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**An Analysis of Ways to Maximize the Efficiency of the NEPA
Environmental Process at the Texas Department of Housing and
Community Affairs**

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by

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Dedication

To the employees of the Texas Department of Housing and Community Affairs, who
work tirelessly to help provide quality housing for people in need.

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I would like to thank Dr. Elizabeth Mueller, Dr. Robert Paterson, and the CRP faculty for their continued support.

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Abstract

An Analysis of Ways to Maximize the Efficiency of the NEPA Environmental Process at the Texas Department of Housing and Community Affairs

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The University of Texas at Austin, 2010

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In light of the substantial sums of money that the Texas Department of Housing and Community Affairs (TDHCA) was awarded through the American Recovery and Reinvestment Act of 2009, ways to maximize the efficiency of the agency's various processes are highly sought after. The TDHCA environmental review process, which is required by the National Environmental Policy Act (NEPA), is one of the longest processes that people applying for federal funding through TDHCA must face. It is, therefore, a process that would substantially benefit the agency by being made more efficient. In this report, areas where applicants find the TDHCA environmental process to be difficult are illustrated by a systematic tabulation of the deficiency reviews sent to a sample of applicants from 2009. Additionally, survey data collected from people who submit environmental applications, and also people who review environmental applications, provides quantitative data about specific areas of the process where

applicants meet with difficulty; and also qualitative data about where survey-takers feel the process could be made easier and more efficient. The data seems to indicate that applicants have significant difficulty knowing how to start the environmental process, the documents necessary, and how to fill out the necessary documents. In terms of suggestions, the results indicate that a more elaborate, user-friendly environmental webpage, complete with examples of required documents, and examples of how to fill them out, would make the environmental process exponentially easier for applicants. With the process being easier for applicants, TDHCA Environmental Specialists will hopefully not need to send out as many deficiency reviews to applicants, and will instead be able to review applications faster and issue environmental clearance quicker; thus making the process more efficient.

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Chapter 1: Introduction

The Texas Department of Housing and Community Affairs (TDHCA) administers millions of dollars in federal and State funding, to housing projects of all types, throughout the State of Texas each year. Every project that uses any federal money, however, is required to comply with federal environmental review requirements required by the National Environmental Policy Act (NEPA). The environmental compliance process is more often than not the **most** time consuming part of an applicant's journey to receive federal funds. In 2008, CNN criticized TDHCA on national television for not disbursing federal funds in a rapid manner following hurricane Ike; citing the environmental review process as the main obstacle.

For the general applicant, the environmental process can seem complicated because environmental review records involve a significant amount of preparation on the applicant's behalf. Virtually every environmental review record submitted to TDHCA is sent back to the applicant because of deficiencies. This significantly slows down the application process. The main goal of this report is to explore ways in which to maximize the efficiency of TDHCA's NEPA environmental review process, by making it easier for applicants to understand what they need to submit and, therefore, making it easier for Environmental Specialists at TDHCA to review. This is especially critical in light of the unprecedented amount of federal funding that has become available through the Housing and Economic Recovery Act of 2009.

Chapter 2 of this report outlines the history of the NEPA environmental process, and how it is implemented by The US Department of Housing and Urban Development and, subsequently, TDHCA. Chapter 3 goes on to identify areas in the TDHCA environmental process where applicants are met with difficulty. This is accomplished by tracking a sample of projects from the beginning of their contracts with the State, all the way through their environmental clearance, making special note of the deficiency reviews sent to them in regards to their applications. Chapter 4 solicits general survey data about the NEPA environmental process at TDHCA, from people who apply for environmental clearance, and also people who review applications for environmental clearance. This information is then used in conjunction with the data from Chapter 3 to craft suggested solution for the various areas of difficulty in the TDHCA NEPA environmental process. These suggestions are illustrated in Chapter 5 of this report.

Chapter 2: NEPA History and Overview

In 1962, a well-known author on natural history, Rachel Carson, published a book entitled Silent Spring, which is credited with catalyzing the environmental movement. The book's argument was that unmonitored and unexamined pesticide use was killing not only birds and wildlife, but humans as well. The notion of a "Silent Spring" season in which birds could not be heard chirping because they were all dead, seemed to disturb the American people. It also raised the issue of long term consequence of environmental degradation and issues of bioaccumulation and long latency periods. As such, environmentally conscious legislation like the Clean Air Act of 1963 and the Wilderness Act of 1964 was passed. It wasn't, however, until the 1969 Santa Barbara oil spill, in which an estimated 80,000 to 100,000 barrels of crude oil spilled into the channel and onto the beaches of Santa Barbara County, killing upward of 10,000 birds, that the scene was set for a National Environmental Policy Act. First proposed by Washington Senator Henry Jackson in 1969, the National Environmental Policy Act was signed into law by President Richard Nixon on January 1, 1970. The Environmental Protection Agency would then be created on December 2, 1970 and The Clean Water Act of 1971 would follow shortly thereafter.

According to The National Environmental Policy Act (NEPA), the stated purpose of the legislation is to:

Declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will

prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

The Act is, therefore divided into two sections; Title I and Title II. Title I of the Act is the Congressional Declaration of National Environmental Policy and Title II establishes the Council on Environmental Quality.

The National Environmental Policy Act's Title I provides a vision statement articulating for the first time in federal law a strong environmental and ecological ethic. The Act requires "...the federal government to use all practicable means to create and maintain conditions under which man and nature can exist in productive harmony." The second part of Title I is more specific, requiring all federal agencies to prepare detailed statements assessing the environmental impact of, and alternatives to major federal actions significantly affecting the environment. These statements are commonly referred to as Environmental Impact Statements (EISs). In addition, it also requires federal agencies to lend appropriate support to initiatives and programs designed to anticipate and prevent a decline in the quality of humankind's world environment. The second part of NEPA Title I is arguably one of the most crucial parts of the Act, especially in terms of housing.

Title II of NEPA establishes The Council on Environmental Quality (CEQ) which is composed of three presidentially appointed members who must be confirmed by the senate. The council has 12 main duties outlined in the Act which include things like

gathering information on the conditions and trends in environmental quality; evaluating federal programs in light of the goals established in Title I of the Act; developing and promoting national policies to improve environmental quality; and conducting studies, surveys, research, and analyses relating to ecosystems and environmental quality (EPA, 2010, para. 2). The CEQ also assists the President in the preparation of the Environmental Quality Report that must be presented to Congress each year. In 1970 the Environmental Protection Agency was created to help the Council on Environmental Quality in its endeavors.

PROCEDURAL IMPLEMENTATION OF NEPA

While NEPA was passed in 1970, the specific details about its implementation, especially the review requirements in Title I section 102, were not really outlined until 1978, when the Council on Environmental Quality, with the help of the newly formed Environmental Protection Agency (EPA), promulgated regulations [40 CFR 1500-15081] which are binding on all federal agencies. The regulations address the procedural provisions of NEPA and the administration of the NEPA process, including preparation of Environmental Impact Statements. To date, the only change in the NEPA regulations occurred on May 27, 1986, when the CEQ amended Section 1502.22 of its regulations to clarify how agencies are to carry out their environmental evaluations in situations where information is incomplete or unavailable (EPA, 2010, para. 5).

The NEPA regulations set forth in [40 CFR 1500-15081] provide for varying levels of environmental review depending on the potential significance of predicted

environmental impacts. There are three main categories of environmental analysis: Categorically Excluded, Environmental Assessment, and Environmental Impact Statement. According to the regulations, Categorical Exclusion is refers to:

A category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a federal agency in implementation of these regulations and for which, therefore, neither an environmental assessment or an environmental impact statement is required.”

The same regulation defines an Environmental Assessment as:

Concise public documents for which a federal agency is responsible and serves to briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

Finally, an Environmental Impact Statement is defined as “A detailed analysis of the potential environmental impacts of the proposed action and its alternatives that evaluates mitigation measures to avoid adverse impacts.”

PROCEDURAL IMPLEMENTATION OF NEPA BY HUD AND/OR TDHCA

Since NEPA regulations “require federal agencies to identify and develop methods and procedures, in consultation with the Council on Environmental Quality, that

will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making;” HUD has outlined its particular way of applying regulations [40 CFR 1500-15081] into HUD’s own regulations. [HUD regulation [Title 24 CFR part 50] gives detailed information about when it defers the responsibility to comply with NEPA to a State, local, or Native American government. Also, this HUD regulation outlines its specific criteria for Categorically Excluded projects, Environmental Assessment Projects, and Environmental Impact Statement projects as they apply to housing.

WHO IS RESPONSIBLE FOR COMPLYING WITH NEPA AND WHO MONITORS COMPLIANCE?

Since HUD passes federal money for certain programs through State, local, and Native American governments, it becomes the State, local or Native American government’s responsibility to comply with NEPA instead of HUD’s. They are required to prepare a Categorically Excluded Review, Environmental Assessment, or Environmental Impact Statement and then submit it to HUD. HUD is then responsible for reviewing the submittals to make sure they are in full compliance with NEPA before those entities are given funds or reimbursed for funds. In Texas’s case, where some funds for certain programs may be routed through the Texas Department of Housing and Community Affairs to a local government, TDHCA is responsible for reviewing the submittals to make sure they are in full compliance before applicants are reimbursed for funds.

The chart shown found in Appendix A contains HUD programs that are authorized to use environmental regulation [HUD Title 24 CFR part 58] - Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. This essentially means that if a State, local, or Native American government applies for money from any of the following programs, then they are responsible for complying with NEPA, and submitting an environmental review record of a said property to HUD or TDHCA (depending on who the funding is filtered through) for review. In recent years, even more programs have been added to the list.

LEVELS OF REVIEW

The applications that TDHCA receives generally fall into one of three categories: Exempt, Categorical Exclusion, or Environmental Assessment. TDHCA, roughly speaking, receives an equal amount of Exempt and Categorical Exclusion projects. Environmental Assessments are far less common. Exceptions, however, exist in some years because of different funding programs made available by congress. With the creation of the Tax Credit Assistance Program in 2009, for example, TDHCA saw an unprecedented amount of multifamily projects, which inadvertently triggered more Environmental Assessments than the agency, had ever seen in a single year. A more detailed description of each level of review can be seen below.

Exempt Activities

A list of exempt activities can be found on the Certificate of Exemption for HUD Funded Projects, which can be found in Appendix B. The Certification of Exemption basically asks applicants which of the twelve exempt activities listed on the sheet, their

project falls under. These activities are mostly administrative in nature and include such things as the purchase of tools, technical assistance, and studies. Applicants may select more than one activity on this checklist. Virtually all applicants submit an exemption form so that they may draw funds for administrative activities. This is especially true because administrative funds are generally used to pay the salaries of the people who put together the environmental review records to submit to HUD or TDHCA. A list of factors that applicants must comply with when applying for funds to conduct exempt activities can be seen on the Compliance Documentation Checklist, which can be found in Appendix C.

