



**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
Office of Public and Indian Housing**

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**Special Attention of:**

Regional and Field Office Directors of  
Public Housing  
Public Housing Agencies  
Regional Administrators  
Responsible Entities

**Notice PIH 2016- 22 HA**

Issued: December 5, 2016  
This notice remains in effect until  
amended, superseded or rescinded.

Cross Reference: PIH 2013-07  
CPD Notice 16-02

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**SUBJECT:** Environmental Review Requirements for Public Housing Agencies

**1. Purpose.** This notice provides information and guidance regarding Public Housing Agencies' (PHAs) compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and other related laws and authorities. This notice clarifies the applicability of environmental reviews under 24 CFR parts 50 and 58 to all PHA activities at project site(s) assisted or to be assisted by HUD and to the use of all HUD funds, including operating funds. This notice also reiterates the prohibition on the obligation or expenditure of any funding without environmental clearance, and presents submission and processing requirements using a five-year submission period as long as there are no changes to the project scope or environmental conditions. Finally, this notice includes a Part 50 programmatic determination for administrative, management, and certain maintenance activities and for Housing Choice Voucher (HCV) activities.

**2. Background.** NEPA requires federal agencies to consider the environmental impact of proposed actions early in the planning and decision-making process to avoid and mitigate negative impacts to human health and the environment. The requirement to secure environmental clearance prior to initiating activities for federally-assisted housing directly supports HUD's goal to provide decent, safe, and sanitary affordable housing.

A PHA initiates an environmental review by submitting a complete and clear project description of the activities it anticipates undertaking at an environmental project site over a five-year period to its Responsible Entity under 24 CFR Part 58 (or to HUD under 24 CFR Part 50). The Responsible Entity (RE) reviews the project description and determines the appropriate level of environmental review and, if necessary, requests additional information and studies to complete the review. The extent of the environmental review depends on the nature of the proposed activities and the location of the project. Depending on the results of the analysis, a Responsible Entity may publish a public notice soliciting comments from the community. The Responsible Entity forwards its determination to the PHA if activities are determined to be exempt or

categorically excluded, not subject to §58.5. For all other activities, HUD provides the authority to obligate federal funds after a 15-day waiting period (24 CFR 58.75 lists the permissible basis for objections to the review). For more information on the environmental review process visit the [HUD Exchange](#).

**3. Applicability.** Environmental review requirements, as found in 24 CFR Parts 50 and 58 and the related federal laws and authorities, apply (i) to all HUD-funded activities; and (ii) to all HUD assisted or to be HUD assisted project site(s). These include, but are not limited to:

- Funding Sources
  - a. Operating Fund
  - b. Capital Fund
  - c. MTW Block Grant
  - d. Choice Neighborhoods Grant
  - e. HOPE VI
  - f. Project Based Vouchers (PBV)
- Program Approvals
  - a. Energy Performance Contract (EPC) program
  - b. Rental Assistance Demonstration (RAD), including pre-development activities
  - c. Section 18 actions, including demolition and/or disposition
  - d. Eminent domain actions
  - e. Retention under 2 CFR 200
  - f. Homeownership
  - g. Mixed-Finance Public Housing
- Local, non-federal funds to be used at HUD assisted or to be HUD assisted project sites(s)

In other words, all planned activities at HUD assisted or to be assisted project sites *must* receive environmental clearance, unless HUD explicitly states that a funding stream is not subject to environmental review (e.g., ROSS-SC). Only an RE or HUD may make environmental determinations and provide environmental clearance. PHAs cannot make any final findings or determinations, and cannot take any choice-limiting actions or obligate any funds until they have received environmental clearance. This is true even if it appears that the activity will be determined Exempt.

Moving to Work (MTW) agencies do not have any flexibilities or waivers related to environmental review requirements and must receive environmental clearance prior to any acquisition or physical activities (including locally funded activities if the site will receive HUD funding at any point in the future) and prior to obligating MTW Block Grant funding.

**4. Definitions.** Environmental clearance terms are defined as:

- a. Activity. An action the PHA puts forth as part of an assisted or to be assisted project. Activities include, but are not limited to, actions related to operations, administration, maintenance, rehabilitation, demolition, or disposition regardless of whether the activity will be funded by federal funding sources or not.

