

## SITE-SPECIFIC ENVIRONMENTAL REVIEW

# RENTAL ASSISTANCE DEMONSTRATION (RAD) CONVERSIONS WITHOUT ASSOCIATED PHYSICAL ACTIVITIES BEYOND MAINTENANCE

### WHEN TO USE THIS FORM

This form should be used only to initiate site-specific environmental reviews for RAD transactions without FHA insurance that do not anticipate any reasonably foreseeable repairs or other physical activities beyond maintenance where HUD is conducting the environmental review following the procedures established in 24 CFR Part 50.<sup>1</sup> It is available for use on RAD conversions from any prior form of assistance, including for 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.

### DEFINITION OF MAINTENANCE

For purposes of environmental review, maintenance is defined in [Notice CPD-16-02](#) as activities that slow or halt deterioration of a building, but which do not materially add to its value or adapt it to new uses. General examples of maintenance activities include cleaning activities, protective or preventative measures to keep a building in working order, replacement of appliances that are not permanently affixed to the building, periodic replacement of a limited number of component parts of a building feature or system that is subject to normal wear and tear, and replacement of a damaged or malfunctioning component part of a building feature or system. Refer to [Notice CPD-16-02](#) for more information, including specific examples of maintenance activities as compared to rehabilitation activities.

This form cannot be used to review RAD conversions that include reasonably foreseeable activities that exceed maintenance.<sup>2</sup> Please ensure that the scope of work identified as part of the RAD conversion does not rise to a level above maintenance as defined above. Proceeding with a site-specific review when it is not applicable may result in delays in closing the transaction and additional costs to prepare a full environmental review record.

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<sup>1</sup> All RAD transactions of properties converting to Project-Based Rental Assistance (PBRA) and all FHA transactions (except 542(c) risk-share) require Part 50 environmental reviews. Non-FHA Project-Based Voucher (PBV) transactions generally require Part 58 environmental reviews; however, HUD will conduct Part 50 reviews for non-FHA PBV transactions in accordance with 24 CFR 58.11 or if a suitable Responsible Entity cannot be found or for timing reasons.

<sup>2</sup> Similar to the non-RAD PBRA and PBV programs, activities included in the 20-year eCNA tool that relate to the upkeep and maintenance of the property are not activities that exceed maintenance.

## ENVIRONMENTAL REVIEWS FOR RAD CONVERSIONS

An environmental review is an evaluation of a project and its potential environmental impacts to determine whether it complies with all applicable environmental laws and authorities. All HUD-assisted projects are required to undergo an environmental review to evaluate environmental impacts. The analysis considers both the project's potential effect on the environment and the potential effect of the environment on the project, site, and end users.

PHAs and owners of properties that are converting under RAD 1<sup>st</sup> or 2<sup>nd</sup> component will be required to submit environmental review documentation at the time of the Financing Plan Submission<sup>3</sup>. Depending on the type of conversion and the funding sources involved, either HUD or the responsible entity will use the documentation submitted by the PHA/owner to complete the environmental review pursuant to the procedures in either 24 CFR Part 50 or Part 58.<sup>4</sup> PHAs/owners should keep in mind that HUD cannot issue the RAD Conversion Commitment (RCC), or the HUD Approval Letter, as applicable until an environmental review has been completed.

An environmental review may require mitigation measures. Any required environmental conditions and mitigation measures will be included in the RCC. If during the course of gathering material, a PHA/owner becomes aware that extensive mitigation measure strategies may be required that may delay the transaction, they should alert their Transaction Manager (TM) to determine next steps.

For more information on general environmental review requirements, refer to the [Environmental Review page on the HUD Exchange](#). For more information on environmental review requirements for RAD conversions, see [Environmental Review Requirements for First Component RAD Conversions](#).

## HOW TO USE THIS FORM

This form is part of a tiered environmental review and represents one part of a larger, program-level environmental review record. A broad-level environmental review has already established that RAD conversions without associated repairs beyond maintenance comply with many environmental laws and authorities and defined protocols to comply with those that require site-specific analysis. This form should not be used for any other program or for projects that anticipate any rehabilitation, construction, or demolition, or otherwise do not conform to the limits established in the broad-level review.

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<sup>3</sup> For RAD transactions under Section III of the RAD Notice, i.e., owners of Rent Supplement and Rental Assistance Payment projects, the request for HUD to undertake the Part 50 review should be made at time of conversion request.