Applicants applying for funding for exempt activities must comply with the Flood Disaster Protection Act, Coastal Barrier Resource Act, and the Airport Runway Clear Zones and Clear Zone Disclosures. Essentially, their projects cannot be located in a 100 year Floodplain, Coastal Barrier Unit, or within 2500 feet of an Airport Runway Clear Zone, or a higher level of review may be triggered and mitigation may be required.

For proof, applicants must cite the FEMA flood map panel number to satisfy the Flood Disaster Protection Act, provide location maps of their project in relation to the Texas Coast to satisfy the Coastal Barrier Act, and also provide maps of their project in relation to the nearest airports to satisfy the Airport Clear Zone compliance factor. The level of scrutiny that review authorities place on these compliance factors when dealing with exempt activities, however, is minimal. TDHCA, for example, does not really require applicants to submit the Compliance Documentation Checklist for exempt activities even though it is stated as a requirement in the TDHCA Environmental Manual.

This is because exempt activities rarely involve construction of any kind, and the requirements are often overlooked because of the inconsequential nature of exempt activities.

Categorically Excluded Activities (Not Subject to 58.5)

A list of Categorically Excluded activities (Not Subject to 58.5) can be seen on the Certification of Categorical Exclusion (Not Subject to 58.5) form shown in Appendix D. Certification of Categorical Exclusion (Not Subject to 58.5) basically asks applicants which of seven Categorically Excluded activities (Not Subject to 58.5) listed on the sheet in Appendix D, the project falls under. These activities also do not really involve construction, but instead involve financial undertakings, like down payment assistance and rental assistance. Applicants may select more than one activity on this checklist as well.

The compliance factors that Categorically Excluded projects (Not Subject to 58.5) require are the same as the factors required for exempt activities. TDHCA, however, does require that applicants applying for Categorically Excluded activities (Not Subject to 58.5) submit a Compliance Documentation Checklist (shown in Appendix C). The level of scrutiny that review authorities place on these compliance factors when dealing with Categorically Excluded (Not Subject to 58.5) is also more stringent than the scrutiny placed on exempt activities. There are, however, some exceptions to some of the compliance factors. Providing down payment assistance to a home within the 100 year

floodplain, for example, is allowed, under the condition that the applicants purchase flood insurance.

Categorically Excluded Activities (Subject to 58.5)

A list of Categorically Excluded activities (Subject to 58.5) can be seen on the Certification of Categorical Exclusion (Subject to 58.5) shown in Appendix E. The Certification of Categorical Exclusion (Subject to 58.5) basically asks applicants which of seven Categorically Excluded activities (Subject to 58.5) listed on the sheet in Appendix E, the project falls under. Applicants may, again, choose more than one. These activities generally involve physical construction and are, therefore, required to comply with the regulations that HUD sets forth in [HUD Title 24 CFR part 58.5] for implementation with NEPA. A list of factors that applicants must comply with when applying for funds to conduct Categorically Excluded (Subject to 58.5) activities can be seen in Appendix F on what is referred to as the Statutory Checklist.

The Statutory Checklist requires that projects comply with various acts like the Coastal Zone Management Act, Safe Drinking Water Act and many more. This is in addition to some extraneous statutes and orders that HUD has set forth itself, like the Environmental Justice order and Historic Preservation statute. In addition to the Certification of Categorical Exclusion (Subject to 58.5) and Statutory Checklist, applicants applying for activities that are Categorically Excluded (Subject to 58.5) must also provide a Certification of Exemption (if they are drawing administrative funds), and a Compliance Documentation Checklist; despite the fact that all of the factors on the

Compliance Documentation Checklist are already covered on the Statutory Checklist. TDHCA requires that succinct conclusions be written in the blank boxes on the right side of this sheet under the “compliance factors” section. Support documentation for the conclusions must also be included in the environmental review record.

Tiered Categorically Excluded Activities (Subject to 58.5)

Some projects that are Categorically Excluded may choose to conduct a tiered review. This means that they can conduct an environmental review on a broad scale (city or county wide), by submitting a tiering plan, publishing or posting a notice about their project, and then proceeding to submit smaller, site-specific reviews for individual addresses. If an applicant, for example, wanted to purchase and rehabilitate a number of foreclosed homes throughout Travis County and was still in the process of finding the homes, he or she could conduct a broad environmental review of Travis County. The applicant would first submit a tiering plan that outlines what factors they plan to clear broadly and what factors they plan to cover on a site-specific level. In this broad environmental review, the applicant would try to clear all of the factors he or she could without knowing the specific addresses of the homes yet. Compliance factors like the Coastal Zone Management Act and the Wild and Scenic Rivers Act could be easily cleared in this case, because Travis County is located several miles away from the Texas Coast; and the only wild and Scenic River in Texas is located near El Paso.

The applicant would then either publish a Notice of Intent to Request Release of Funds (RROF) in a Travis county-wide news paper or post the notice in at least 3 county-

wide municipal buildings. If the notice is published, the applicant would need to wait through a 7 day comment period before submitting a Request for Release of Funds to TDHCA. If the notice is posted, the applicant would need to wait through a 10 day local comment period. If the applicant is a non-profit or for-profit entity, then TDHCA is technically responsible for environmental review, and would then forward the RROF package to HUD for approval. An RROF Package consists of a Request for Release of Funds, a copy of the publication or posting, an affidavit confirming when the notice was published or posted, and proof that interested parties were notified about the notice.

While HUD is vague about what constitutes an “interested party,” they generally like to see that the local EPA, city council, and local activist groups are notified. The applicant would then need to wait through a 15 day federal comment period, before HUD issues them an Authority to use Grant Funds. If the applicant is a city or county, then they are technically responsible for environmental review and would submit the RROF package to TDHCA, who would act as HUD. The applicant would still need to wait through a 15 day federal comment period before TDHCA issues them their Authority to use Grant Funds. Only after the receipt of an Authority to use Grant Funds can an applicant begin submitting site-specifics for environmental clearance. Despite the fact that the public notification process is cumbersome and requires a lot of preparation, TDHCA has only received one comment on a project in the last six years.

An example of a Tiering Plan can be found in Appendix G, a Notice of Intent to Request Release of Funds in Appendix H, a Request for Release of Funds in Appendix I, and also an example of a site-specific environmental document in Appendix J. Site-

specific checklists vary with each project depending on which factors the applicant was able to clear in their broad review. In the case shown in Appendix J, the applicant was able to clear everything broadly except for the Historic Preservation and Floodplain Management compliance factors. Applicants are expected to use the example in Appendix J for reference, but create their own site-specific checklist when submitting site-specifics to TDHCA.

Environmental Assessment

If a project cannot be classified as Exempt, Categorical Excluded (Not Subject to 58.5) or Categorical Excluded (Subject to 58.5), then the responsible entity must prepare an Environmental Assessment. Environmental Assessments are generally done in cases involving new construction, changes in uses, or multi-family projects. In addition to providing a Compliance Documentation Checklist and a Statutory Checklist, applicants must submit an Environmental Assessment (EA) checklist. The EA checklist is the second longest checklist in the entire NEPA process and consists mostly of compliance factors like, the project's proximity to schools, parks, police stations, and hospitals; many of which can all be shown on a simple Google map. Also, many compliance factors on the EA checklist overlap compliance factors on the Statutory Checklist. Compliance factors about flooding, water quality, and noise are just a few examples. An example of an EA checklist can be seen in Appendix K.

Like the other checklists, TDHCA requires that succinct conclusions be written in the blank boxes on the right side of this sheet under the "compliance factors" section.

Support documentation for the conclusions must also be included in the environmental review record. Environmental Assessments also require the applicant to write a summary of findings, summary of conclusions, alternatives to the project, studies performed, and mitigation measures needed. All Environmental Assessments also require a public notification by either publishing or posting a Combined Notice Finding of No Significant Impact/Notice of Intent to Request Release of Funds.

Like Categorically Excluded (Subject to 58.5) projects, Environmental Assessments can also be tiered. If, for example, an applicant wished to purchase vacant lots and construct new houses on them throughout a city or county, and did not yet know the specific sites, then they would conduct a tiered Environmental Assessment. The applicant would again be required to submit a tiering plan, notify the public, and then submit Request for Release of Funds package the same as if the project were Categorically Excluded (Subject to 58.5). If the applicant publishes a Combined Notice Finding of No Significant Impact/ Notice of Intent to Request Release of Funds, then the local comment period is 15 days, whereas if they were to post the Combined Notice, the local comment period would be 18 days. The federal comment period would still be 15 days. A sample of a Combined Notice Finding of No Significant Impact/Notice of Intent to Request Release of Funds can be seen in Appendix L.

Environmental Impact Statement

An Environmental Impact Statement (EIS) is the final level of review and is only required if the scope of a project is too big for an Environmental Assessment. TDHCA,

however, in the history of its existence has never been required to review an Environmental Impact Statement. EISs generally take over two years to fully complete and cost millions of dollars to administer. They are generally done for extremely large scale projects like, airports, military bases, or projects that exceed 2500 housing units. Unlike the other levels of review, the final product of an EIS is more like a report than a checklist. More specific criteria about the activities that require an Environmental Impact Statement, along with some of the required documents for an EIS, can be found in Appendix M. Emphasis on the EIS, however, is minimal for the purposes of this report, because TDHCA has never had to review one, nor is the possibility of having to review one foreseeable in the near future. They are generally sent directly to HUD.

CHAPTER CONCLUSION

Having provided a rough sketch of the elaborate and extensive nature of the TDHCA environmental process, it is clear that there are hundreds of places where a typical applicant may have difficulty understanding what is expected. The more difficulty an applicant has complying with the requirements, the longer it takes for them to become environmentally cleared. This chapter, however, only outlines general procedures for typical projects. Many of the housing ventures that applicants seek environmental clearance for, however, do not fit into just one clear category. There is often overlap and significant grey areas within the process, which makes the process even more difficult. Naturally, there ought to be ways to streamline the process to make it more clear, concise, understandable, and thus more efficient.

Specific areas of the process where applicants find difficult, however, ought to be explored first, before effective solutions can truly be crafted. Chapter 2 tracks twelve applicants, with different funding sources, and different project scopes, to determine common areas where applicants are finding the process to be difficult. The aspects of these processes that are typically the most difficult for applicants to comply with, why they are difficult for applicants to comply with, and what changes can be made to the process to remedy the difficult areas, are the focus questions of the remainder of this report.

