



RAD ENVIRONMENTAL REVIEW PROCESS

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ENVIRONMENTAL REVIEW



- The process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state, and local environmental standards
- Every project must be in compliance with the National Environmental Policy Act (NEPA) and other related Federal and state environmental laws



ENVIRONMENTAL LAWS AND AUTHORITIES

- **HUD Environmental Reviews document compliance with 17 different environmental laws and authorities, including:**
 - **National Environmental Policy Act (NEPA),**
 - **Section 106 of the National Historic Preservation Act,**
 - **E.O.11988 on Floodplain Management, and**
 - **HUD's policies on contamination and toxic substances.**





RAD AND ENVIRONMENTAL REVIEW

- Environmental review procedures depend on the transaction's path:
 - Transaction is using **Federal Housing Administration** (FHA) insurance: **Part 50**
 - Transaction is converting to **Project-Based Rental Assistance** (PBRA) (no FHA): **Part 50**
 - Transaction is converting to **Project-Based Vouchers** (PBV) (no FHA): **Part 58**





ENVIRONMENTAL REVIEW PROCEDURES



➤ Part 50

- HUD conducts the environmental review
- HUD documents the review using Form 4128

➤ Part 58

- Responsible Entity (RE) conducts the environmental review
- RE should use HUD recommended formats to document the review
 - Environmental reviews will not be conducted by HUD under Part 50 except in accordance with 24 CFR 58.11
- Public Housing Authorities (PHAs) submit to HUD either form HUD-7015.15 (Request for Release of Funds) and form HUD-7015.16, or the RE's finding of exempt activity
 - **Do not** submit the environmental review documentation



ENVIRONMENTAL REVIEW PROCEDURES

- **Required submissions depend on:**
 - **Level of Review**
 - **Program Guidance**
- **HUD or the RE determines the level of review**
- **Two possible levels of review could apply to RAD transactions**





CATEGORICAL EXCLUSIONS (CEST) FOR RAD



- **Two groups of RAD transactions will generally be categorically excluded (CEST):**
 - **Transactions with no *reasonably foreseeable* repairs, rehab, demolition, or construction are CE if the building will be retained for the same use (50.20(a)(4), 58.35(a)(5)).**
 - **Transactions involving repairs or minor rehab are CE if they conform to all requirements listed in 50.20(a)(2)(ii) or 58.35(a)(3)(ii).**
- **CEST reviews can convert to exempt**



CEST REQUIREMENTS: 24 CFR 50.4/58.5

- Airport Runway Clear Zones
- Clean Air Act
- Coastal Barrier Resources Act
- Coastal Zone Management Act
- Contamination and Toxic Substances
- Endangered Species Act
- E.O. 12898 on Environmental Justice
- Explosive and Flammable Hazards
- Farmlands Protection Policy Act
- E.O. 11988 on Floodplain Management
- National Flood Insurance Program
- National Historic Preservation Act
- Noise Abatement Regulation
- Sole Source Aquifers
- E. O. 11990 on Wetlands
- Wild and Scenic Rivers Act

Reports and documentation for these authorities must be submitted for every RAD transaction





ENVIRONMENTAL ASSESSMENT (EA)

“The default level of review”

- Major rehabilitation
- New construction, reconstruction, or demolition
- Any change in land use
- Whenever no exclusion applies

Generally, any RAD transaction that isn't CEST will require an EA.





ENVIRONMENTAL ASSESSMENT REQUIREMENTS

- **CEST Requirements (24 CFR 50.4 / 58.5-58.6)**
- **NEPA analysis**





FHA: WHAT WILL YOU BE SUBMITTING?



- **Environmental reports and documentation for § 50.4 authorities**
 - **PHA's FHA Lender will follow the guidelines in Chapter 9 of the Multifamily Accelerated Processing (MAP) Guide**
 - **MAP Section 9.3 requires a Phase I Environmental Site Assessment in accordance with ASTM E1527-13 (50.3(i))**
- **Additional requirements**



FHA: WHEN ARE SUBMISSIONS REQUIRED?



- Environmental reports and documentation must be submitted with **pre-application or Firm application**, as applicable, as discussed in Chapter 9 of the MAP Guide
- HUD staff must complete the environmental review prior to approval, i.e. Firm Commitment



PBRA: WHAT WILL YOU BE SUBMITTING?

