

HOPE VI ENVIRONMENTAL REVIEW REQUIREMENTS

The following is a brief outline of the environmental review requirements for HOPE VI Revitalization grants. A more detailed notice is in preparation, and will be posted to the HOPE VI Home Page upon completion.

A. Requirement for Review

The Grantee may not carry out activities with respect to demolition, disposition, development, and/or any off-site replacement public housing until HUD has approved a request for release of funds or has completed an environmental review on each affected site, in accordance with either 24 CFR part 58 or 24 CFR part 50.

B. Responsible Entity

Environmental review responsibilities for projects funded by HOPE VI must be assumed by the "responsible entity." As defined in 24 CFR 58.2(a)(7), the responsible entity for Public Housing Authorities (PHAs) is:

"the unit of general local government within which the project is located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the State."

If the Grantee objects to the responsible entity conducting the environmental review, on the basis of performance, timing or compatibility of objectives, HUD will review the facts and determine who will perform the environmental review. At any time, HUD may reject the use of a responsible entity to conduct the environmental review in a particular case on the basis of performance, timing or compatibility of objectives, or in accordance with 24 CFR 58.77(d)(1). If a responsible entity objects to performing an environmental review, or if HUD determines that the responsible entity should not perform the environmental review, HUD may designate another responsible entity to conduct the review or may itself conduct the environmental review in accordance with the provisions of 24 CFR part 50. After selection by HUD for Joint Review, the Grantee must provide any documentation to the responsible entity (or HUD, where applicable) that is needed to perform the environmental review.

C. Review

A Phase I environmental site assessment must be completed in accordance with the American Society for Testing and Material (ASTM) Standards E 1527-97, as amended, for each affected site. A Phase I assessment is required whether the environmental review is completed under 24 CFR part 50 or 24 CFR part 58. The results of the Phase I assessment must be included in the documents that must be provided to the responsible entity (or HUD) for the environmental review.

If the Phase I assessment recognizes environmental concerns or if the results are inconclusive, a Phase II environmental site assessment will be required.

D. Documentation of Part 58 Review

Two forms are needed to complete the Environmental Review under Part 58 for HOPE VI projects.

1. Form 7015.15

This form is the Request for Release of Funds and Certification. It must contain the signature and date of the Certifying Officer of the Responsible Entity. This is typically the Mayor or City Manager of a City. It must also contain the signature and date of the Executive Director of the PHA where the project is being constructed. The 7015.15 should also be accompanied by a copy of the publication in which the Notification of Intent to Request Release of Funds/Certification (NOI/RROF/C) and the Finding of No Significant Impact (FONSI) appeared.

The Certifying Officer gives HUD full assurance that the Environmental Review is correct and complete. Normally, HUD does not look at the contents of the Environmental Review under Part 58. A period of 15 days is required before the 7015.15 can be sent to HUD.

2. Form 7015.16

This form authorizes the Grantee to use Grant Funds. It provides:

- a. the date the 7015.15 was received by HUD;
- b. the project number;
- c. that all objections have been received and reviewed;
- d. that the minimum waiting period has transpired; and
- e. authorization to use funds under this project number.

HUD must hold the 7015.15 for a minimum of 15 days before approving the 7015.16. The 7015.16 must be signed and dated by the HUD Authorizing Officer in the appropriate Field Office.

E. Supplemental Submissions Approval

1. If the environmental review is completed before OPHI has approved the Grantee's Supplemental Submissions and the Grantee has submitted its Request for Release of Funds (RROF), the Supplemental Submissions approval letter will state any conditions, modifications, prohibitions, etc. as a result of the environmental review, including the need for any further environmental review. The Grantee must carry out any mitigating/remedial measures required by HUD, or select an alternate eligible property, if permitted by HUD. If the remediation plan is not approved by HUD and a fully-funded contract with a qualified contractor licensed to perform the required type of remediation is not executed, HUD reserves the right to determine that the grant is in default.
2. If the environmental review is not completed and/or the Grantee has not submitted the RROF before HUD approval of the Supplemental Submissions, the Supplemental Submissions approval letter will instruct the Grantee to refrain from undertaking, or obligating or expending funds on, physical activities or other choice-limiting actions, until HUD approves its RROF and the related certification of the responsible entity (or HUD has completed the environmental review). The Supplemental Submissions approval letter also will advise the Grantee that the approved RP may be modified on the basis of the results of the environmental review.

F. Eligible Costs

In accordance with the HOPE VI Revitalization Grant Agreement, the costs of environmental reviews and hazard remediation are eligible grant costs.