Chapter 3: A Case Study of 12 Applicants' Journey through TDHCA's Environmental Process

This section tracks twelve applicants, of varying skill levels, from the beginning of their contracts with the State all the way through their environmental clearance. The applications were selected from the records at TDHCA at random for the year 2009. Four samples were used from the Tax Credit Assistance Program, which received approximately 35 applications in 2009, four from the Neighborhood Stabilization Program, which received approximately 40 applications in 2009, and four from the HOME Program, which receives hundreds of applications each year¹. Using data from the sampled applications, patterns in the types of deficiencies that TDHCA Environmental Specialists issued for incorrect or insufficient environmental packages, were analyzed. Patterns in the types of deficiencies were analyzed first for each funding type, and then holistically for all of the environmental applications sampled. Several patterns illustrating where applicants find the environmental process to be cumbersome were revealed.

TAX CREDIT ASSISTANCE PROGRAM

Many of the applicants for the Tax Credit Assistance Program were first-time applicants for environmental clearance because low income housing tax credits have

¹ Due to the fact that the Tax Credit Assistance Program and the Neighborhood Stabilization Programs are funded by the Housing and Economic Recovery Act of 2008, all of the information gathered from those funding sources is currently or will be accessible to the public through the Recovery Act Management and Performance System, which is available online at Recovery.gov. Tracking the HOME contracts required use of TDHCA environmental Archives.

historically been exempt from NEPA regulations. During the economic recession of 2008, however, tax credits had decreased so much in value that developers were unable to sell them at a profit, which is most often how low income housing developers fund projects. As such, the federal government, as a part of the Housing and Economic Recovery Act of 2009, passed money through HUD to respective States to aid developers who were holding on to tax credits that they were unable to sell. Due to the mechanics in this process, applicants for the Tax Credit Assistance Program were required to comply with HUD's NEPA environmental regulations for the first time. The vast majority of TCAP applications were for new, multi-family construction projects, which require an Environmental Assessment level of review. A description of four Tax Credit Assistance Program projects' journeys through the TDHCA environmental clearance process can be seen below.

Candlewick Apartments

The applicant in this example was applying for tax credit assistance to help rehabilitate a multi-family apartment complex known as The Candlewick Apartments in Brownsville, Texas. The preparer of the environmental application for this project had attended at least one TDHCA environmental training, and was not amateur to the TDHCA environmental process. Several deficiencies, however, persisted in this applicant's environmental application. Initially, the application lacked an adequate project description. This made it difficult for both the applicant and the TDHCA Environmental Specialist to determine the project's correct level of review. After much

back and forth between the applicant and TDHCA Environmental Specialists, the project was eventually classified as an Environmental Assessment. In addition to the project description, however, the applicant was issued deficiencies for not fully complying with the requirements for the Historic Preservation, Wild and Scenic Rivers, Noise Abatement and Control, and Explosive and Flammable Operations compliance factors. In actuality, the project was in compliance with everything necessary to receive environmental clearance, but because the applicant did not seem to know what they were required to submit for the various compliance factors, the project ultimately did not receive environmental clearance until all of the deficiencies were cleared up at the end of January 2010. The project could have received clearance much earlier if the application was put together properly.

See Appendix N for the Candlewick Apartment's deficiency review, and additional information about Candlewick Apartment's environmental application.

Sphinx at Fiji Senior Retirement Home

The applicant in this example was applying for tax credit assistance to help construct a new, multi-family apartment complex for seniors, known as The Sphinx at Fiji Senior Retirement Homes in Dallas, Texas. This project was classified as an Environmental Assessment. The preparer of the environmental application for this project had attended two TDHCA environmental trainings, but had never applied for environmental clearance from TDHCA before. This application, like the last one in the sample, also lacked an adequate project description. In addition to the project

description, the applicant was issued deficiencies for not complying with the requirements for the Hazards and Nuisances, Health Care, and Public Safety compliance factors. Again, the project was actually in compliance with everything necessary to receive environmental clearance, but because the applicant did not seem to know what was required as support documentation, the project was issued deficiencies, and ultimately did not receive environmental clearance until much later than it could have.

See Appendix O for Sphinx at Fiji Senior Retirement Home's deficiency review and additional information about Sphinx at Fiji Senior Retirement Home's environmental application.

Timber Edge Apartments

The applicant in this example was applying for tax credit assistance to help rehabilitate a multi-family apartment complex known as The Timber Edge Apartments in Beaumont, Texas. This project was classified as an Environmental Assessment, because the rehabilitation proposed was substantial. The developer of this project had very minimal experience in applying for environmental clearance from TDHCA, but contracted with an engineering/environmental firm to prepare the project's environmental application. Despite contracting with an environmental firm, this application was still issued a deficiency for having an inadequate project description. In addition to the project description, this application was issued deficiencies for not complying with the requirements for the Historic Preservation, and Noise Abatement and Control compliance factors. Like the other applications sampled, the project was actually in compliance with

everything necessary to receive environmental clearance, but because the preparer of the environmental application was unclear about what was required for the various compliance factors, the project was issued deficiencies, and ultimately did not receive environmental clearance until much later than it could have.

See Appendix P for Timber Edge's deficiency review, and additional information about the Timber Edge Apartment's environmental application.

Jason Avenue Residential

This applicant was applying for tax credit assistance to help construct a new multi-family apartment complex known as Jason Avenue Residential Apartments in Amarillo, Texas. This project was classified as an Environmental Assessment. The developer of this project also had very minimal experience in applying for environmental clearance from TDHCA, but decided to try to prepare the environmental documents for his application by himself. Deficiencies were again issued for the application having an inadequate project description, not complying properly with the Historic Preservation compliance factor, and for lacking conclusion statements on the Environmental Assessment Checklist. This application was eventually cleared in late December; virtually five months after the contract for this project began with the State. Needless to say, due to the deficiencies present in the application, the environmental clearance process took significantly longer than it could have if everything was submitted properly.

See Appendix Q for additional information about the Jason Avenue Residential Apartment's environmental application.

Conclusions

The Tax Credit Program is often-times utilized by seasoned developers, who have significant experience developing multi-family housing complexes. This is because smaller developers are generally weeded out by the competitive application process for tax credits. As such, big developers generally have notably more resources available to them to aid in the general application process. They generally know people at TDHCA or HUD who can answer questions for them. They also generally know consultants who they can hire to conduct the various studies necessary to complete the process. Despite the money, experience, and resources the TCAP applicants generally have, all of the applicants sampled still seemed to find parts of the environmental process to be extremely difficult. None of the applicants sampled, for example, were able to submit an adequate project description, which is the absolute first step in getting environmental clearance. Three out of four of them struggled with the Historic Preservation factor, and half of them did not correctly satisfy the Noise Abatement and Control compliance factor.

NEIGHBORHOOD STABILIZATION PROGRAM

According to the US Department of Housing and Urban Development, the Neighborhood Stabilization Program (NSP) was established for the purpose of stabilizing communities that have suffered from foreclosures and abandonment. The main method in which the goal of the program is being realized is through the purchase and redevelopment of foreclosed and abandoned homes and residential properties. This program is also being funded through the Housing and Economic Recovery Act of 2009.

The first phase of the program, NSP 1, involved a HUD allocated \$3.92 billion on a formula basis to 309 grantees including 55 States and territories and 254 selected local governments. TDHCA was awarded a little over 100 million dollars for this program. Applicants for this program consist of cities, counties, and non-profit groups. A description of four Neighborhood Stabilization Program Projects' journeys through the TDHCA environmental process can be seen below.

Inclusive Communities Project

This applicant was applying for Neighborhood Stabilization Program funds to purchase and rehabilitate single family homes in Frisco, Texas in order to rent or sell the rehabilitated homes to low income households. The project was classified as Tiered Categorically Excluded (Subject to 58.5). The person submitting the environmental application for this project had attended at least one TDHCA sponsored environmental training, but had never submitted an environmental application to TDHCA before. Several deficiencies were issued for this project. Initially, like all applications in the TCAP sample, this application lacked an adequate project description. The project was also issued a deficiency because the tiering plan was missing from the environmental application. Several forms in the application were also filled out incorrectly. Finally, the Historic Preservation compliance factor was not adequately complied with. The environmental application for this project was received in September 2009, but couldn't receive environmental clearance until late December because of the deficiencies present in the application.

See Appendix R for Inclusive Communities Project's deficiency review and additional information about its environmental application.

City of El Paso

The City of El Paso submitted an environmental application for NSP funding to either purchase and rehabilitate or demolish properties within the City of El Paso. This project was classified as Tiered Categorically Excluded (Subject to 58.8). While the City of El Paso has submitted several environmental applications to both TDHCA and HUD for other funding programs in the past, their environmental application was still issued deficiencies. A deficiency review was sent to the City of El Paso because their environmental application lacked an adequate project description, and also did not contain the appropriate documents for their level of review. While their environmental application was received in early October 2009, they were not given environmental clearance until mid January 2010, because of the deficiencies present in their application.

See Appendix S for additional information about the City of El Paso's environmental application.

San Antonio Alternative Housing Corporation

San Antonio Alternative Housing Corporation submitted an environmental application for NSP funding to purchase and rehabilitate single family homes in Bexar County to rent or sell to low income households. This project was also classified as Tiered Categorically Excluded (Subject to 58.8). The person who prepared the environmental documents for this application had minimal experience, having never attended an environmental training or submitted an environmental application before. Deficiencies in this application included an inadequate project description, incorrectly filled forms, and insufficient proof of compliance with the Airport Clear Zones compliance factor. Like the other sampled applications in this study, the project turned out to be in compliance with all environmental compliance factors; however, because the compliance factors were not addressed adequately in the environmental documents submitted, the applicant was sent deficiency reviews, which inadvertently delayed their environmental clearance until they were adequately addressed.

See Appendix T for San Antonio Alternative Housing Corporation's deficiency review and additional information about its environmental application.

Harris County

Harris County submitted an environmental application for NSP funding to provide homebuyers assistance and also permanent financing to low income households. This project was classified as Tiered Categorically Excluded (Subject to 58.8). While Harris County has submitted several environmental applications to HUD for other funding programs in the past, their environmental application still contained deficiencies. A deficiency review was sent to the Harris County because their project description contained ambiguity which made it difficult to classify the project's level of review. While their application was given environmental clearance quicker than the other application sampled, the fact that they were issued deficiencies despite being experienced in submitting environmental applications, illustrates how difficult, and complicated the process can be.

See Appendix U for Harris County's deficiency review and additional information about Harris County's environmental application.