- b. Certifying Officer. Official of the Responsible Entity who is authorized to execute the Request for Release of Funds and Certification (RROF) and has the legal capacity to carry out the responsibilities of 24 CFR 58.13. This function may be delegated by the Responsible Entity's chief executive, but may not be the person who prepared the environmental review or an outside entity. The Certifying Officer is almost never an official of the PHA.
- c. Choice-Limiting Action. Any action in which a PHA commits or expends HUD or non-HUD funds on activities for a project assisted under the U.S. Housing Act that reduce or eliminate a PHA's opportunity to choose alternatives. Choice-limiting includes actions to acquire, dispose, rehabilitate, demolish, convert, transfer, remove, lease, or construct properties (including entering into contracts or other written commitments). Choice limiting actions performed prior to environmental clearance can result in regulatory or statutory violations that can jeopardize HUD funding of the project.
- d. Environmental Clearance. The final approval given by the HUD Approving Official. Environmental clearance for Part 50 reviews is the final signature of the HUD Approving Official in HEROS or on the paper Form HUD-4128. Environmental clearance for Part 58 is the final electronic signature of the HUD approving official or the State in HEROS or on the HUD Form 7015.16, Authorization to Use Grant Funds (AUGF). An environmental clearance is required prior to spending funds or commencing any activity on or at a project site in accordance with 24 CFR part 50 or 58.
- e. Environmental Determination. Any decision made by the Responsible Entity under 24 CFR Part 58 or HUD under 24 CFR Part 50 regarding compliance with NEPA and related laws and authorities. Each applicable environmental law and authority requires a determination, supported by analysis and documentation. Environmental determination may also refer to the determination of which level of environmental review applies, and to the determination of whether the activity will have a significant impact on the environment.
- f. Environmental Project Site. A project site consists of buildings or other improvements and parcels of land that logically group together as a single, cohesive setting. For scattered site units, the project site is defined at the neighborhood level, so long as the boundaries of the neighborhood are clearly identified. Since environmental conditions vary from one geographic area to the next, each separate public housing project site is subject to a separate environmental review. A project site may or may not comprise an entire asset management project (AMP) or non-asset management development.
- g. Environmental Review. The process of reviewing a project and its potential environmental impacts to determine whether it complies with the NEPA and related laws and authorities.
- h. Grant Funds. For environmental purposes, grant funds include formula-distributed PIH funds under Capital and Operating Fund Programs.

- i. Maintenance. The term “maintenance” is defined differently for environmental clearance than for PIH’s Capital Fund and Operating Fund programs. For 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.<sup>1</sup> Although minor repairs and replacements are considered operating expenses in accordance with section 9(g) of the United States Housing Act of 1937, “deferred maintenance” and “nonroutine maintenance” as defined in 24 CFR 905.200(b)(5) are generally not maintenance activities for environmental reviews. An example of when nonroutine maintenance would constitute maintenance for environmental purposes is the replacement of refrigerators and stoves (considered nonroutine maintenance for Capital Fund purposes), provided the replacement is not part of a complete or substantial kitchen remodel. [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 a table of specific examples. It is essential that project descriptions provide sufficient information for the RE to distinguish between maintenance and rehabilitation activities to avoid NEPA non-compliance.
- j. Project. An activity, or group of integrally related activities, designed by the PHA or other recipient to accomplish, in whole or in part, a specific objective.
- k. Project Aggregation. Requirement at 24 CFR § 58.32 to group together and evaluate as a single project all individual activities which are related either on a geographical or functional basis, or are logical parts of a composite of contemplated actions.
- l. Project Description. The written environmental project description includes sufficient information on the environmental project site and proposed activities that allows the RE or HUD to conduct an environmental review. The project description captures the maximum anticipated scope of the project and includes both activities financed by HUD, as well as related activities not financed by HUD.
- m. Responsible Entity (RE). The unit of general local government (UGLG) within which the Project Site is located that exercises land use responsibility. The UGLG may also be the county or the state<sup>2</sup>. A PHA may have more than one RE.