- Environmental reports and documentation for § 50.4 authorities
 - Follow the guidelines in Chapter 9 of the MAP Guide, except:
 - ✓ Not required to follow the radon requirements of HN 2013-03
 - ✓ Applications that are **not substantial rehabilitation or new construction** *may in some circumstances* submit a transaction screen instead of a Phase I ESA.
 - See the revised RAD Notice or the RAD Environmental Review Requirements Guidance for details.
- Additional requirements
 - Follow the guidelines in Chapter 9 of the MAP Guide





PBRA: WHEN ARE SUBMISSIONS REQUIRED?

- The latest point at which environmental reports and documentation can be submitted to HUD is with the Financing Plan (or Owners Submissions)
- HUD must complete environmental review prior to approval, i.e. RAD Conversion Commitment or Approval Letter





PBV: WHAT WILL YOU BE SUBMITTING?



- PHAs should work with their RE to determine what submissions are needed for the RE to perform the ER
 - RE may utilize HUD recommended formats
- After ER, PHAs will submit to HUD either:
 - Form HUD-7015.15 (signed by the RE and the PHA) and HUD-7015.16 (signed by HUD); OR
 - If Form HUD-7015.15 is not required because the project converts to Exempt, the PHA must submit the RE's finding of exempt activity.

Do not send the RE's environmental review to HUD



PBV: WHO WILL YOU BE SUBMITTING IT TO?

- **Finding of exempt activity: submit with Financing Plan**
- **Form HUD-7015.15 and HUD-7015.16:**
 - **PHA submits completed HUD Form 7015.15 to their local Office of Public and Indian Housing (PIH) field staff**
 - **After the PIH Field Director approves Form 7015.15, it sends a completed HUD Form 7015.16 to the PHA, approving the release of funds.**
 - **PHA submits the completed Form 7015.16 to the RAD Transaction Manager with Financing Plan**

Do not send the RE's environmental review to HUD





PBV: WHEN ARE SUBMISSIONS REQUIRED?



- PHAs should work with their RE to determine when submissions are needed for the RE to perform the ER
- Form HUD-7015.16 *or* finding of exempt activity must be submitted with Financing Plan
- Start early to avoid delays. Allow time for public comment/objection periods prior to receipt of Form HUD-7015.16



TIPS FOR A SUCCESSFUL ENVIRONMENTAL REVIEW



- Start early
- Pay attention to timing
- Familiarize yourself with submission requirements
- Reports and documentation must cover all project activities or actions that are logically related to the RAD transaction, regardless of whether they are also assisted by HUD
- Multi-phase sites: ER at first phase for all phases
- Transfers, Demolition: subject to ER



TIPS FOR A SUCCESSFUL ENVIRONMENTAL REVIEW



- The environmental review **MUST** be completed before the transaction is approved.
 - HUD approvals cannot be issued conditioned on subsequent completion of an environmental review. Any interim approvals must be conditioned on successful completion of an environmental review.
- Conditions required to carry out any and all mitigation measures as may result from the environmental review will be included in the approval, i.e. RAD Conversion Commitment (RCC) or Approval Letter



RESOURCES

- **RAD Environmental Review Requirements Guidance:**
 - **HUD Exchange:**
<https://www.hudexchange.info/resource/4216/environmental-review-requirements-for-rad-transactions/>
- **RAD Revised Notice:**
http://portal.hud.gov/hudportal/documents/huddoc?id=PIHNotice_2012-32_062015.pdf
 - **Public Housing:** see Attachment 1A, Financing Plan Requirements (pg. 96)
 - **Mod Rehab:** see Attachment 2A, Financing Plan Requirements (pg. 157)
 - **Rent Supp and RAP:** see Owner Submissions for Prospective Conversions (p. 187) and Submission of Requests for Retroactive Conversions (p. 197)
- **HUD Environmental Review website:**
 - <https://www.hudexchange.info/environmental-review/>
- **Local Regional or Field Environmental Officers:**
 - <https://www.hudexchange.info/environmental-review/hudenvironmental-staff-contacts/> .



QUESTIONS

Ask questions! Here's how:

- “Raise your hand” by clicking on the hand icon and the presenter will un-mute your line so you can ask your question live

Note: To do this, you MUST call the dial-in number shown on your attendee control panel and input the audio PIN shown, which is unique to each attendee

- Send in questions via the “Question” feature or email them to rad@hud.gov; answers to those questions will be provided after the webcast and posted to the FAQs