Conclusions

The Neighborhood Stabilization Program in Texas currently disperses funding to cities, counties, and non-profit groups. Cities and counties are generally familiar with the environmental process because they often apply to TDHCA or HUD for Home Investment Partnership Program funds as well as other program funds. Harris County and The City of El Paso, the two municipalities sampled, generally apply for funding directly from HUD instead of going through TDHCA. NSP rules, however, dictated that

they must apply for funding through TDHCA this time. Despite their experience with environmental compliance, the results above show that they are only slightly more able to comply with the TDHCA environmental process than the non-profits.

Again, all of the sampled applicants, whether they were cities, counties, or non-profits, struggled with providing an adequate project description. Additionally, three of the four applicants sampled had notable discrepancies about the tiering and publication process. Finally, three out of the four samples were sent deficiencies because they filled out forms incorrectly. While the non-profits difficulty complying with the environmental process can be attributed to inexperience, Harris County and the City of El Paso's difficulty can be attributed to discrepancies between HUD's environmental guidelines and TDHCA's environmental guidelines, even though they are markedly similar. Perhaps if the process were streamlined and made more intuitive, compliance as a whole would be easier for applicants of any kind, and thus more efficient.

THE HOME INVESTMENT PARTNERSHIP PROGRAM

According to the US Department of Housing and Urban Development, the HOME Investment Partnership Program provides formula grants to States and localities that communities use-often in partnership with local nonprofit groups-to fund a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or homeownership or provide direct rental assistance to low-income people. HOME is the largest Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households. Each year, it allocates approximately \$2

billion among the States and hundreds of localities nationwide (HUD, 2010, para. 3). In Texas, cities, counties, non-profits, and for-profit groups all apply for HOME funding. A description of four HOME Program projects' journeys through the environmental clearance process can be seen below.

Crestmoor Park South Apartments

This applicant applied for HOME funds to rehabilitate a multifamily complex and add a laundry facility to it. The project is located in Burleson, TX. Due to the fact that the project involved new construction, it was classified as an Environmental Assessment. The person submitting the environmental application for this project was moderately experienced and had attended at least one environmental training, hosted by TDHCA. Several deficiencies, however, were issued for this project's application. Initially, this application lacked an adequate project description. Furthermore, the project was issued deficiencies for the Historic Preservation, Clean Air, Environmental Justice, Explosive and Flammable Operations, and Toxic Chemicals and Radioactive Materials compliance factors. The environmental application for this project was received in late September 2009, but couldn't receive environmental clearance until mid February because of the deficiencies present in the application.

See Appendix V for Crestmoor Park's deficiency review, and additional information about Crestmoor Park's environmental application.

City of Floydada

The City of Floydada submitted an environmental application for HOME Program funds to rehabilitate or reconstruct approximately 5 homes in the City of Floydada. This project was classified as an Environmental Assessment. While the City of Floydada has submitted environmental applications to TDHCA in the past, their environmental application was still issued deficiencies. Like virtually every project in the sample, a deficiency review was sent to the City of Floydada because their environmental application lacked an adequate project description. The application was also lacking a tiering plan. Furthermore, the Transportation compliance factor and the Alternatives section on the EA checklist were not adequately addressed. Naturally, these deficiencies delayed the City of Floydada's environmental clearance.

See Appendix W for City of Floydada's deficiency review and additional information about the City of Floydada's environmental application.

Webb County

Webb County submitted an environmental application for HOME Program funds to purchase and rehabilitate or reconstruct single family homes in Webb County. This project was eventually classified as Categorically Excluded (Subject to 58.8), and was able to become exempt from publication after the applicant became aware that it could do so. While Webb County has submitted environmental applications to TDHCA for HOME funding in the past, their environmental application still contained deficiencies. A deficiency review was sent to the Webb County because their project description contained ambiguity which made it difficult to classify the project's level of review. Additionally, their application contained several forms that were not filled out correctly. Finally, their application lacked the correct components to be cleared for the Historic Preservation compliance factor. As with other projects in the sample, they were eventually cleared environmentally, but could have been cleared much sooner if their application lacked deficiencies.

See Appendix X for Webb County's deficiency review, and additional information about Webb County's environmental application.

Crowley Fountainhead Apartments

The applicant in this example was applying for HOME Program Funds to rehabilitate a multi-family apartment complex, known as The Crowley Fountainhead Apartments in Crowley, Texas. This project was classified as Categorically Excluded (Subject to 58.5) and was able to be exempt from publication. The preparer of the environmental application for this project had attended a TDHCA environmental training, but had minimal experience submitting environmental applications. This application, like most in the sample, lacked an adequate project description. In addition to the project description, the applicant was issued deficiencies for incorrectly filling out forms, and not providing the necessary information to comply with the Water Quality compliance factor. While the project was actually in compliance with everything necessary to receive environmental clearance, because the applicant did not seem to know what was required as support documentation, the project was issued deficiencies, and ultimately did not receive environmental clearance until much later than it could have.

See Appendix Y for Crowley Fountainhead's deficiency review, and additional information about Crowley Fountainhead Apartments environmental application.

Conclusions

The Home Investment Partnership Program has been in existence longer than any of the other aforementioned programs. Many applicants apply for Home funds year after year. However, there still appears to be much difficulty for applicants to when trying to put together environmental documents for submittal. This seems to be true whether the applicant represents a municipality, non-profit, or for-profit entity. Of the four applicants sampled, all of them again had difficulty with the levels of description necessary on the project description. In this sample an applicant that represented a city and an applicant that represented a for-profit developer both had difficulty supplying the necessary information on the various forms and checklists. Additionally, the two municipalities that were conducting tiered reviews did not fully understand the tiering process, and were lacking necessary tiering plans. All of the sampled applicants also had trouble with at least one of the compliance factors on the checklists, especially the Historic Preservation compliance factor. Difficulty complying with the necessary requirements of the environmental process seems to be an issue for all program funding sources. Perhaps a more intuitive, simple, and streamlined process ought to be crafted to remedy this confusion.

COMPREHENSIVE ANALYSIS OF APPLICANTS' JOURNEY THROUGH ENVIRONMENTAL PROCESS

Several holistic patterns emerged by tracking environmental reviews and analyzing the deficiencies sent to the sampled applicants.

Initially, every applicant in the sample, regardless of environmental experience or program funding, struggled in putting together a project description. The deficiencies sent out to the applicants indicated that the project descriptions lacked significant details that in some cases were necessary to determine the level of review of the project. Knowing the level of review of a project is crucial for TDHCA Environmental Specialist to determine how to approach the project's clearance. In the Candlewick Apartments project, for example, this proved to be an increasingly large obstacle because neither the Environmental Specialist nor the applicant were able to classify whether or not the project was Categorically Excluded or required a full Environmental Assessment. This confusion could have been avoided if adequate details were put into the project description. The project would have also obtained environmental clearance markedly sooner. Most of the project descriptions of the 12 applicants sampled lacked necessary details regarding acreage, building type, number of floors, types of windows etc. This indicates that applicants are most likely using the *program* project descriptions that they used to apply for program funding instead of writing an *environmental* project description which requires more details about the project and its surrounding area. Perhaps if TDHCA provided more detailed instructions on the specifications of an adequate environmental project description more applicants would comply with this factor.

Aside from the project description, which is the first step in the process, many applicants had difficulty determining the correct level of review of their projects, and also which documents are required for the various levels of review. Even if the applicants were able to figure out the correct level of review and the documents necessary, filling out the checklists correctly proved to be another daunting task for many applicants in the sample.

In terms of the compliance factors on the checklists, several sub-recipients found the Historic Preservation factor to be difficult. Half of the applications sampled were sent deficiencies because they did not fully comply with the Historic Preservation compliance factor. This indicates that instructions for this compliance factor are not made clear to applicants. Applicants do not seem to be aware that they must receive clearance from the State Historic Preservation Office in the form of a stamped letter in order to be cleared for this factor. This letter, which can take up to two weeks to receive after documents are submitted to SHPO, can delay the environmental clearance process tremendously. Other factors that applicants seem to have difficulty with include Noise Abatement and Control, Explosive and Flammable Operations, and Water Quality.

The data above also indicates that applicants do not fully understand the tiering processes. Virtually all of the tiered environmental reviews shown in the twelve-applicant sample were sent deficiencies about tiering. Some of them did not understand the concept of a tiered review altogether, and most of them did not include a tiering plan. Not understanding the tiering process often affects the applicants' understanding of the public notification process and site-specific processes respectively.

In terms of notifying the public, numerous applicants in the sample were confused about the local and federal comment periods. Furthermore, most applicants in the sample either did not know to submit an RROF package after the local comment period elapsed, or did not know what to include in it. Obtaining an affidavit and notifying “interested parties,” also proved to be difficult for many applicants. If everything regarding the public notification process is done correctly, then broad clearance should be given in approximately 30 -35 days from the publication date. Virtually all of the applicants in the sample that notified the public, exceeded 35 days from the day they published to their broad clearance.

CHAPTER CONCLUSION

Having analyzed the deficiencies sent to a random sample of environmental applicants from various housing programs, difficult areas of the environmental clearance process have become clearer. However, a more direct way to find out where applicants find the process to be difficult can be seen in the next chapter, where actual applicants were surveyed and asked questions about where they find the process to be cumbersome. Applicants were also asked for suggestions on how to make the process simpler and more efficient. Another survey was also administered to TDHCA, HUD, and TDRA Environmental Specialists, asking them where they think the environmental process can be made easier for applicants and thus more efficient in general.

Chapter 4: TDHCA Environmental Process Survey

In order to assess ways to maximize the efficiency of the TDHCA environmental process, surveys were distributed to both preparers and reviewers of environmental review records. Survey data provides an inside perspective from the actual applicants about where they find the process to be cumbersome. This adds to the analysis presented in the previous chapter, where the deficiency reviews that Environmental Specialists sent to applicants were tabulated to display where the applicants generally met with difficulty. Survey A was distributed to people who are responsible for putting together environmental documents to submit to a review authority and Survey B was distributed to people who are responsible for reviewing submitted environmental documents.

Both surveys were first distributed at an environmental training session in March 2010, at the Region 6 headquarters of the US Department of Housing and Urban Development in Ft. Worth Texas. HUD Region 6 includes Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. This training session was hosted by HUD to train people who submit environmental documents to HUD or other review authorities like TDHCA, on how to properly put together an environmental application. Attendees of this training included representatives from State housing agencies, cities, counties, non-profits, and environmental consultants throughout region 6. There were roughly 25 people in attendance. Their skill levels varied from people who have never put together an Environmental Review Record to people who have been doing this for decades. At this

training I was able to distribute Survey A to the attendees and Survey B to the hosts of the training. Lester Berman, HUD region 6's lead Environmental Specialist and Jack Pipkin, another HUD Environmental Specialist, were the hosts of the training. I received 13 completed surveys from the A group, and 2 from the B group.