**5. HUD’s Programmatic Environmental Review Determination for Certain Operating and Housing Choice Voucher Activities.** HUD carefully examined certain operating and housing choice voucher activities to determine whether a programmatic determination under 24 CFR Part 50 would be appropriate to meet the goal of ensuring NEPA compliance.

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<sup>1</sup> Minor repairs and interior cleaning that occur during the typical unit turnaround process are defined as maintenance for environmental review purposes.

<sup>2</sup> PHAs cannot serve as REs because they are not UGLGs. PHA staff may prepare environmental documentation, but the PHA must not assume any environmental review responsibility that the RE normally undertakes. In some instances, PHAs are a line agency of the UGLG and special attention must be paid to ensure only authorized UGLG staff are making environmental determinations. If there is any question as to who is an appropriate RE or Certifying Officer, contact HUD environmental staff for assistance. Contact information is available at <https://www.hudexchange.info/environmental-review/hud-environmental-staff-contacts/>.

- A. Certain Operating Activities. HUD's annual formula-based funding allocations provide PHAs with annual funding to operate, manage, and modernize public housing. HUD compiled a list of routine operating activities and determined that certain activities, outlined in Appendix A, are categorically excluded from environmental review under NEPA, as long as they are not undertaken as part of project located in a [Coastal Barrier Resources Area](#).<sup>3</sup> HUD is making a determination 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.

PHAs may carry out activities as outlined in Appendix A without a request for an environmental review, as long as this notice remains in effect. This determination does not include all operating activities (e.g., purchase of equipment) and PHAs must ensure that they have environmental clearance for any activities not included in Appendix A.

- B. Housing Choice Voucher Activities. The Housing Choice Voucher (HCV) program provides rental subsidies so eligible families can afford decent, safe, and sanitary housing. HUD provides funds for tenant-based rental assistance and PHA administration of the HCV program. HUD examined the HCV eligible activities and determined that almost all activities funded under the HCV program are categorically excluded from environmental review under NEPA<sup>4</sup>. HUD is making a determination under Part 50 that the HCV program is not subject to further environmental review, with exceptions noted below:

- i. For PHA owned or leased property used for HCV administration, the PHA obtains environmental clearance for any rehabilitation or renovation activity occurring at the site. For rehabilitation or renovation activities, the PHA proceeds with an environmental review as described in this notice.
- ii. For homeownership units, the PHA obtains environmental clearance *prior* to providing funding. The PHA is responsible for complying with the authorities in 24 CFR 58.6 (see 24 CFR 982.626(c)). If the homeownership units are not yet under construction, environmental review requirements under Part 58 or Part 50 must be completed prior to commencement of construction (see Sec. 982.628(e)).

This Part 50 determination for Housing Choice Vouchers does not apply to the Project-Based Voucher component. See Section 10 below for environmental review requirements under the Project-Based Voucher Program.

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<sup>3</sup> HUD's programmatic determination of categorical exclusion from environmental review under NEPA for certain specified operating activities is made in accordance with 24 CFR 58.34(a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(11), 58.35(b)(2), (b)(3), (b)(5), or (b)(6), and 50.19(b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7), (b)(8), (b)(9), (b)(12), (b)(13), (b)(15), or (b)(16).

<sup>4</sup> HUD's programmatic determination of categorical exclusion from environmental review under NEPA housing choice voucher activities (with exceptions) is made in accordance with 24 CFR 58.34(a)(3) or (a)(9), 58.35(b)(1), (b)(2), (b)(3), or (b)(5) and 50.19(b)(3), (b)(9), (b)(11), (b)(12), (b)(13), or (b)(15).

\*PHAs are reminded that housing choice vouchers cannot be used in Coastal Barrier Resources Areas.

**6. Frequency of Reviews.** HUD considers an environmental review for a specific project to be valid for up to five years, so long as there are no changes to the project scope or environmental conditions (see Section 7(H) entitled “Advise of Changes in Scope or Conditions” below). PHAs *must* request an environmental review for each environmental project site every five years.<sup>5</sup> A “fixed” five-year period allows for improved long-term strategic planning, creates efficiencies, and reduces burdens for PHAs and REs. REs and HUD retain regulatory authority to revise the covered period to determine the most appropriate basis for evaluating activities.

