



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

Special Attention of:
Administrators, Offices
of Native American Programs,
Tribes; Tribally Designated
Housing Entities (TDHEs)

NOTICE PIH 2024-24

Issue: July 29, 2024

Expires: This Notice remains in effect until amended, rescinded, or superseded.

Cross References:
CPD Notice 16-02

SUBJECT: HUD Programmatic Part 50 Environmental Review for Indian Housing Block Grant, Indian Community Development Block Grant, Title VI Loan Guarantee Program, Native Hawaiian Housing Block Grant, and Tribal HUD-Veterans Affairs Supportive Housing for soft costs (including administration, operations, maintenance, and planning), tenant based rental assistance, public and support services, and certain activities to assist homebuyers

1. Purpose

This Notice is a Part 50 programmatic determination for administrative, operations, planning, management, tenant based rental assistance, and certain maintenance activities.

2. Background

All HUD funded activities must document compliance with HUD's environmental review requirements. Environmental reviews are either completed by HUD under 24 CFR 50 (Part 50) or the Tribe under 24 CFR 58 (Part 58).

To streamline the process and reduce the burden on Tribes and Tribally Designated Housing Entities (TDHEs), HUD has developed this programmatic environmental review for soft costs (including administration, operations, maintenance, and planning), tenant based rental assistance, public and supportive services, and activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction.

Tribes and TDHEs may rely upon this Notice to document compliance with environmental requirements and do not need to complete a HUD Part 58 environmental review. Tribes and TDHEs may carry out activities as outlined in Appendix A without a request for an environmental review if this notice remains in effect. Tribes and TDHEs must ensure that an environmental review is complete by HUD under Part 50, or the Tribe under Part 58, for any HUD funded activities not included in Appendix A.

3. HUD's Programmatic Environmental Review Determination for Certain Operating Activities

HUD carefully examined certain operating activities to determine whether a programmatic determination under 24 CFR Part 50 would be appropriate to meet the goal of ensuring National Environmental Policy Act (NEPA) compliance. HUD is determining under Part 50 that these activities are not subject to further environmental review because they do not alter the physical environment, and consequently, will not result in environmental impacts. All activities and descriptions that are not included in this programmatic environmental review require a separate environmental review before HUD funding is committed or spent. Such review must be completed before HUD funds are committed or spent or any choice-limiting actions such as acquisition, demolition, disposition, rehabilitation, repair, new construction, site preparation (clearing, grading or grubbing), leasing (except tenant-based leasing), and/or any other activities that commit to future activities.

a. Soft costs (administration, operations, maintenance, and planning). HUD compiled a list of soft costs, including administration, operations, maintenance, and planning activities in Appendix A and determined that these are categorically excluded from environmental review under NEPA, as long as they are not undertaken as part of a project located in a Coastal Barrier Resources Area.

Soft costs such as engineering, design, legal costs, as well as inspections and testing of properties for hazards and defects may be part of larger HUD funded projects that involve acquisition and/or physical activities. Although HUD environmental regulations require aggregation of all related activities with one comprehensive environmental review, soft costs may be separated and covered under a separate environmental review. Tribes and TDHEs may proceed with soft costs listed in Appendix A associated with a HUD funded project with no further review.

For this Notice and environmental review purposes, maintenance activities slow or halt deterioration of a building and do not materially add to its value or adapt it to new uses. [Notice CPD 16-02 "Guidance for Categorizing an Activity as Maintenance for Compliance with HUD Environmental Regulations, 24 CFR Parts 50 and 58"](#) provides guidance and examples.¹

b. Tenant Based Rental Assistance. Tenant based rental assistance is assistance that is attached to the program participant and not the unit, meaning the program participant selects the location.

In contrast, when the Tribe or TDHE attaches rental assistance to a specific unit, the project is considered project-based rental assistance and falls outside the scope of this programmatic review. In this case, if the project-based rental assistance activities do not include any associated repairs, rehabilitation, new construction, or other activities with physical impacts, then the project requires a "limited scope" Categorically Excluded Subject to 58.5 (CEST) environmental review. Tribes and TDHEs can find format and

¹ Regulatory Citation for soft costs: 24 CFR 50.19(b)(1), (2), (3), (4), (5), (6), (7), (8), and (9)

instructions for a limited scope CEST review at https://www.hud.gov/program_offices/public_indian_housing/ih/codetalk/resources. Finally, if project-based rental assistance includes activities such as rehabilitation, new construction, conversion of land use, or demolition, then the project will require either an Environmental Assessment or a finding and documentation of Categorically Excluded Subject to 58.5 (CEST).²

c. Public and Supportive Services. Public and supportive services that will not have a physical impact or result in any physical changes. Appendix A includes descriptions and examples of public and supportive services.³

d. Homebuyer assistance. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and downpayment assistance, interest buydowns, and similar activities that result in the transfer of title.⁴

4. Further Information

Learning materials are available HUD CodeTalk. For further information on this notice, contact Danielle Schopp at Danielle.L.Schopp@hud.gov.