Both surveys were also distributed at a training session in April, at the Texas Department of Rural Affairs. This training was hosted by the Texas Department of Housing and Community Affairs and was also intended to train people, who prepare and submit environmental documents, on how to properly put together an environmental review record. Attendees of this training included representatives from state agencies, cities, counties, non-profits, and environmental consultants throughout Texas. There were also roughly 25 attendees at this training. The skill levels of these attendees also varied from people who had never put together an Environmental Review Record to people who have been doing this for decades. At this training I was again able to distribute Survey A the attendees of the training and Survey B to the hosts of the training. I received 16 completed surveys from the A group, and 8 from the B group.

SURVEY A

Survey A's questions were aimed at getting information from people who put together environmental reviews to submit to a review authority like HUD or TDHCA. Questions asked for the name of the organization the attendee was at the training on behalf of, and also whether or not that organization was a Non-Profit, For-Profit, State Government, Local Government, Environmental Consultant Group or Other. The survey

also asked for the experience level of the attendee. I figured that dividing the results of the surveys into the aforementioned categories would reveal interesting facts about which groups tend to struggle with which aspects of the process.

The more quantifiable questions gave attendees choices about what parts of the environmental process they found to be the most difficult. Another question asked survey-takers to rank suggested improvements to the TDHCA environmental process with from one to four, with one being the greatest suggestion and four being the least great suggestion. The final questions were fill-in-the-blank questions that sought more qualitative data and suggestions on how to improve the TDHCA environmental process. An example of Survey A can be seen below.

Illustration 4.1: Survey A

This survey is aimed at gathering data that will help the Texas Department of Housing and Community Affairs determine ways to make the NEPA environmental process more efficient.

SURVEY A: If your responsibilities include putting together environmental reviews to submit to a review authority, like HUD or a State Department of Housing, please fill out this survey with as much detail as possible.

1. Please State the name of the organization you are representing at this training.

2. What type of organization is this? (Please circle one)
 - a. Non-Profit
 - b. For-Profit
 - c. State Government
 - d. Local Government
 - e. Environmental Consultant
 - f. Other(Please Specify) _____

3. How would you rate your experience level at preparing environmental reviews to submit to a review authority like HUD or a State Agency? (Please Circle one)
 - a. Very Experienced (Prepared over 20 + Environmental Reviews or Have been preparing environmental reviews for over 5 years)
 - b. Experienced (Prepared over 10-20 Environmental Reviews or Have been preparing environmental reviews for 2-5 years)
 - c. Moderately Experienced (Prepared 5-10 Environmental Reviews or Have been preparing reviews for over a year)
 - d. Fairly new to the process (Less than 5 Environmental Reviews or Have been preparing reviews for less than a year)
 - e. Other (Please Explain Experience level) _____

4. When you first started putting together environmental reviews, what did you find to be most difficult?
 - a. Knowing where to start
 - b. Knowing the appropriate level of review for a project
 - c. Knowing what is required for each level of review
 - d. Filling out checklists
 - e. Determining appropriate support documents
 - f. The publication process
 - g. Other (please explain in detail) _____

Illustration 4.1: Survey A, Page 2

5. Please rank the following suggested improvements to the TDHCA Environmental Review process with (1) being the greatest and (4) being the least great suggestion.
- a. Provide a more user friendly online instruction manual for preparing Environmental Reviews (_____)
 - b. Provide a video of an environmental training on the website for reference (_____)
 - c. Provide a tracking system online so that you may track the progress of your environmental submittal online (_____)
 - d. Provide examples of Environmental Reviews Online (_____)
6. What recommendation/suggestions would you give to make submitting environmental reviews a more easy and pleasant experience? Please explain in as much detail as possible
7. Are there any other general suggestions you would give to TDHCA to maximize the overall efficiency of the environmental review process?
8. Do you think the NEPA Environmental Review is effective at its intended goal of understanding the environmental impacts of a project? Please explain in as much detail as possible.
9. Do you have any suggestions to make the NEPA Environmental Review process more effective at achieving its intended goal? Please explain in as much detail as possible.

SURVEY B

Survey B questions were aimed at getting information from people who review environmental review records that are submitted. These people consist of Environmental Specialists from HUD, TDHCA, and TDRA. Ten survey B forms were returned. In general, these questions were more qualitative because Environmental Specialists were seemingly more likely to spend time filling out a survey about ways to make their profession more efficient. Questions asked whether the survey-takers worked for HUD or a state agency, and also asked for their experience level in months, years, and approximate number of environmental review records reviewed. There was also a section for the survey-takers to mark “other,” with a place for them to explain. Results show that all of the survey-takers had reviewed a substantial number of ERRs and had substantial experience.

Other questions asked Survey B-takers, their opinion on what they found to be the most confusing or difficult for sub-recipients about the environmental process. The survey then asked for recommendation/ suggestions to make preparing environmental review records easier for applicants and the overall process more efficient for TDHCA. The final questions in the survey were general, asking about whether or Survey B-takers thought the NEPA environmental review was effective at its intended goal, and whether or not they had any suggestions to make the NEPA Environmental Review process more effective. Survey B can be seen below.

Illustration 4.2: Survey B

This survey is aimed at gathering data that will help the Texas Department of Housing and Community Affairs determine ways to make the NEPA environmental process more efficient.

SURVEY B: If you work for HUD or a State Agency, and are responsible for reviewing Environmental Reviews Records, please fill out this survey with as much detail as possible.

1. Please indicate if you work for HUD _____ or a State Agency _____. If you work for a State Agency please indicate which one.

2. How long have you been reviewing Environmental Review Records?
 - a. Number of Months _____
 - b. Number of Years _____
 - c. Approximate Number of Environmental Review Records Reviewed (If Possible)? _____
 - d. Not Applicable (Please Explain)

3. In your work reviewing Environmental Reviews Records, what have you found to be most confusing or difficult for sub-recipients about the process?
(For Example: Filling out checklists, knowing what is acceptable as support documentation, knowing the publication process, etc.)

4. What recommendation/suggestions would you give to TDHCA to make preparing Environmental Review Records a more easy and pleasant experience for sub-recipients?
(For Example: More web resources, better web resources, hosting more training, hosting better trainings, etc.)

Illustration 4.2: Survey B, Page 2

5. Are there any other general suggestions you would give to TDHCA to maximize the overall efficiency of the environmental review process?

6. Do you think the NEPA Environmental Review is effective at its intended goal of understanding the environmental impacts of a project? Please explain in as much detail as possible.

7. Do you have any suggestions to make the NEPA Environmental Review process more effective at achieving its intended goal? Please explain in as much detail as possible.

SURVEY A RESULTS

Question 4: What did applicants find to be the most difficult part of putting together Environmental Review Records when they first began preparing them?

One of the main quantifiable questions on the survey was question number four, which gave survey-takers choices about what aspects of the process they found to be the most difficult, when they first started putting together environmental review records. Twenty-two of the twenty-nine surveys I received back answered the question correctly. The seven that did not answer the question correctly, selected more than one choice when they were only supposed to choose one answer, or didn't select anything at all. They were, therefore, not counted in the final tabulation as they might have skewed the results.

Of the twenty-two correctly filled surveys, the table below shows the number of people that chose each answer.

Table 4.1: Number of Surveys That Chose Each Answer as the Most Difficult Part of Putting Together Environmental Review Records, When They First Began Preparing Them

| | |
|--|---|
| a. Knowing where to start | 7 |
| b. Knowing the appropriate level of review for a project | 1 |
| c. Knowing what is required for each level of review | 4 |
| d. Filling out checklists | 1 |
| e. Determining appropriate support documents | 7 |
| f. The publication process | 1 |
| g. Other (please explain in detail)_____ | 1 |

Overall Results for Question 4

“Knowing where to start,” and “Determining appropriate support documents,” were tied for the most difficult aspects of putting together environmental review records with seven people selecting A and seven people selecting E. “Knowing what is required for each level of review” was the second most chosen aspect of the process that applicants found difficult; with four people choosing answer C. The other four answers all tied with one person choosing each of the remaining answer choices B, D, E, and F.

Local Government Survey Results for Question 4

Thirteen of the twenty-two useable surveys were filled out by employees that represented units of local government. Dallas County Department of Planning and Development, City of Brownsville, Texas and City of Mission, Texas are just a few examples of the local government entities in the sample.

Of the thirteen survey-takers that represented units of local government, the table below shows the number of people that chose each answer.

Table 4.2: Number of Surveys (Filled out by Representatives of Local Governments) That Chose Each Answer as the Most Difficult Part of Putting Together Environmental Review Records, When They First Began Preparing Them.

| | |
|--|---|
| a. Knowing where to start | 2 |
| b. Knowing the appropriate level of review for a project | 1 |
| c. Knowing what is required for each level of review | 3 |
| d. Filling out checklists | 0 |
| e. Determining appropriate support documents | 5 |
| f. The publication process | 1 |
| g. Other (please explain in detail)_____ | 1 |

The majority of them seemed to find “Determining appropriate support documents” to be the most difficult part of the process when they first started. “Knowing what is required for each level of review,” proved to be the second most chosen answer with “Knowing where to start” following shortly behind. Answers B, F, and G, were each chosen once, and none of the units of local government selected D as an answer.

The City of Kileen marked two answer choices: A and E as the most difficult parts of putting together environmental reviews, and was therefore not counted in the twenty-two useable surveys. The City of Houston marked answer choice G, and indicated in the blank provided that nothing was difficult about the process at all when they first started putting together ERRs. The City of Houston was, therefore, not counted in the twenty two useable surveys either.

Consultant Group Results

Seven of the twenty-two useable surveys were filled out by people who classified themselves as Environmental Consultants. Medina Consulting Company, Southwest Consultants, and Phase Engineering Environmental Consultants, are just a few examples of the environmental consultants surveyed.

Of the seven survey-takers that represented consultant groups, the table below shows the number of people that chose each answer.

Table 4.3: Number of Surveys (Filled out by Consultants) That Chose Each Answer as the Most Difficult Part of Putting Together Environmental Review Records, When They First Began Preparing Them

| | |
|--|---|
| a. Knowing where to start | 3 |
| b. Knowing the appropriate level of review for a project | 0 |
| c. Knowing what is required for each level of review | 1 |
| d. Filling out checklists | 1 |
| e. Determining appropriate support documents | 2 |
| f. The publication process | 0 |
| g. Other (please explain in detail) _____ | 0 |

The majority of them seemed to find “Knowing where to start” to be the most difficult part of the process when they first started. “Determining appropriate support documents” was the second most chosen answer. Answers C, and D, were each chosen once, and none of the consultants selected B, F, or G as an answer.