<sup>4</sup> Part 50 Reviews apply when HUD conducts the environmental review, and Part 58 Reviews apply when a Responsible Entity (RE) conducts the environmental review. All PBRA transactions, including PBRA 542(c) risk-share transactions, require Part 50 reviews. FHA transactions that are not 542(c) risk-share transactions will require Part 50 Reviews. Non-FHA PBV transactions require Part 58 Reviews. Environmental reviews for non-FHA PBV transactions will not be conducted by HUD under Part 50 except in accordance with 24 CFR 58.11 or if a suitable RE cannot be found or for timing reasons.

- This form must be completed for **each** site identified for participation in this program<sup>5</sup>. Adjacent buildings or sites may be reviewed together.
- The PHA/owner or their third-party environmental provider will complete Part 1 of this form and submit it to HUD. This submission should contain any relevant documents, including floodplain maps, contamination reports, and all other documents specified below. The PHA/owner should determine what environmental review documents, if any, already exist and may be used as part of the submission to HUD. PHAs/owners may need to hire a third-part environmental provider to gather or generate the necessary maps and reports. +
- HUD will complete Part 2 of this form, which may require additional consultation with the PHA/owner. When all requirements are met and the form is complete, HUD will upload both forms and all accompanying documents to HEROS (the HUD Environmental Review Online System, a tool for preparing and maintaining HUD's environmental review records). At this point, the environmental review is complete.
- Note that in some cases, a separate environmental review will be required as further activities (e.g. rehabilitation, demolition) are identified in the future.

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<sup>5</sup> For example, a Public Housing AMP with 3 buildings that are located on non-adjacent sites would need to have three forms completed.

# RAD SITE-SPECIFIC TIERED ENVIRONMENTAL REVIEW FORM

FOR PART 50 ENVIRONMENTAL REVIEWS

## PART 1 OF 2: TO BE COMPLETED BY PHA/OWNER OR THEIR THIRD-PARTY PROVIDER

**PHA/Owner:**

**Project Name(s):**

**HUD ID(s) for Project (e.g. PIC number):**

**Address(es) of building(s) covered by this site-specific review:**

**Third Party Provider:**

**Point of Contact** (person responsible for Part 1 of this form):

**Project Description:**

Provide a detailed project description that captures the maximum anticipated scope of the proposal, including descriptions of all non-physical activities (ie: transferring ownership), the number of buildings to be converted, the number of units to be converted, location of all affected buildings, and clear descriptions of any proposed physical changes as determined by the Capital Needs Assessment e-Tool. Attach any maps, photographs, or other documents that will assist HUD in understanding the nature and scope of this proposal. For more detail on what constitutes a complete project description and how to aggregate related activities, please refer to sections 9.4 and 9.5 of the Environmental Review Requirements for RAD Conversions Quick Reference Guide. If you need more space to respond, please add the full response as an appendix.

**Total Cost of Maintenance Activities (if applicable):**

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## HISTORIC PRESERVATION

HUD has elected to issue a ‘No Potential to Cause Effects’ memo for RAD conversions without associated repairs beyond maintenance. This Determination does not apply to RAD conversions that include reasonably foreseeable activities that exceed maintenance; therefore, the Transaction Manager conducting the environmental review will confirm that the scope of work does not rise to a level above maintenance as defined in [Notice CPD-16-02](#).

Failure to comply with the terms of this memo may result in delays in closing the transaction and additional costs to prepare a full environmental review record.

- Check here to confirm that this conversion does not include or anticipate any reasonably foreseeable physical impacts beyond maintenance as defined in [Notice CPD-16-02](#).

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## COASTAL BARRIER RESOURCES ACT

Sites located within units of the Coastal Barrier Resources (CBR) System are not eligible for RAD conversion and will be rejected. The following states contain CBR units: Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New York, North Carolina, Ohio, Puerto Rico, Rhode Island, South Carolina, Texas, Virgin Islands, Virginia, Wisconsin.

### 1. Select one of the following:

- Project is not located in a state with CBR units (**no map required**).
- Project is located within one of the states listed above, but project itself is not located in a CBR unit.

### 2. If the project is located in one of the identified states, provide a map. Go to <https://www.fws.gov/ecological-services/habitat-conservation/cbra/maps/mapper.html> to generate a map demonstrating that project is not within a CBR unit.