Richard J. Monocchio
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Public and Indian Housing

² Regulatory Citation for tenant based rental assistance: See 24 CFR 50.19(b)(11)

³ Regulatory Citation for public and supportive services: 24 CFR 50.19(b)(4) and (12)

⁴ See 24 CFR 50.19(b)(15)

Appendix A

HUD has made a programmatic determination under Part 50 that the following activities are not subject to further environmental review:

Activities	Description
Soft Costs, including administration, operations, and planning	<ul style="list-style-type: none"> • planning activities, including seeking funding, carrying out borings and soil test pits, taking photographs, drafting blueprints, creating specifications, creating cost certifications, developing plans and strategies, resource identification planning, and facilitating resident meetings • architectural and engineering activities including consulting; obtaining permits; conducting inspections, surveys, physical needs assessments; energy audits; and environmental studies. • management of personnel and other resources including payments of salaries and benefits for personnel, evaluating staff performance • management of contracts including preparing procurement solicitations, overseeing performance of contractors, payment of contractors, enforcement of contractual obligations, and close out of contracts, BUT NOT publishing contract solicitations or awarding or executing contracts, unless the contract is for activities that are themselves listed here as excluded from review • rental of office or other administrative space including negotiating/executing leases, resolving disputes with lessors, paying rent and related charges, but only if the space is existing space not requiring rehabilitation or construction except for minimal alterations to make the facilities accessible for a person with disabilities, will not be repaired or renovated with HUD funds, and is not located in a Coastal Barrier Resources Area • financial and information service activities, including interacting with banks and other financial institutions, resolving disputes related to banking/financing, payments to arrange for financing, payments for accounting services, payments of principal and interest on loans or obligations, purchase of software, and payment for improvements to management, financial and accounting control systems, BUT NOT entering into financing agreements, unless the financing is for activities that are themselves listed here as excluded from review. • leasing and reporting activities, including drafting leases, developing lease and grievance policies/procedures, collecting rents and other income, conducting eligibility reviews with residents, reviewing resident income certifications, entering into leases with residents, enforcing lease provisions in court including evictions, collecting debts and court costs

Activities	Description
	<ul style="list-style-type: none"> • maintenance of insurance including negotiating/entering into insurance agreements, payment of premiums, preparation of/submission of claims and resolution of disputes • payment for utilities and communication costs (e.g., telephone, fax, website, and electronic communications) • payment of taxes and Payment in Lieu of Taxes (PILOTs) • resident relocation and mobility counseling activities, including moving expenses and direct losses of property, relocation payments, settlement costs, and replacement housing payments • economic self-sufficiency and supportive service activities for residents • training for staff and residents • meeting and travel costs • communicating with stakeholders including residents, state and local officials, members of the community/community groups. • payment of membership dues and fees, and publication subscriptions • purchase of tools, vehicles, equipment*, furnishings, materials, and office supplies • payment of legal fees or engaging in legal activities including litigation, alternative dispute resolution, negotiation, and enforcement of judgments.
Tenant based rental assistance	<ul style="list-style-type: none"> • rental assistance for participant where participant selects the unit
Public and Supportive Services	<ul style="list-style-type: none"> • Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs. • Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services.
Homebuyer assistance	<ul style="list-style-type: none"> • Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and downpayment assistance, interest buydowns, and similar activities that result in the transfer of title.
Maintenance - Site	<ul style="list-style-type: none"> • lawn care, including tree and hedge trimming • snow and ice removal • installation of project signage, benches, clotheslines, and flagpoles • repair fences and garbage stations

Activities	Description
	<ul style="list-style-type: none"> • application of pavement sealants, parking lot restriping, directional signage or marking for handicapped accessibility • repair of cracked, uneven, or broken surfaces
Maintenance - Building Exterior	<ul style="list-style-type: none"> • cleaning and fixing gutters, and downspouts • repainting previously painted surfaces (including limited wet scraping and low-pressure washing) • replacing deteriorated section of siding or trim with same or similar materials • removal of graffiti • servicing or repairing fire escape
Maintenance - Roof	<ul style="list-style-type: none"> • fixing leaks • application of waterproof coating to a flat roof • replacement of deteriorated flashing • in-kind replacement of loose or missing shingles or tiles • placement of additional ballast to avoid leaks
Maintenance - Windows and Doors	<ul style="list-style-type: none"> • washing windows • caulking, weather stripping, re-glazing windows and doors • fixing broken windowpane(s), storm window(s) or damaged entry door • installing window treatments (blinds and curtains) and guards • replacing broken locks • replacing a vandalized entry door to match • replacing a single severely damaged window to match • annual switch out of storm and screen panels • replacing damaged closet and utility room doors • repairing damaged interior doors to units, closets, and utility rooms • installing magnetic screen door • replacing door lock with one that is easier to operate • replacing doorknobs with lever-style handles • adding or adjusting peephole or viewing panel to correct height for client • eliminating trip hazards at entry threshold • installing “tap-n-go” or other hands-free door hold open capability • adjusting windows to make them easier to open and close • adjusting door swings to reverse or remove awkwardness • installing door hinge offset or swing clear door hinges
Maintenance - Interior Walls and Ceilings	<ul style="list-style-type: none"> • patching or fixing holes or cracks in walls and ceilings • replacing stained ceiling tiles • painting or wallpapering
Maintenance - Flooring	<ul style="list-style-type: none"> • cleaning floors