A survey-taker from Tellus Consulting LLC was not counted in the twenty-two survey sample because he selected both “Knowing the appropriate level of review for a project,” and “Knowing what is required for each level of review” as the most difficult part of the process, and he was only supposed to select one answer. Two consultants from CDM Consulting also selected more than one answer for question four. One consultant selected answers B, D, and E, and the other consultant selected answers E and F.

Non-Profit Group Results

The representatives from Builders of Hope CDC and Neighborhoods in Progress Abilene were the only non-profit groups to fill out the survey properly. Both survey-takers indicated that “Knowing where to start” was the most difficult part of putting

together environmental review records. The other non-profit group that was not counted in the twenty-two survey sample was Habitat for Humanity, Abilene Inc. They selected answers A-G as the most difficult parts of putting together environmental review records and wrote that “this has been a most confusing process” in the blank provided for answer choice G.

Cumulative Analysis of Question 4:

The overall survey results for question four seem to summarize where applicants found the environmental process to be difficult when they first started putting together ERRs. Even when the results were tabulated individually for local government units, consultants and non-profits, the results all seemed to match the overall tabulation. “Knowing where to start,” “determining the appropriate support documents,” and “knowing what is required for each level of review,” seemed to overwhelmingly be the most confusing subjects. Question five on the survey, asked survey takers to rank suggested improvements to the TDHCA environmental review process from greatest to least.

Question 5: Ranking Suggested Improvements to the TDHCA Environmental Review Process

Another quantifiable question on the survey asked survey-takers to rank suggested improvements to the TDHCA environmental review process from 1 to 4, with 1 being the greatest suggestion and 4 being the least great suggestion. Suggestions included providing a more user-friendly online instruction manual for preparing environmental reviews, providing a video of an environmental training on the TDHCA website,

providing a tracking system online so that applicants may track the progress of their environmental submittal, and providing examples of environmental review records online. Much like question four, only twenty-two of the twenty-nine surveys I received back answered the question correctly. The seven that did not answer the question correctly, generally marked number 1 for more than one of the suggestions. Some applicants marked number one for all of the suggestions, implying that all of the suggestions presented were the greatest suggested improvements. Those surveys were, therefore, not counted in the final tabulation as they might have skewed the results. The tables below show the amount of survey-takers that chose each suggestion as numbers 1, 2, 3, and 4 respectively.

Table 4.4: Number of Surveys That Chose Each Answer as the Greatest Suggested Improvement to the TDHCA Environmental Review Process:

| |
|---|
| <ul style="list-style-type: none">a. Provide a more user friendly online instruction manual for preparing Environmental Reviews (___5___)b. Provide a video of an environmental training on the website for reference (___2___)c. Provide a tracking system online so that you may track the progress of your environmental submittal online (___2___)d. Provide examples of Environmental Reviews Online (___13___) |
|---|

Table 4.5: Number of Surveys That Chose Each Answer as the SECOND Suggested Improvement to the TDHCA Environmental Review Process:

- | |
|---|
| <ul style="list-style-type: none">a. Provide a more user friendly online instruction manual for preparing Environmental Reviews (___10___)b. Provide a video of an environmental training on the website for reference (___3___)c. Provide a tracking system online so that you may track the progress of your environmental submittal online (___3___)d. Provide examples of Environmental Reviews Online (___6___) |
|---|

Table 4.6: Number of Surveys That Chose the Following Answers as the THIRD Greatest Suggested Improvement to the TDHCA Environmental Review Process:

- | |
|--|
| <ul style="list-style-type: none">a. Provide a more user friendly online instruction manual for preparing Environmental Reviews (___5___)b. Provide a video of an environmental training on the website for reference (___7___)c. Provide a tracking system online so that you may track the progress of your environmental submittal online (___7___)d. Provide examples of Environmental Reviews Online (___3___) |
|--|

Table 4.7: Number of Surveys That Chose the Following Answers as the FOURTH Greatest Suggested Improvements to the TDHCA Environmental Review Process:

- | |
|--|
| <ul style="list-style-type: none">a. Provide a more user friendly online instruction manual for preparing Environmental Reviews (___2___)b. Provide a video of an environmental training on the website for reference (___10___)c. Provide a tracking system online so that you may track the progress of your environmental submittal online (___10___)d. Provide examples of Environmental Reviews Online (___0___) |
|--|

The overwhelming majority of survey-takers chose answer D, “providing examples of Environmental Reviews Online,” as the greatest suggested improvement to the TDHCA environmental review process. For the second greatest suggested improvement, a majority of applicants chose answer A, “providing a more user-friendly online instruction manual for preparing environmental reviews.” An equal amount of applicants chose answers B, “providing a video of an environmental training on the website,” and C, “providing an online progress tracking system,” as their third and fourth greatest suggested improvement to TDHCA’s environmental review process. Having unearthed where and how applicants feel the TDHCA Environmental Review Process can be improved; chapter 4 will discuss detailed specifics about how to integrate the suggestions in to the environmental process at TDHCA.

Questions 6 and 7: What recommendations/suggestions would you give to make submitting environmental reviews a more easy and pleasant experience and to also maximize the overall efficiency of the environmental review process at TDHCA?

Survey- takers provided several written suggestions for making the process of submitting environmental reviews a more easy and pleasant experience, while maximizing the overall efficiency of the process. Some suggested that there be a more interactive process between specialists and sub-recipients, and that more environmental staff should be available to help sub-recipients. Other suggestions focused on the amount and type of information present on the environmental section of the TDHCA website. The overall consensus was there ought to be simpler explanations about the

overall process with intuitive timelines and instructions. Survey-takers also asked for more detailed information about specific compliance factors, like Noise Abatement and Control, and Floodplain Management. They seemed to want to know what support documents were necessary, and where to obtain them.

Several surveys also indicated that the website ought to involve more sophisticated submission options. One survey mentioned that there ought to be an online program similar to turbo tax or the current housing contract system, for submitting environmental review records to TDHCA, whereby applicants can track their progress and visibly ascertain what documents their package is lacking. Several survey-takers also indicated that there ought to be more trainings and seminars, and that the trainings should also be made simpler and presuppose no previous environmental knowledge. Entities of local governments, furthermore, overwhelmingly suggested that the TDHCA process to mirror the HUD process exactly so as to avoid confusion. Many were confused about why the State and federal agencies have different levels of strictness and laxness in areas of compliance.

Questions 8 and 9: Do you think the NEPA Environmental Review is effective at its intended goal of understanding the environmental impacts of a project , and do you have any suggestions to make it more effective?

The vast majority of survey-takers indicated that the NEPA environmental process serves its overall purpose of understanding the environmental impacts of a project, but could use improvement in a few areas. One survey pointed out, for example, that the NEPA process is not always effective because it is contingent upon data that may

sometimes be faulty. It pointed out that since FEMA maps, for example, are not always updated and accurate, the process sometimes fails to prevent structures from being built in floodplains. This survey-taker went on to say that NEPA would be more effective if it required more in-depth investigations of each project, suggesting the scrutiny of a Phase I Environmental Site Assessment, which must be conducted by a licensed engineer. Another survey-taker indicated that the NEPA process would be more effective if it only applied to new construction projects because assessing the environmental effects of repairing an already built house is a waste of time, because the structure has already done its damage. Other survey-takers, however, argued that NEPA ought to be expanded and required for even non-federally funded projects too. Some survey-takers were adamant about the notion that the process ought to be undertaken as a precursor to determining who gets funding instead of an afterthought when funding has already been allocated. Finally, the surveys overwhelmingly indicated that the process would be more effective if it was made simpler, less redundant, and if it were streamlined across the board for Federal, State, and local agencies.

SURVEY B RESULTS

Question 3: What have you found to be the most confusing or difficult for sub recipients about the Environmental Process?

Takers of Survey B tended to bring up the same aspects that sub-recipients brought up in Survey A regarding confusing or difficult aspects of the environmental process. Many surveys indicated that determining the appropriate level of review and

providing correct support documents were of utmost difficulty for sub-recipients. Additionally, many of the surveys indicated that providing conclusion statements on the checklists seemed to be difficult for sub recipients. Surveys also indicated that the entire tiering and public notification process also posed significant difficulty for sub-recipients. On a more specific level, surveys seemed to indicate that the Floodplain Management and Toxic Chemicals and Hazardous Materials compliance factors tended to be among the most confusing for sub-recipients. Some surveys also alluded to the notion that terminology and jargon used throughout the environmental process often poses significant difficulty for sub-recipients.

Questions 4 and 5: What recommendations/suggestions would you give to make submitting environmental reviews a more easy and pleasant experience and to also maximize the overall efficiency of the environmental review process at TDHCA?

In terms of suggestions for making environmental reviews easier to submit and maximizing the overall efficiency of the process, many surveys also indicated the same suggestions that sub-recipients suggested in Survey A. Among the most popular were re-vamping the TDHCA environmental webpage to provide more information, in a more user friendly manner. Some surveys suggested a definitions section to help sub-recipients understand environmental jargon. Most of the survey's also indicated that there ought to be more environmental staff at TDHCA to help out sub-recipients. Detailed explanations of how to fill out the various forms was yet another suggestion posed by some surveys, in addition to downloadable training modules for each level of review. Finally, many surveys indicated that a central database, that helps to keep track

of environmental review records in a manner similar to the housing contract system*, could prove to be incredibly helpful to Environmental Specialists at TDHCA.

Questions 6 and 7: Do you think the NEPA Environmental Review is effective at its intended goal of understanding the environmental impacts of a project, and do you have any suggestions to make it more effective?

Again, the majority of survey-takers indicated that the NEPA environmental review process is effective at understanding the environmental impacts of a project. They did, however, provide suggestions to make it more effective. Many surveys indicated that the process is overwhelming to both sub-recipients and Environmental Specialists, and many surveys suggested making certain regulations more specific so as to eliminate some of the grey area often found in the regulations. One survey, for example, mentions how regulations sometime make it difficult to determine the correct levels of review or the differences between things like “rehabilitation” and “reconstruction.” In addition to making certain regulations more specific, many surveys suggested standardizing documentation across the board for State, federal, and local agencies. Finally the surveys seem to indicate that enforcement is absolutely crucial for NEPA to truly work, so compliance monitors ought to receive ample training to make sure that projects are indeed what they claim to be on paper, when they are visited in the field.