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## FLOOD INSURANCE AND FLOODPLAIN MANAGEMENT

All projects in FEMA-designated Special Flood Hazard Areas (SFHAs) will be required to maintain flood insurance under the National Flood Insurance Program (NFIP) and must comply with Floodplain Management regulations in 24 CFR Part 55 to avoid impacts associated with occupancy and modification of floodplains where there are practicable alternatives.

### 1. Provide a Flood Insurance Rate Map.

All site-specific reviews must include a Flood Insurance Rate Map (FIRM) with the site clearly marked. Use FEMA’s Flood Map Service Center at <https://msc.fema.gov/portal> to generate a FIRMette. When FEMA has provided interim flood hazard data, such as Advisory Base Flood Elevations or preliminary maps and studies, the latest of these sources must be included in addition to the effective FIRM.

**2. Indicate whether the project site contains a SFHA.**

- Project is not located in a SFHA.
- Project site is in (or partially in) a SFHA.

**3. If the project site contains a SFHA:**

- **Provide proof of insurance for any structures located in a SFHA.** This may be either a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance. Note that HUD may not provide assistance to SFHA sites in communities that are not participating or in good standing in the NFIP.
- **Compliance with Part 55 may be required if there is a SFHA on the site.** If the site contains a floodway, it may not be possible to proceed with the RAD conversion. Work with HUD to evaluate requirements and impacts and identify practicable mitigation measures.

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## CONTAMINATION

All property proposed for use in HUD programs must be free of hazardous materials, contamination, toxic chemicals and gases and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. The environmental review must include a review of previous uses of the site and other evidence of contamination on or near the site to assure the proposed occupants are not impacted by any of these hazards.

**Submit the following to HUD:**

1. **A Phase I Environmental Site Assessment (ESA) or a Transaction Screen.** The Phase I ESA must be produced in accordance with ASTM E 1527-13 (or the most recent edition). However, HUD may accept a Phase I ESA older than 1 year but conducted within the past 5 years prior to the current review. In this case, older Phase I ESAs will have to be supplemented by a current Transaction Screen (dated within 1 year of review). Contact the TM regarding any questions about whether an existing Phase I ESA is sufficient for this review. In all cases, a Transaction Screen may be submitted in lieu of a full Phase I ESA but must adhere to ASTM E 1528-14 (or the most recent edition).

2. **A discussion of potential adverse impacts, if any.** If hazards were found that could affect the health and safety of the occupants, all impacts must be mitigated, or the site will be rejected. Note that if the hazard requires mitigation activities that exceed the definition of maintenance, the transaction will no longer meet the scope of this site-specific review form. In this case, a separate environmental review following the standard procedures prescribed in Part 50 will be required. If you need more space to respond, please add the full response as an appendix.

**After completing Part 1, PHAs/owners should submit this form along with all supporting documents to HUD by uploading it to the RAD Resource Desk.**

## PART 2: TO BE COMPLETED BY HUD

This tiered review form may be used only for RAD transactions without FHA insurance that do not anticipate any repairs, rehabilitation, construction, or demolition beyond routine maintenance, where HUD is conducting the environmental review following the procedures established in 24 CFR Part 50. Confirm that this transaction meets these requirements.

If the transaction does not meet these criteria (for example, if FHA insurance is sought or rehabilitation is anticipated), HUD should complete a separate environmental review using standard formats in HEROS.

**Name of HUD Preparer:**

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### HISTORIC PRESERVATION

HUD has elected to issue a 'No Potential to Cause Effects' memo for RAD conversions without associated repairs beyond maintenance. This Determination does not apply to RAD conversions that include reasonably foreseeable activities that exceed maintenance; therefore, HUD must confirm that the scope of work does not rise to a level above maintenance as defined in [Notice CPD-16-02](#). If this conversion includes any reasonably foreseeable physical impacts beyond maintenance, this site-specific review form cannot be followed, and the conversion will require a standard Part 50 environmental review.

- Check here to confirm that this conversion does not include or anticipate any reasonably foreseeable physical impacts beyond maintenance as defined in [Notice CPD-16-02](#).
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## COASTAL BARRIER RESOURCES ACT

- HUD may not provide any assistance within CBR units. Check here to confirm that site is outside of the CBR system. If the project is in a state with CBR units, the environmental review record must include a map showing that the project site is outside the CBR system.
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## FLOOD INSURANCE

Per the MAP Guide, all projects in a FEMA-mapped SFHA must be covered by flood insurance under the [National Flood Insurance Program \(NFIP\)](#). In order to be able to purchase flood insurance, the community must be participating in the NFIP. If the community is not participating in the NFIP, the proposal cannot receive HUD assistance and must be rejected.