Activities	Description
	<ul style="list-style-type: none"> • stripping wooden floors and resealing • installation or replacement of vinyl or carpet flooring* • repairing flooring transitions to zero height difference and repairing floor tile to remove uneven surfaces • repairing wood floors to remove uneven surfaces
Maintenance - Circulation	<ul style="list-style-type: none"> • in-kind replacement of broken stair-treads, railings or balusters • inspection and servicing of elevators • maintaining chair lift/stair climber • applying adhesive strips with nonslip surface • applying adhesive tape or paint to distinguish thresholds and edges • installing super-pole between floor and ceiling with or without pivot arm
Maintenance - Kitchen	<ul style="list-style-type: none"> • replacement of stoves, refrigerators, ovens and microwaves* • replacing cabinet hardware* • installing aerators • replacing damaged kitchen hardware (e.g., faucets) • replacing damaged kitchen cabinet component (e.g., door to a single cabinet) • patching or replacing damaged component of cabinet • patching or repairing damaged countertops • removing or replacing interior of existing cabinetry for easier access (e.g., pull-out drawers and shelves) • replacing faucets with lever-, touch-, or sensor-style faucet • installing easy-to-use ABC-rated fire extinguisher in an easy-to-reach place • installing automatic stove turnoff devices
Maintenance - Bathroom/Laundry	<ul style="list-style-type: none"> • unclogging sink or toilet • replacing deteriorated toilet* • replacing damaged bathroom hardware on shower units, tubs and sinks (e.g., hot/cold knobs, showerheads, and faucets) • replacing broken medicine cabinet, shelves, or hardware* • replacing washing machines and dryers* • installation of grab bars • adding nonskid strips to bathtub or shower floor • installing a hand-held or adjustable showerhead • installing clamp for handheld shower on wall or grab bar • tub cuts to enable easy entry/conversion to shower • installing curved shower rod

Activities	Description
	<ul style="list-style-type: none"> • installing easy-to-use lever handles rather than knobs or turn handles for the sink, bathtub and shower faucets • replacing toilet with comfort-height model • installing pedestal or wall hung sink for wheelchair accessibility • insulating exposed pipes beneath the sink to protect against touching a hot pipe • cushioning exposed pipes beneath the sink to protect against bumping • replacing or adjusting position of bathroom mirror, toilet paper holder, and other accessories to meet client's needs • replacing cabinet hardware, such as replacing round knobs with D-shaped handles • installing new toilet handles • installing toilet riser with handles and installing toilet safety frame or rails • repairing or replacing toilet seats • installing wall soap holder • repairing wall tile • securing rugs with rubber carpet mesh or double-sided rug tape
Maintenance - HVAC	<ul style="list-style-type: none"> • servicing and maintenance of mechanical systems • changing air filters • cleaning air ducts • installing or replacing a window air conditioner (and accompanying covers) • installing or replacing humidifiers or dehumidifiers • replacing a malfunctioning part of a HVAC system like a thermostat or heating unit with no new ducting or piping needed except to connect into existing system*
Maintenance - Plumbing	<ul style="list-style-type: none"> • fixing plumbing leaks* • repairing damage from frozen pipes* • repairing water or sewer connection within existing utility trench alignment • replacing malfunctioning water heater* • installing pressure-balanced, temperature-regulated sink faucets in kitchen and bath
Maintenance- Electrical/Lighting	<ul style="list-style-type: none"> • replacing malfunctioning outlet, electrical switch or light fixture • adding stick-on motion sensor lighting • adding task lighting under cabinets and over counters and tables

Activities	Description
	<ul style="list-style-type: none"> • adding light switches at top and bottom of stairs for safety • replacing light switches with safety and accessibility features such as glow in the dark, rocker-style switches, or other easy-to-function switches • moving light switches and electrical outlets where they are more accessible to the individual • adding ball chain extension to ceiling fan/light
Maintenance - Security	<ul style="list-style-type: none"> • repair of security alarm systems, security cameras, and recording devices • boarding up a vacant building with protective plywood • installation of temporary security fencing • installation of security devices needed for an individual tenant
Maintenance - Life Safety	<ul style="list-style-type: none"> • servicing, installation, and inspection of smoke, fire and CO detectors, fire extinguishers, fire hoses, and AED devices • repair of building fire system components, including fire system panels, alarm bells, horns, and emergency exit lights • installing ground-fault circuit interrupter (GFCI) outlet • repairing electrical outlets • installing or replacing doorbell that can be seen or heard by client throughout the house • cleaning surface mold
Maintenance - Pest Infestation	<ul style="list-style-type: none"> • pest inspection/treatment

* These maintenance items may require purchase of flood insurance if they occur in a Special Flood Hazard Area (SFHA), and costs exceed the standard deductible for the specific type of structure or unit under the National Flood Insurance Program (NFIP).