CHAPTER CONCLUSION

Having analyzed environmental deficiency reviews, surveyed people who submit environmental review records, and also surveyed people who review environmental review records, much data about where the environmental process could be improved has been collected. All of the data collection methods seem to indicate many of the same areas of difficulty. Initially, knowing where and how to start putting together an Environmental Review Record proves to be a continual obstacle for sub-recipients. Determining the level of review, documents needed, and filling out the checklists correctly, are also significant obstacles. Moreover, ascertaining the correct support documents to prove conclusions on the checklists seems to be another issue with that sub-recipients find difficult. The public notification process seems to be the final hurdle to the environmental process for many sub-recipients. Using the remedial suggestions garnered from surveys from sub-recipients and Environmental Specialists, the next chapter will provide a host of suggested improvements to the TDHCA environmental process in hopes of simplifying the process and making it more efficient at TDHCA.

Chapter 5: Maximizing the Efficiency of the TDHCA Environmental Process

Based on data from analyzing deficiency reviews and various surveys, several problem areas in the TDHCA environmental process have been identified. In addition to identifying trouble areas in the process, survey data has garnered several suggested solutions to these problem areas. The overwhelming majority of survey-takers indicated that providing examples of environmental applications online would be the most beneficial improvement to the TDHCA environmental review process. The second greatest suggested improvement, according to the survey-takers, was providing a more user-friendly online instruction manual for preparing environmental reviews. This chapter provides a glimpse into ways that TDHCA could go about integrating various suggestions into its environmental process. The end result will hopefully make the process easier for sub-recipients and thus maximize the efficiency of the TDHCA environmental process.

RESTRUCTURING THE TDHCA ENVIRONMENTAL WEBPAGE

For over a decade now, the internet has essentially been the main resource for sub-recipients to use for help with the TDHCA environmental process. Restructuring the environmental webpage is the key to solving most of the problem areas found in the deficiency reviews and expressed in the surveys. Difficulties like knowing where to start the environmental process, how to classify the levels of review, and what documents to submit, are just a few examples of where the TDHCA website can become more

informative. The TDHCA website, however, remains extremely outdated. The current website, for example, does not have a clear link to find the environmental webpage, where sub-recipients go to find the environmental review manual, various checklists, and even some sample documents.

Even if applicants manage to find the TDHCA environmental webpage, which is hidden within the HOME program section of the site even though several other programs require environmental review; all of the documents on the page are also extremely outdated. If it weren't for the open lines of communication between TDHCA Environmental Specialist and sub-recipients, in addition to various outreach training sessions, sub-recipients probably would not have a clue how to submit an environmental review.

Illustration 5.1: Current Method of Accessing the Environmental Webpage, Step One

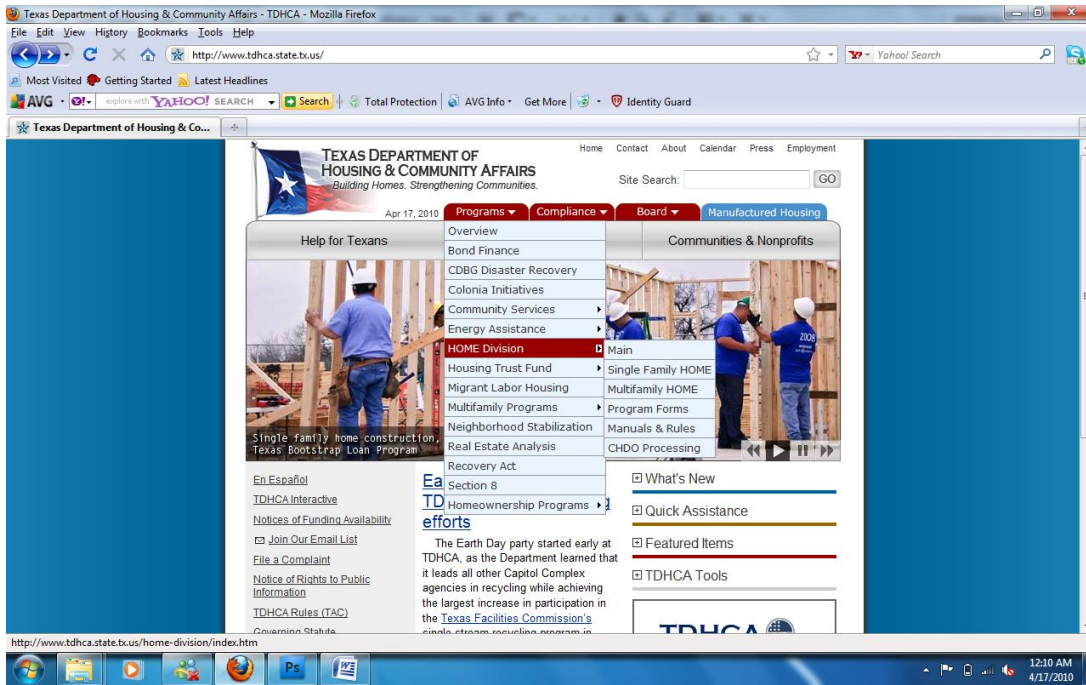


Illustration 5.2: Current Method of Accessing the Environmental Webpage, Step Two

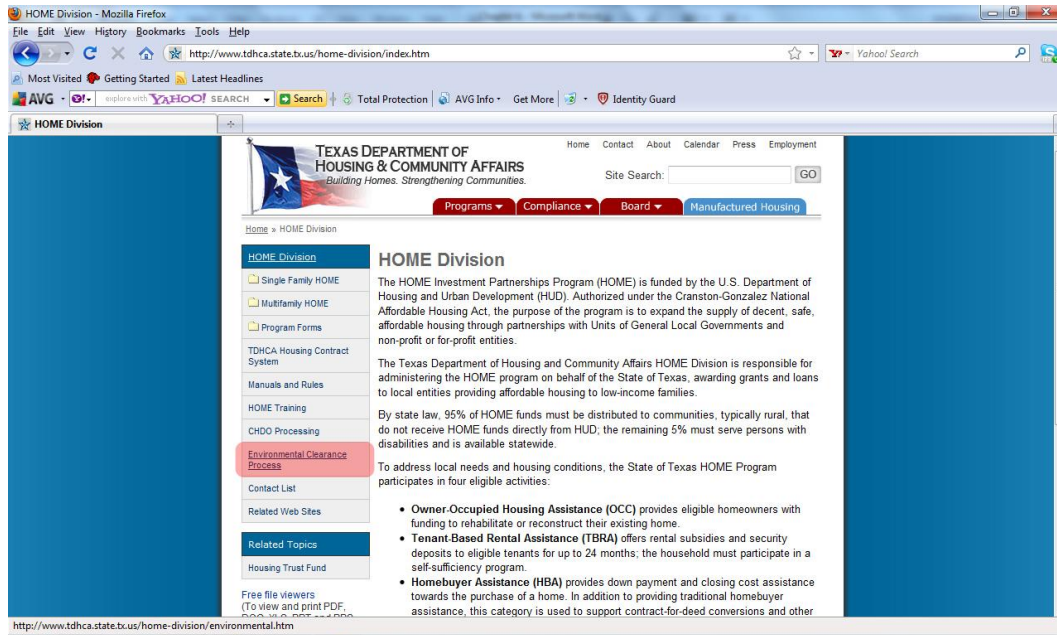
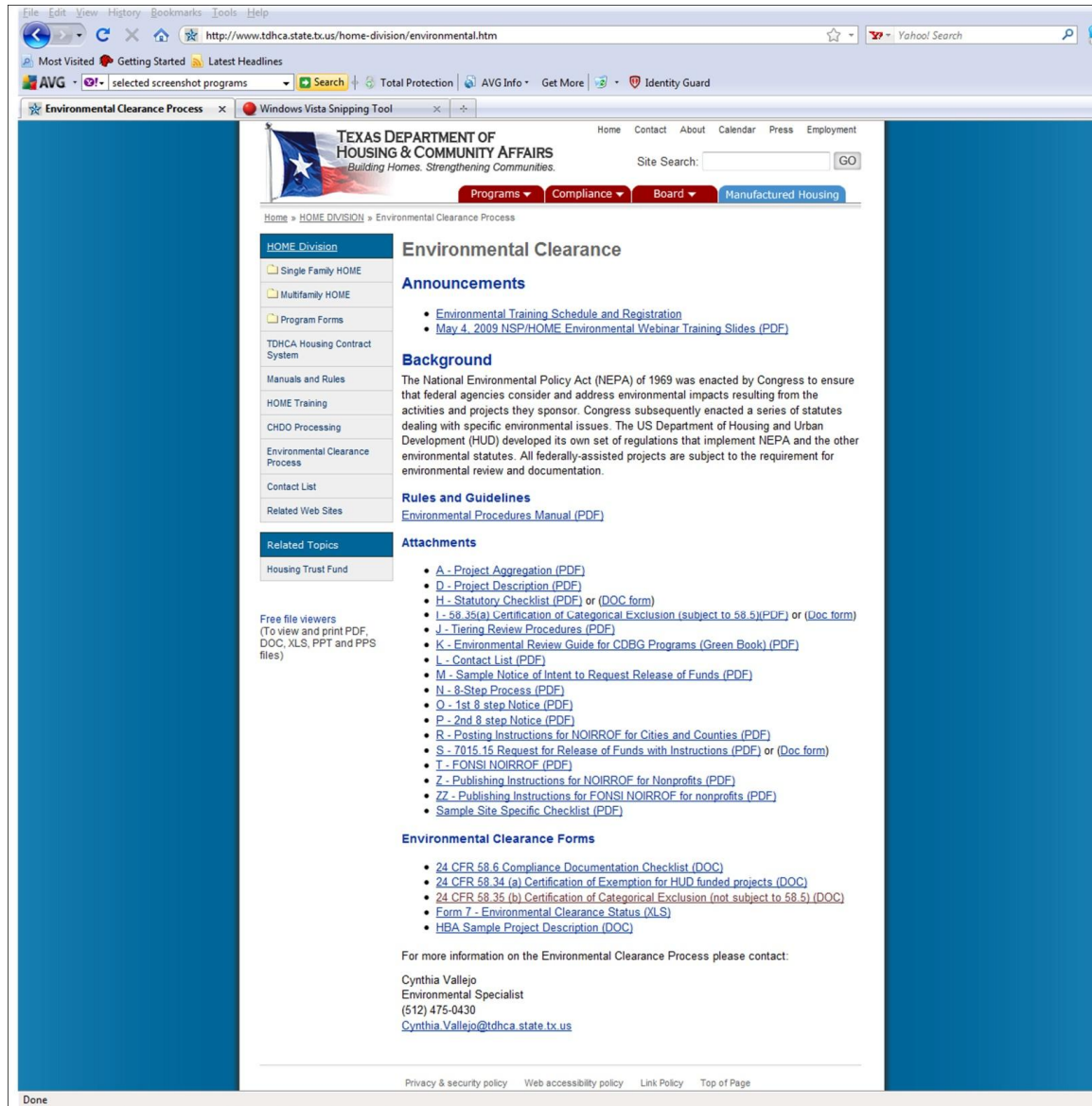