**7. PHA Responsibilities.** A PHA’s role in the environmental review process is limited. The following items are the responsibilities of PHAs:

- A. Identify Responsible Entity;
- B. Designate Environmental Project Sites;
- C. Prepare the Project Description;
- D. Submit Project and Environmental Information to HUD or the RE;
- E. Facilitate Public and Resident Notice and Participation;
- F. Wait for Authorization to Use Grant Funds;
- G. Abide by Review Requirements;
- H. Advise of Changes in Scope or Conditions; and
- I. Maintain Appropriate Records.

This notice provides guidance for each item:

**A. Identify Responsible Entity.** PHAs and the communities they serve share the goals of protecting the environment and ensuring safe and decent housing for residents in their shared jurisdictions. Having an RE prepare an environmental review under Part 58 takes greater advantage of local knowledge, place-based expertise, local land use, and local environmental conditions and requirements. [PIH Notice 2013-07](#) offers a recommended format for a Memorandum of Understanding (MOU) between a PHA and its RE. If a municipal RE objects to performing an environmental review, HUD should be notified, and will work collaboratively with all parties to identify the RE. HUD performs Part 50 reviews for certain designated actions (e.g., eminent domain actions), as well as in instances where a Part 58 is infeasible or where HUD prefers to conduct a review under 24 CFR Part 50.

**B. Designate Environmental Project Sites.** Since environmental conditions vary from one geographic area to the next, *environmental reviews are completed for each separate environmental project site*. For purposes of environmental review, an environmental project site could be a complete development, a portion of a development, or a group of developments. For scattered site units, the project site is defined at the neighborhood

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<sup>5</sup> PHAs are required to request an environmental review for a five-year period (or prior to requesting a revision to a PHA annual plan) based on the requirements in 903.21(a)(2), 905.300(b)(1), and 905.308(b)(2) with regard to the CFP 5-Year Action Plan; 990.116 with regard to the Operating Fund; and 50.36, 58.30(b), and 58.47(a)(1) and (2) implementing the environmental review requirements.

level, so long as the boundaries of the neighborhood are clearly identified. AMPs are generally the appropriate basis for an environmental review project site, *but* must still be assessed to confirm appropriateness.

**C. Prepare the Project Description.** The project description describes the project site and scope. Form HUD-53245 “PHA Environmental Review Project Description” is a template prompting PHAs to provide the information described below.

- a. Project Site. The PHA describes the site by providing the property address, number of units, building age, building type, description of non-dwelling property, estimated funding, and AMP number(s). PHAs also specify the applicable five-year clearance period. The review will not cover activities that are not included in the project description. For new construction, PHAs should also include information on the timeframe for implementation and area setting. For Section 18 actions, the PHA includes any reasonably known reuse of the property as part of the project description per 24 CFR 970.13(b).
- b. Project Scope. The project scope captures the maximum anticipated scope of activities for the five-year period. PHAs include all reasonably foreseeable maintenance (not listed in Appendix A), equipment purchase, modernization, and rehabilitation for each public housing site. To minimize requests to the RE or HUD, expansive project descriptions (beyond the activities listed in a Five-Year Action Plan) may include reasonably anticipated activities, which may subsequently never be undertaken by a PHA. It is more efficient to include all potential activities than to secure an updated environmental review later. If the PHA fails to include an activity in the project description, then that activity is not covered in the environmental clearance.

The project description must include sufficient specificity to allow members of the public, reviewing agencies, and the RE or HUD to understand the extent of proposed activities. For example, if a PHA writes, “the PHA will modernize the scattered site units,” the RE or HUD needs additional information to determine the appropriate level of review. A clearer description is “the PHA will replace the building systems and replace all windows.”

**D. Submit Project and Environmental Information.** PHAs submit the project description and work with their REs or HUD to determine what, if any, additional information is required. The process to complete any environmental review may be lengthy, so PHAs are advised to request environmental reviews well in advance of any expiring review and provide packages with appropriate back-up documentation (e.g., maps, screenshots, etc.) that is directly responsive.

