

FAQ: Environmental Conditions at Firm

Q: What types of environmental mitigation actions can be conditioned in HEROS and at Firm Commitment?

A: In all cases, the environmental review must be complete and approved in HEROS before Multifamily issues a Firm Commitment. The HEROS review and the Firm Commitment can be conditioned on future environmental mitigation actions, but only when plans for such mitigation have been fully developed and approved by HUD. All consultation must be complete and any issues identified during consultation resolved before HUD can complete and approve an environmental review. The table below includes scenarios that HUD can approve and scenarios that HUD must deny.

Condition Approved	Condition Denied
<p>Historic Preservation: Signed MOA with SHPO/Tribe requires an archaeologist be present during excavation.</p> <p><i>The archaeologist should be selected and already have a contract in place.</i></p>	<p>Historic Preservation: MOA will be developed or signed in the future.</p> <p><i>All consultation must be complete, correspondence with tribes resolved, etc. before HUD can complete an environmental review and issue a FIRM.</i></p>
<p>Toxic Hazards: Site remediation will take place during construction; remediation plan has been approved by the state.</p> <p><i>HUD should review the cost estimate and ensure the removal contractor is appropriately bonded and qualified. See MAP Chapters 9.4 and 9.5 for more details.</i></p>	<p>Toxic Hazards: Remediation plans will be reviewed or approved as a condition of the Firm.</p> <p><i>Projects must meet requirements in Chapter 9.4 before HUD can complete an environmental review and issue a Firm.</i></p>
<p>Wetland: Best Management Practices for soil erosion as identified in the 8-step process will be implemented during construction.</p> <p><i>Condition must be in FIRM agreement and construction documents.</i></p>	<p>Wetland. 8-step will be conducted as condition of the FIRM.</p> <p><i>The 8-step is a decision-making process and must be complete prior to HUD issuing a FIRM.</i></p>

Q: How do I design and describe mitigation measures in HEROS that will be carried out after firm commitment?

A: HUD must document future environmental mitigation in the HEROS Mitigation Measures and Conditions Screen and include the mitigation measure in the Firm Commitment, Closing Agreement and other relevant documents. The mitigation measure must describe the action, identify who is responsible for implementing the measure, and include an associated timeline (e.g. by initial endorsement, final endorsement, and/or ongoing by Asset Management.)

The table below includes specific examples of acceptable and unacceptable mitigation measures.

Acceptable Mitigation Measure	Unacceptable
<p>Endangered Species: No trees may be removed between April 15-September 15 to avoid impacts to bats’ summer habitats. Developer must complete any and all tree removal prior to April 15, while bats are still in hibernation. HUD construction analysts will review site construction plan prior to initial endorsement to ensure this condition. HUD construction analysis will confirm condition was met prior to final endorsement.</p>	<p>Construction will avoid impacts to bat habitat.</p>
<p>Floodplain Management: All new construction will be elevated two feet above base flood elevation to protect residents. Sidewalks will be composed of pervious surfaces to facilitate drainage. HUD construction analysts will confirm construction plans prior to initial endorsement.</p>	<p>Project will be elevated to control flooding and will use green infrastructure.</p>
<p>Fence Protecting Residents from Railroad Tracks: Borrower will construct a 6-ft fence along the entire length of the property. Prior to initial endorsement, the HUD construction analyst will review and approve final construction plans. Construction Analyst will verify completion of construction prior to Final Endorsement. During the term of the insurance, HUD Asset Management will verify the fence is being maintained in good condition.</p>	<p>Project needs a fence along the rail line.</p>