



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

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

BRIEFING

MEMORANDUM FOR: Jemine A. Bryon, Deputy Assistant Secretary, Office of Special Needs, DN

FROM: Norm Suchar, Director, Office of Special Needs Assistance Programs, DNS

SUBJECT: Environmental Assessment and Finding of No Significant Impact under the National Environmental Policy Act (NEPA) – Notice of Funding Opportunity (NOFO) for Continuum of Care Supplemental to Address Unsheltered and Rural Homelessness Competition (FR-6500-N-25S)

It is the finding of this office that the Notice of Funding Opportunity (NOFO) for the Unsheltered and Rural Homelessness Competition does not constitute a major Federal action having an individually or cumulatively significant effect on the human environment, and therefore, does not require the preparation of an environmental impact statement.

The purpose of this NOFO is to provide recaptured unspent Continuum of Care (CoC) Program Funds authorized by section 231 of the Department of Housing and Urban Development's Appropriations Act, 2020 (42 U.S.C. 11364a; Public Law 116-94, approved December 20, 2019) to serve individuals and families experiencing unsheltered homelessness and homelessness in rural areas with severe service needs.

The CoC Program is a competitive program designed to promote a community-wide commitment to the goal of ending homelessness; to provide funding for efforts by nonprofit providers, States, Indian Tribes or tribally designated housing entities, and local governments to quickly re-house persons experiencing homelessness while minimizing the trauma and dislocation caused by homelessness; to promote access to and effective utilization of mainstream programs by persons experiencing homelessness; and to optimize self-sufficiency among those experiencing homelessness. Eligible activities include new construction, rehabilitation, acquisition, rental assistance, leasing, data collection in HMIS, and supportive services.

Notwithstanding 24 CFR 578.31 and 24 FR 578.99(a) of the CoC regulation, and in accordance with Section 100261(3) of MAP-21 (Pub. L. 112-141, 126 Stat. 405), activities under this NOFO are subject to environmental review by a responsible entity under HUD regulations at 24 CFR part 58.

Two types of projects are Categorically Excluded from review under the National Environmental Policy Act and not subject to 24 CFR 58.5 (CENST): All scattered-site projects where program participants choose their own unit and are not restricted to units within a pre-determined specific project site or sites are categorized in 24 CFR 58.35(b)(1) as CENST. This includes both tenant-based rental assistance and tenant-based leasing projects where program

participants choose their own unit. The Exempt/CENST form is only required for each project, not every unit.

For activities under a grant to a recipient other than a state or unit of general local government that generally would be subject to review under 24 CFR part 58, HUD may make a finding in accordance with 24 CFR 58.11(d) and may itself perform the environmental review under the provision of 24 CFR part 50 if the recipient objects in writing to the responsible entity's performing the review under part 24 CFR part 58.

Irrespective of whether the responsible entity in accordance with 24 CFR part 58 (or HUD in accordance with 24 CFR part 50) performs the environmental review, the recipient must supply all available, relevant information necessary for the responsible entity (or HUD, if applicable) to perform for each property any required environmental review. The recipient also must carry out mitigating measures required by the responsible entity (or HUD, if applicable) or select alternative property.

The recipient, its project partners, and their contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under this NOFO, or commit or expend HUD or local funds for such eligible activities under this NOFO, until the responsible entity (as defined by 24 CFR 58.2(a)(7)) has completed the environmental review procedures required by 24 CFR part 58 and the environmental certification and Request for Release of Funds (RROF) have been approved or HUD has performed an environmental review under 24 CFR part 50 and the recipient has received HUD approval of the property. HUD will not release grant funds if the recipient or any other party commits grant funds (i.e., incurs any costs or expenditures to be paid or reimbursed with such funds) before the recipient submits and HUD approves its RROF (where such submission is required).

This office finds that issuance of this NOFO will not have significant effect on the human environment because, prior to any recipient's commitment of funds for any activities that would have an environmental impact or limit the choice of reasonable alternatives, an environmental review of these activities under the NEPA and related laws and authorities will be done. Thus, the environmental effects of activities assisted under this NOFO will be taken into account at the appropriate time and environmental impacts will be assessed in the local setting in which they will occur.

Concurrences:

Lauren Hayes Knutson
 Program Environmental Clearance Officer
 Office of Community Planning and Development

Date

Lauren McNamara
Acting Departmental Environmental Clearance Officer
Office of Community Planning and Development

Date

Christopher Hartenau
Environmental Clearance Officer
Office of General Counsel

Date

Approval:

Jemine A. Bryon
Deputy Assistance Secretary
Office of Special Needs

Date

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