the Environmental Review Record for such a RAD conversion will document compliance with Section 106, 36 CFR Part 800, and 24 CFR Part 50 regarding historic properties.

This Determination does not apply to RAD conversions where the required scope of work upon conversion exceeds maintenance, or for RAD conversions where there is a reasonably foreseeable and well-defined activity involving rehabilitation, new construction, or demolition. If plans for future work on a property are well-developed at the time of a RAD conversion and exceed maintenance, that reasonably foreseeable work must be aggregated in a standard Section 106 review that is completed prior to the RAD conversion. RAD conversions that are exempted from the Section 106 process under this memo, however, will require HUD approval of future actions that change the content and character of the property such as demolition, new construction, substantial

rehabilitation, significant ground disturbance, and abandonment. Such future activities will constitute a separate undertaking and will require a separate Section 106 review regardless of whether additional federal funding or financing is involved in the undertaking. This requirement avoids the potential adverse effect of the transfer per 36 CFR §800.5(a)(2)(vii).

Please direct any questions regarding this memorandum to Nancy E. Boone, Federal Preservation Officer, at [Nancy.E.Boone@hud.gov](mailto:Nancy.E.Boone@hud.gov) or 202-402-5718 or William A. Lavy, Office of Recapitalization, at [William.A.Lavy@hud.gov](mailto:William.A.Lavy@hud.gov) or 202-402-2465.

Affirmed for RAD:



Thomas R. Davis, Director, Office of Recapitalization

Effective Date:

**AUG 21 2018**