For Part 50 review, a PHA submits to their local field office: (i) an explanation of why the review is not occurring under Part 58; (ii) form HUD-53245 (PHA Environmental Review Project Description); (iii) a site map showing the bounds of the Environmental Review Project Site (this does not have to be a formal survey; free online mapping websites are sufficient); and (iv) any other documentation or information the PHA

believes is relevant to the environmental review. HUD requires PHAs to provide information using the [Environmental Review Record Related Federal Laws and Authorities Partner Worksheets](#) available on the HUD Exchange.

- E. Facilitate Public and Resident Notice and Participation.** While the RE is responsible for community notice and comment as part of the environmental review, PHA support, facilitation and cooperation helps to ensure meaningful community participation. The RE may be responsible for outreach to low-income and minority communities in connection with environmental justice requirements. Public housing residents and HCV holders are important parts of these communities, and may also be typically underrepresented in planning processes. This facilitation role is distinguished from PHA requirements to consult with residents (including the Resident Advisory Board) and obtain public comment in connection with the PHA Plan.
- F. Wait for Environmental Clearance.** The PHA (or its development partners) may not obligate any funds or take any choice-limiting actions prior to securing written environmental clearance from its RE or HUD. The environmental clearance may be in the form of the Authority to Use Grant Funds (AUGF) (HUD Form-7015.16), a letter from the RE on official letterhead (if the project does not require a Request for Release of Funds/RROF), or, in the case of a HUD environmental review under Part 50, a written approval from HUD. The environmental clearance indicates the cleared activities.
- G. Abide by Review Requirements.** PHAs abide by any special conditions, procedures, mitigation measures and/or requirements identified by the RE or HUD during the environmental review process. The PHA is responsible for ensuring conditions and mitigation measures are implemented throughout the project. During the course of monitoring, HUD may ask for documentation evidencing compliance with mitigation requirements.
- H. Advise of Changes in Scope or Conditions.** After the environmental review is completed, if there are substantial changes in activity scope or environmental conditions, 24 CFR § 58.71(b) requires prompt notification and a request for re-evaluation from the RE in accordance with §58.47(a)(1).<sup>6</sup> For Part 50 reviews, PHAs must notify HUD of substantial changes in activity scope or environmental conditions. The changes might result in the need for the RE or HUD to re-evaluate earlier findings, prepare a new environmental review, or include additional mitigation measures. If a PHA pursues demolition, disposition, mixed financing, and/or RAD, a new environmental review and clearance is required, unless those actions were part of the original review.

*Example: One item that often triggers an update is a project site's floodplain status. Flood maps are maintained by the Federal Emergency Management Agency (FEMA) and change over time. Failure to properly address and mitigate floodplain status, including failure to secure proper flood insurance coverage,*

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<sup>6</sup> If an update is required, an environmental review is completed promptly and the five-year frequency does not apply.



*exposes tenants to potential harm and imposes an unacceptable liability risk on PHAs.*

- I. Maintain Appropriate Records.** PHAs maintain documentation on the authority to use federal funds. This includes: PHA requests for environmental review, Request for Release of Funds (HUD Form 7015.15), Authorization to Use Grant Funds (HUD Form 7015.16), other written clearances, and proof of mitigation. PHAs must retain these records for six years in order to ensure records are maintained throughout the Five-Year Request period.

HUD recommends REs maintain the Environmental Review Record (ERR) for each Project Site using the HUD prescribed formats available on the HUD Exchange<sup>7</sup> to comply with 24 CFR §58.38. The ERR is available for public inspection and contains all environmental review documents, public notices and written determinations or environmental findings required as evidence of review, decision making and actions pertaining to a particular project.

- 8. Monitoring.** HUD’s environmental compliance monitoring is prioritized using a risk analysis process. HUD conducts quality control review of REs based on the content and quality of the ERR. HUD monitors PHAs to ensure PHAs have documentation that they are authorized to spend funds; to ensure compliance with any special conditions, procedures, mitigation measures and/or requirements of the environmental review; and to confirm compliance with the five-year request requirement.