**Review the information and documentation provided by the intermediary and select one of the following:**

- This project does not impact any buildings in a SFHA.
    - Environmental review record must include FIRM with the site clearly marked.
  - Flood insurance will be maintained for one or more buildings.
    - Environmental review record must include FIRM with the site clearly marked and proof of insurance.
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## FLOODPLAIN MANAGEMENT

**Review the information and documentation provided by the intermediary and select one of the following:**

- The project site does not contain any SFHAs.
  - Environmental review record must include FIRM with the site clearly marked.
- There is a SFHA on the site, but the project is exempt from Part 55 pursuant to 24 CFR 55.12(c).  
Explain which citation applies here. If you need more space to respond, please add the full response as an appendix.
  - Environmental review record must include any relevant maps and plans as appropriate to the requirements in 55.12(c).
- There is a floodway on the site, and 24 CFR 55.12(c)(7) does not apply.
  - *If the project site contains a floodway and the incidental floodplain exception at Section 55.12(c)(7) does not apply, the conversion must be rejected.*

- The 5-Step Process is required pursuant to 24 CFR 55.12(a)(2). (To meet this exception, the community must be in good standing in the National Flood Insurance Program, the number of units is not increased by more than 20%, the action does not meet the threshold for "substantial improvement" under 55.2(b)(10), and the footprint of the structure and paved areas is not significantly increased.)
- Work with the applicant/intermediary to complete the 5-Step Process.
  - Environmental review record must include the full 5-Step Process.

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## CONTAMINATION

It is HUD policy, as described in 24 CFR Part 50.3(i), that:

1. All property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.
2. Environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of proposed sites are not adversely affected by the hazards.
3. Particular attention should be given to any proposed site on or in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes.
4. HUD and its partners shall use current techniques by qualified professionals to undertake investigations determined necessary.

The environmental review record must include either a Phase I ESA or a Transaction Screen. Review the documents provided and confirm that they meet the requirements of HUD's policy at 50.3(i) and are less than 1 year old. If the Phase I ESA is greater than 1 year old but less than 5 years old, it must be supplemented by a current Transaction Screen (less than 1 year old).

**Review the information and documentation provided and select one of the following:**

- There is no evidence of potential adverse impacts from hazardous materials, contamination, toxic chemicals and gases, or radioactive substances.
- Provide a narrative description of how you concluded that there is no evidence of toxic hazards or contamination. If you need more space to respond, please add the full response as an appendix.

- There is evidence of potential adverse impacts from hazardous materials, contamination, toxic chemicals and gases, or radioactive substances. If hazards were found that could affect the health and safety of the occupants, all impacts must be mitigated, or the site must be rejected.

Note that if the hazard requires mitigation activities that exceed the definition of maintenance, the transaction will no longer meet the scope of this site-specific review form. In this case, a separate Part 50 review will be required.

- Discuss with Program Environmental Specialist or Environmental Clearance Officer to determine the appropriate next steps. This may involve mitigation, further evaluation, or rejection of the project.
- Additional reports, include a Phase II ESA, may also be required.
- Provide a narrative description of how you concluded that toxic hazards and contamination would not present a concern for this proposal below. This should include a discussion of how contamination was evaluated, what evidence of contamination was found, any mitigation measures or conditions, and how you determined that contamination would not impact the use of the site. If you need more space to respond, please add the full response as an appendix.

- The hazard mitigation activities required to bring this site into compliance exceed the definition of maintenance. The transaction will no longer meet the scope of this site-specific form and a separate Part 50 review is required.

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#### FINDING AND CERTIFICATIONS

- I certify that I have completed this review and prepared the environmental finding where applicable. If information was supplied by an applicant or contractor, I have independently evaluated the information for accuracy and supplemented it if necessary to conform to the requirements of 24 CFR Part 50.
- I recommend this project for approval.
- I recommend that a separate environmental review be completed to evaluate environmental impacts beyond the scope of this tiered review.
- I recommend this project be rejected.

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HUD Preparer's Signature

Date:

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HUD Certifier's Signature

Date:

**After completing Part 2, HUD will scan and upload this form and all accompanying supporting documents to HEROS.**