

## Incidental Floodplain Exception

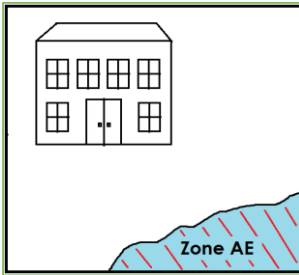
24 CFR 55.1 prohibits any HUD action other than a functionally dependent use in a floodway unless an exception in 24 CFR 55.12(c) applies.

24 CFR 55.12(c)(7) permits projects to proceed without complying with the requirements in Part 55 if certain requirements are met.

For definitions, regulations, and more information, go to

<https://www.hudexchange.info/programs/environmental-review/floodplain-management/>

Basic scenario: A substantial rehabilitation project is proposed on a site that contains a floodplain

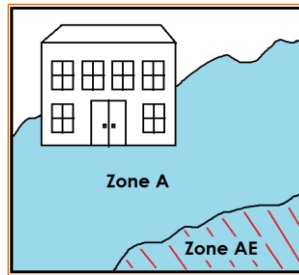


**Scenario 1: Building is not in a floodplain, but there is a floodway on the site**

55.12(c)(7) may permit this project if all conditions are met:

1. The floodplain is incidental, meaning that it takes up a small portion of the site, and there is no existing construction or improvements in the floodplain,
2. There is no new construction or landscaping proposed in the floodplain,
3. Appropriate provisions are made for site drainage, and
4. A permanent covenant or comparable restriction is put on the site to ensure the continued preservation of the floodplain.

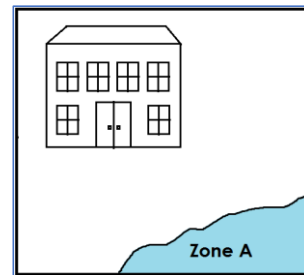
Project may be able to proceed.



**Scenario 2: Building is in the 100-year floodplain, and there is a floodway on the site**

This project may not proceed using HUD assistance. The incidental floodplain exception does not apply because there is existing construction in the floodplain.

Project must be rejected.



**Scenario 3: Building is not in a floodplain, but there is a 100-year floodplain on the site**

Option 1: This project may proceed without completing the 5-Step or 8-Step Process if it meets all conditions in the incidental floodplain exception (see Scenario 1 for details).

Option 2: This project may proceed after completing either the 5-Step or 8-Step Process, depending on whether the rehabilitation meets the definition of substantial improvement.

Project may proceed.