- 9. Emergencies and Disasters.** Environmental regulations at 24 CFR §58.34(a)(10) allow for an expedited review for improvements related to disasters and imminent threats. Specifically, “temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety” are exempt activities. For emergencies and disasters, PHAs may request a Part 50 Review from their local HUD field office and HUD will expedite reviews related to emergency work items. However, PHAs *still* do not have the authority to determine if the exemption is appropriate and must receive formal written clearance before obligating funds.

PHAs may also remind their RE that for activities not exempt or categorically excluded not subject to §58.5, REs can shorten comment periods during a Presidentially-declared disaster or local emergency declared by the chief elected official. REs may contact their local Field Environmental Officer for additional guidance.

- 10. Project-Based Voucher Program.** The Project-Based Vouchers (PBVs) program is a component of a PHA’s HCV program that requires environmental review under 24 CFR 983.58. A PHA may not execute an Agreement to Enter into a Housing Assistance Payment (AHAP) contract nor commit nor expend federal or non-federal funds for PBV activities until an

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<sup>7</sup> See the [HUD format for Environmental Assessments; HUD format for Categorical Exclusions Subject To Related Laws and Authorities in 24 CFR 58.5; HUD format for Exempt or Categorical Exclusions Not Subject To Related Laws and Authorities in 24 CFR 58.5;](#) and [Environmental Review Record Related Federal Laws and Authorities Partner Worksheets](#)

environmental review is completed, even if the PHA does not anticipate any rehabilitation. The review encompasses the maximum anticipated scope of the PBV proposal, not just the rental assistance.

*Example: If a city housing department is constructing or rehabilitating a 100-unit building with five PBV units included as part of the pro forma, the entire scope of the construction activity, leasing, and operations is subject to environmental review.*

If PBVs are placed into existing housing without any associated rehabilitation, a limited scope environmental review may be appropriate. The RE or HUD focuses the analysis on certain environmental laws and authorities (i.e., Coastal Barrier Resources, Flood Insurance, Contamination and Toxic Substances, Floodplain Management, and Environmental Justice), and may document compliance with the other laws and authorities without analysis by indicating that the project is limited to rental assistance without rehabilitation and is in compliance.

**11. Remedies for Noncompliance.** Compliance with the regulations at 24 CFR Part 50 and Part 58, and the related laws and authorities, is required pursuant to Section 2.2 of the Annual Contributions Contract. If a PHA fails to comply with the above-referenced requirements or the requirements of this notice, then HUD can pursue a wide range of remedies at its administrative discretion. PHAs are also required to conform with civil rights and fair housing laws, in addition to affirmatively furthering fair housing. Thus, all matters concerning environmental justice and/or HUD's nondiscrimination and equal opportunity requirements are referred to and coordinated with HUD's Office of Fair Housing and Equal Opportunity. Remedies for noncompliance include but are not limited to:

- Mandatory training with the goal to curtail future non-compliance;
- Corrective action plan tailored to the violation;
- Suspension of HUD funds used to finance the violating activity;
- Recapture of HUD funds used to finance the violating activity;
- Debarment/suspension of principals and housing authorities that engage in the non-compliant activity; and
- All other remedies at law.

HUD's Assistant Secretary for Community Planning and Development has sole responsibility for approving waivers and exceptions to HUD's environmental regulations. A commitment of HUD funds for a choice limiting action prior to submission of an RROF and certification is a statutory violation of Section 26 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437x); waivers cannot be provided for statutory violations, only regulatory violations. An example of a regulatory violation is if a PHA commits non-HUD funds to begin construction on a project (a choice-limiting action) prior to the receipt of an approved RROF and certification. Another example of a regulatory violation is if a PHA spends funds on a rehabilitation activity after RROF and certification submission, but prior to receiving the authority to use HUD funds. PHAs with a regulatory waiver request contact the PIH Environmental Clearance Officer for further instructions. In general, waivers are not processed when an adverse environmental impact occurred or is likely to occur.

**12. Effective Date.** This notice clarifies existing regulations and imposes a streamlined process for reporting and monitoring environmental review requirements. To prevent service disruption to PHA tenants, if a PHA does not have environmental clearance for maintenance activities not listed in Appendix A, it immediately contacts its local HUD Public Housing field office to begin the process of meeting environmental review requirements. PHAs that are found to be noncompliant with current regulations will need to include those activities in the next five-year environmental review period.

