



# SNAPshots

Policy Newsletter of the Continuum of Care  
Office of Community Planning and Development  
Department of Housing and Urban Development

Vol. 1 No. 1 - REV. #2 November 17, 2000 Office of Special Needs Assistance Programs

## **1. *What environmental requirements apply to the leasing of existing residential properties for use in our homeless assistance program?***

For existing residential properties that will be leased by a non-profit corporation, housing authority, or local government grantee on behalf of their clients, the environmental finding must document that the property proposed for lease does not involve rehabilitation and: (1) is not located within coastal barrier resources designated under the Coastal Barriers Resources Act; (2) is not located within a coastal high hazard area unless the building is designed for location in a coastal high hazard area (see 24 CFR 55.1(c)(3)); (3) is free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of proposed occupants; and (4) is not located within a floodway. Leasing of four or fewer housing units located within the floodplain [outside the floodway] is allowable without processing under 24 CFR 55.20, whereas five or more units are to be processed under §55.20.

## **2. *How does one document compliance?***

There are two options: (a) *programmatic processing*; or (b) *individual processing*.

(a) HUD encourages that a *programmatic review* be performed once for the entire leasing program. The programmatic review should document that in the future if any property proposed for lease was found to trigger the above criteria (1), (2), or (4), then the property would be automatically rejected for HUD assistance. Thereafter, it

would be the responsibility of the social services agency seeking rental properties for leasing to: (i) conform to the criteria established in the programmatic environmental review and (ii) put a conformance finding into its file for each property proposed for lease. If you wish to lease a property that triggers above criterion (3) or for five or more units that require floodplain management processing under 24 CFR 55.20, an individual environmental review is required.

(b) Under *individual processing*, each identified property is processed separately prior to its selection. The grantee should understand that using the property before the environmental review is completed will disallow use of that property and any HUD funds expended on it. Where HUD will perform the environmental review under Part 50, the environmental review must be completed by the HUD Field Office prior to the grant agreement being signed, when a property intended for leasing is identified in a HUD funding application. If the project sponsor does not know the location of properties that will be used for leasing at the time the grant agreement is signed, it is incumbent on the grantee to inform HUD regarding properties to be leased prior to leasing. The grantee must supply all available, relevant information needed by the HUD Field Office to perform the environmental review.

### **3. *Who may perform the programmatic review?***

There are two possible reviewing parties: (a) responsible entities under 24 CFR part 58; or (b) HUD field office CPD Director under 24 CFR part 50.

(a) Generally, environmental reviews for Continuum of Care activities are to be performed by responsible entities (units of general local government in whose jurisdiction the activity is located or States) in accordance with 24 CFR Part 58 -- "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities" whether or not the grantee is itself a unit of general local government or a State.

(b) If a responsible entity, other than a recipient, is either unwilling or unable to perform an environmental review for grantees who are nonprofit organizations or housing authorities (Section 58.11), or if HUD determines that the responsible entity should not perform the environmental review on the basis of performance, timing or compatibility of objectives, HUD may designate another responsible entity to conduct the review under Part 58 or may itself conduct the environmental review under 24 CFR Part 50 -- "Protection and Enhancement of Environmental Quality".

### **4. *What about tenant-based rental assistance? What about "short-term payments for rent/mortgage/utility costs?"***

Both tenant-based rental assistance and "short-term payments for rent/mortgage/utility costs" are categorically excluded from environmental assessments and are not subject to the related Federal laws and authorities." No compliance processing is needed for these activities.