

ENVIRONMENTAL REVIEW

RESOURCES

CONSULT THE CoC RULE

CoC Program Interim Rule

– **578.31 Environmental review:**

<https://www.govinfo.gov/content/pkg/CFR-2017-title24-vol3/xml/CFR-2017-title24-vol3-part578.xml#seqnum578>

RESOURCES

ON THE HUD EXCHANGE

CoC Programs Environmental Review Flow Chart and Forms:

<https://www.hudexchange.info/resource/4045/coc-program-environmental-review-flow-chart/>

Environmental Review web page:

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

This resource is prepared by technical assistance providers and intended only to provide guidance. The contents of this document, except when based on statutory or regulatory authority or law, do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

SUMMARY

An environmental review must be conducted for all projects for which CoC funds are being requested prior to funds being committed to the project. This review will be conducted after the project has been conditionally selected by HUD and prior to execution of the grant agreement.

RESPONSIBLE ENTITY TO CONDUCT ENVIRONMENTAL REVIEW

If the CoC-funded program requires an environmental review, a Responsible Entity (RE) must complete it. An RE is a unit of state or local government that assumes responsibility for the environmental review under 24 CFR part 58. Only a unit of state or local government may act as an RE. Nonprofit recipients must work with their state or local governments to complete environmental reviews for their activities. In very limited circumstances, the local HUD field office will perform environmental reviews for CoC projects if no Responsible Entity can be found.

CoC PROGRAMS – THREE LEVELS OF REVIEW

Three levels of review are most common for CoC Program projects:

- Exempt/Categorically Excluded Not Subject to 58.5 (CENST);
- Categorically Excluded Subject to 58.5 (CEST); and
- Environmental Assessment (EA).

Recipients and subrecipients should review the [resources in the sidebar](#).

In projects where the program participant chooses the location of the unit, such as those offering tenant-based rental assistance or tenant-based leasing, the project is not subject to 24 CFR 58.5. Responsible Entities should use the Exempt/CENST form to cover those units. One Exempt/CENST form may be completed for each project, not individual units. The Exempt/CENST form should also be used for projects that receive CoC Program funding for operating costs (except when using these funds as a reserve for replacement costs), supportive services, or HMIS (except when using these funds to lease office space) only.

Sponsor-based and project-based rental assistance, project-based leasing, and acquisition projects without any associated repairs or rehabilitation beyond routine maintenance are categorically excluded and subject to 24 CFR 58.5 (CEST). These projects should complete a Limited Scope Environmental Review.

Projects involving minor rehabilitation or repairs complete a standard CEST review.

Projects that include major rehabilitation, conversion of land use, or new construction or demolition of more than four units, would have to undergo an Environmental Assessment.