**13. Paperwork Reduction Act.** Information collection requirements pertaining to this notice are approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) with the control numbers of 2506-0087, 2506-0202, and 2577-0075.

**14. Further Information.** Learning materials and templates are available on the [HUD Exchange](#). HUD is committed to providing technical assistance and training to increase and foster capacity of our partners. For further information on this notice, contact the local HUD Public Housing field office.

s/s

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Lourdes Castro Ramírez  
Principal Deputy Assistant Secretary  
for Public and Indian Housing

## Appendix A: Part 50 Programmatic Determination

### Certain Operating Activities

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

| Feature or System             | Activities   |
|-------------------------------|--|
| Administrative and Management | <ul style="list-style-type: none"> <li>• 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</li> <li>• architectural and engineering activities including consulting, obtaining permits, conducting: inspections, surveys, physical needs assessments, energy audits, and environmental studies</li> <li>• management of PHA personnel and other resources including payments of salaries and benefits for PHA personnel, evaluating staff performance</li> <li>• management of PHA 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</li> <li>• 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</li> <li>• 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 a PHA's 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.</li> <li>• 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</li> </ul> |

| Feature or System | Activities   |
|-------------------|--|
|                   | <ul style="list-style-type: none"> <li>• maintenance of insurance including negotiating/entering into insurance agreements, payment of premiums, preparation of/submission of claims and resolution of disputes</li> <li>• payment for utilities and communication costs (e.g., telephone, fax, website, and electronic communications)</li> <li>• payment of taxes and PILOTs</li> <li>• resident relocation and mobility counseling activities, including moving expenses and direct losses of property, relocation payments, settlement costs, and replacement housing payments</li> <li>• economic self-sufficiency and supportive service activities for public housing residents</li> <li>• training for staff and residents</li> <li>• meeting and travel costs</li> <li>• communicating with stakeholders including residents, state and local officials, members of the community/community groups.</li> <li>• payment of membership dues and fees, and publication subscriptions</li> <li>• purchase of tools, furnishings, materials, and office supplies</li> <li>• payment of legal fees or engaging in legal activities including litigation, alternative dispute resolution, negotiation, and enforcement of judgements.</li> </ul> |
| Site              | <ul style="list-style-type: none"> <li>• lawn care, including tree and hedge trimming</li> <li>• snow and ice removal</li> <li>• installation of project signage, benches, clotheslines, and flagpoles</li> <li>• repair fences and garbage stations</li> <li>• application of pavement sealants, parking lot restriping, directional signage or marking for handicapped accessibility</li> <li>• repair of cracked, uneven, or broken surfaces</li> </ul>   |
| Building Exterior | <ul style="list-style-type: none"> <li>• cleaning and fixing gutters, and downspouts</li> <li>• repainting previously painted surfaces (including limited wet scraping and low-pressure washing)</li> <li>• replacing deteriorated section of siding or trim with same or similar materials</li> <li>• removal of graffiti</li> <li>• servicing or repairing fire escape</li> </ul>  |
| Roof              | <ul style="list-style-type: none"> <li>• fixing leaks</li> <li>• application of waterproof coating to a flat roof</li> <li>• replacement of deteriorated flashing</li> <li>• in-kind replacement of loose or missing shingles or tiles</li> <li>• placement of additional ballast to avoid leaks</li> </ul>  |
| Windows and Doors | <ul style="list-style-type: none"> <li>• washing windows</li> <li>• caulking, weather stripping, re-glazing windows and doors</li> </ul>   |

| Feature or System           | Activities   |
|-----------------------------|--|
|                             | <ul style="list-style-type: none"> <li>• fixing broken windowpane(s), storm window(s) or damaged entry door</li> <li>• installing window treatments and guards</li> <li>• replacing broken lock</li> <li>• replacing a vandalized entry door</li> <li>• replacing a single severely damaged window to match</li> <li>• annual switch out of storm and screen panels</li> <li>• replacing damaged closet and utility room doors</li> <li>• repairing damaged interior doors to units, closets, and utility rooms</li> </ul> |
| Interior Walls and Ceilings | <ul style="list-style-type: none"> <li>• patching or fixing holes or cracks in walls and ceilings</li> <li>• replacing stained ceiling tiles</li> <li>• painting or wallpapering</li> </ul>  |
| Flooring                    | <ul style="list-style-type: none"> <li>• cleaning floors</li> <li>• stripping wooden floors and resealing</li> <li>• installation or replacement of vinyl or carpet flooring*</li> </ul>   |
| Circulation                 | <ul style="list-style-type: none"> <li>• in-kind replacement of broken stair-treads, railings or balusters</li> <li>• inspection and servicing of elevators</li> </ul>   |
| Kitchen                     | <ul style="list-style-type: none"> <li>• replacement of stoves, refrigerators, ovens and microwaves*</li> <li>• replacing cabinet hardware*</li> <li>• installing aerators</li> <li>• replacing damaged kitchen hardware (e.g., faucets)</li> <li>• replacing damaged kitchen cabinet component (e.g., door to a single cabinet)</li> <li>• patching or replacing damaged component of cabinet</li> <li>• patching or repairing damaged countertops</li> </ul>   |
| Bathroom/Laundry            | <ul style="list-style-type: none"> <li>• unclogging sink or toilet</li> <li>• replacing deteriorated toilet*</li> <li>• replacing damaged bathroom hardware on shower units, tubs and sinks (e.g., hot/cold knobs, showerheads, and faucets)</li> <li>• replacing broken medicine cabinet, shelves, or hardware*</li> <li>• replacing washing machines and dryers*</li> <li>• installation of grab bars</li> </ul>   |
| HVAC                        | <ul style="list-style-type: none"> <li>• servicing and maintenance of mechanical systems</li> <li>• changing air filters</li> <li>• cleaning air ducts</li> <li>• installing or replacing a window air conditioner (and accompanying covers)</li> <li>• installing or replacing humidifiers or dehumidifiers</li> <li>• replacing a malfunctioning part of a HVAC system like a thermostat*</li> </ul>   |
| Electrical/Lighting         | <ul style="list-style-type: none"> <li>• changing light bulbs</li> </ul>   |

| Feature or System | Activities   |
|-------------------|--|
|                   | <ul style="list-style-type: none"> <li>• replacement of breakers in electrical panels</li> <li>• replacement of florescent tube ballast</li> <li>• replacing malfunctioning light fixture, electrical switch or outlet*</li> </ul>   |
| Plumbing          | <ul style="list-style-type: none"> <li>• fixing plumbing leaks*</li> <li>• repairing damage from frozen pipes*</li> <li>• repairing water or sewer connection within existing utility trench alignment</li> <li>• replacing malfunctioning water heater*</li> </ul>  |
| Security          | <ul style="list-style-type: none"> <li>• repair of security alarm systems, security cameras, and recording devices</li> <li>• boarding up a vacant building with protective plywood</li> <li>• installation of temporary security fencing</li> <li>• installation of security devices needed for an individual tenant</li> </ul> |
| Life Safety       | <ul style="list-style-type: none"> <li>• servicing, installation, and inspection of smoke, fire and CO detectors, fire extinguishers, fire hoses, and AED devices</li> <li>• repair of building fire system components, including fire system panels, alarm bells, horns, and emergency exit lights</li> </ul>                   |
| Pest Infestation  | <ul style="list-style-type: none"> <li>• pest inspection/treatment</li> </ul>  |

\* 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).

#### Housing Choice Voucher Activities

HUD is making a determination under Part 50 that the HCV program is not subject to further environmental review, with exceptions noted below:

1. For PHA owned or leased property used for HCV administration, the PHA obtains environmental clearance for any rehabilitation or renovation activity occurring at the site. For rehabilitation or renovation activities, the PHA proceeds with an environmental review as described in this notice.
  
2. For homeownership units, the PHA obtains environmental clearance *prior* to providing funding. The PHA is responsible for complying with the authorities in 24 CFR 58.6 (see 24 CFR 982.626(c)). If the homeownership units are not yet under construction, environmental review requirements under Part 58 or Part 50 must be completed prior to commencement of construction (see Sec. 982.628(e)).

This Part 50 determination for Housing Choice Vouchers does not apply to the Project-Based Voucher component.