Illustration 5.3: Current View of Environmental Webpage

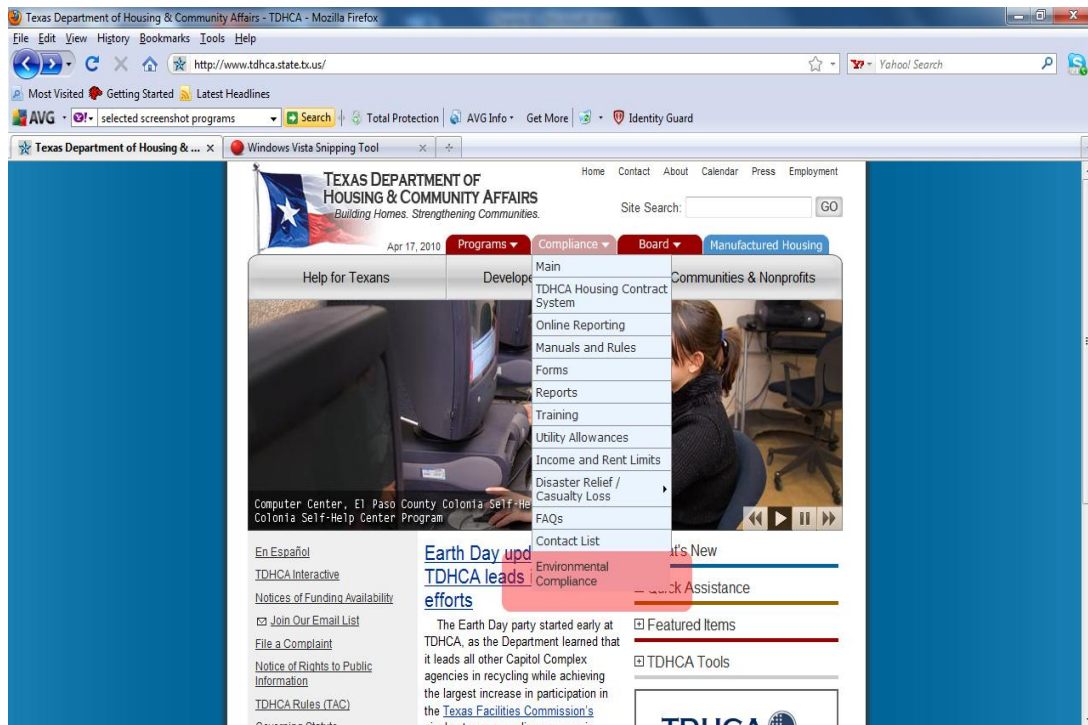


PROPOSED CHANGES TO THE ENVIRONMENTAL WEBPAGE

The first change I propose is for the link to the Environmental Webpage to be located in a more centralized and intuitive place like under the general compliance tab as seen below. A link to it should also be located on the general information pages for the HOME Program, Office of Colonia Initiative Program, Neighborhood Stabilization Program, Tax Credit Assistance Program and any other program that requires an environmental review.

Suggestions on Where to Locate Link to Environmental Webpage

Illustration 5.4: Suggested Location for Link to Environmental Webpage



Next, I suggest completely re-designing the layout of the environmental page.

Environmental Webpage with Re-vamped Layout

Illustration 5.5: Environmental Webpage with Re-Vamped Layout

The screenshot displays the website for the Texas Department of Housing & Community Affairs. The header includes the department's name, logo, and navigation links (Home, Contact, About, Calendar, Press, Employment). A search bar is present with a 'GO' button. Below the header are navigation tabs for 'Programs', 'Compliance', 'Board', and 'Manufactured Housing'. The main content area is titled 'Environmental Clearance' and contains the following sections:

- Program Services:** Davis Bacon/Labor, Loan Closings, Quality Assurance (Disbursements), Environmental.
- Environmental Process by Program:**
 - HOME Program
 - Owner Occupied Program
 - Homebuyer Assistance Program
 - Multifamily RHD Program
 - Office of Colonia Initiatives (OCI)
 - Community Services Block Grant Program (CSBG)
 - Neighborhood Stabilization Program (NSP)
 - Single Family
 - Multifamily
 - Tax Credit Assistance Program (TCAP)
 - CDBG Disaster Recovery
 - Single Family
 - Multifamily

Environmental Clearance

The US Department of Housing and Urban Development (HUD) developed its own set of regulations that implement the National Environmental Policy Act (NEPA) as well as additional environmental regulations appropriate to housing.

All HUD federally-assisted projects are subject to these requirements for environmental review and documentation.

General things to take note of before getting started:

Approximate Environmental Process Timeline for Construction

- Project Description, Determine Level of Environmental (1 day to 1 week)
- Contact all appropriate agencies, gather mapping, other information for environmental review, complete checklists utilizing information gathered (30 to 90 days)
- Publish Required Notification (1 week)
- Local Comment Period (7 to 18 days)
- Federal Comment Period (15 days)

Limitations on Activities Pending Clearance

****You may not sign contracts for construction or close on loans of any kind until the environmental review process is complete and you have received an environmental clearance from TDHCA.**

Once federal funds received from TDHCA mingle with other funds, all funds are subject to federal requirements regardless of source, see below for the excerpt from the HUD regulations.

(a) Neither a recipient nor any participant in the development process, including public or private nonprofit or for-profit entities, or any of their contractors, may commit HUD assistance under a program listed in Sec. 58.1 (b) on an activity or project until HUD or the state has approved the recipient's RROF and the related certification from the responsible entity.

In addition, until the Request for Release Of Funds and the related certification have been approved, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project under a program listed in Sec. 58.1(b) if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.

The layout shown above remains significantly simpler than the current environmental page. Its most useful feature is the bar on the left side that gives users the option to click on their specific funding type, so that they may be directed to another page that gives them specific environmental guidelines for their particular funding source. An example of this can be seen below. Imagine that the link on the left toolbar that says “Neighborhood Stabilization Program,” had been clicked.

Example of Neighborhood Stabilization Environmental Page

This page gives a brief description of the Neighborhood Stabilization Program, provides the key environmental benchmark dates, and provides some extra factors to take note of. Again, the most important part of this webpage is the “Environmental Process by Program” bar on the left side of the page. This bar gives links to the two types of housing areas that the NSP program targets: Single Family Housing, and Multifamily Housing. If you were to click on the link on this page that says “Single Family,” then you would be directed to the following page.

Illustration 5.6: Example of NSP Environmental Page

The screenshot shows the Texas Department of Housing & Community Affairs website. The header includes the department's name, logo, and navigation links: Home, Contact, About, Calendar, Press, Employment. A search bar is located on the right. Below the header are four menu items: Programs, Compliance, Board, and Manufactured Housing. The main content area is titled "Environmental Clearance". On the left side, there are two sections: "Program Services" with links for Davis Bacon/Labor, Loan Closings, Quality Assurance (Disbursements), and Environmental; and "Environmental Process by Program" with a red text instruction to click on links for descriptions and classification, and links for Neighborhood Stabilization Program (NSP) - Single Family and - Multifamily. The main text area contains three sections: "Neighborhood Stabilization Program" with a detailed paragraph about the program's purpose and funding; "Required Environmental Benchmarks" with two bullet points regarding review timelines (3 months and 6 months); and "Important Things to Note" with a warning that no contracts may be entered into prior to environmental clearance and a note to contact the contract administrator for special verbiage.

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Home Contact About Calendar Press Employment

Site Search: GO

Programs Compliance Board Manufactured Housing

Environmental Clearance

Program Services

[Davis Bacon/Labor](#)
[Loan Closings](#)
[Quality Assurance \(Disbursements\)](#)
[Environmental](#)

Environmental Process by Program

Click on the links below and read the descriptions about each activity, to find out how to classify your project, and also what documents are necessary to submit.

[Neighborhood Stabilization Program \(NSP\)](#)
[- Single Family](#)
[- Multifamily](#)

Neighborhood Stabilization Program

According to the US Department of Housing and Urban Development, the Neighborhood Stabilization Program (NSP) was established for the purpose of stabilizing communities that have suffered from foreclosures and abandonment. The main method in which the goal of the program is being realized is through the purchase and redevelopment of foreclosed and abandoned homes and residential properties. This program is being funded through the Housing and Economic Recovery Act of 2008. The first phase of the program, NSP 1, involved a HUD allocated \$3.92 billion on a formula basis to 309 grantees including 55 states and territories and 254 selected local governments. TDHCA was awarded a little over 100 million dollars for this program. Applicants for this program consist of cities, counties, and non-profit groups.

Required Environmental Benchmarks

3 months from beginning of contract: Broad review must be submitted for tieried projects.

6 months from beginning of contract: At least one property must be environmentally cleared.

Important Things to Note:

- No contracts may be entered into prior to environmental clearance!
Certain caveats, however, do exist. Contact your TDHCA NSP Contract administrator to see if your contract has special verbiage in it to be exempt from this requirement.

Example of Single Family Environmental Page

Illustration 5.7: Example of Single Family Environmental Page

The screenshot shows the Texas Department of Housing & Community Affairs website. The header includes the department name, logo, and navigation links: Home, Contact, About, Calendar, Press, Employment. A site search box is present with a 'GO' button. Below the header are four menu buttons: Programs, Compliance, Board, and Manufactured Housing. The main content area is titled 'Environmental Clearance' and is divided into two columns. The left column contains a 'Program Services' section with links for Davis Bacon/Labor, Loan Closings, Quality Assurance (Disbursements), and Environmental. Below this is an 'Environmental Process by Program' section with a 'Quick links to download forms:' subsection. The right column is titled 'Single Family Projects' and contains a 'Step 1' instruction, followed by three categories of projects: 'Categorically Excluded (Not Subject to 58.5)', 'Categorically Excluded (Subject to 58.5)', and 'Environmental Assessment'. A red warning message states: '**If your project involves activities from more than one level of review, then you must categorize the project as the higher level of review.**'. Below this is a 'TIERED Single Family Projects' section with instructions and links for 'TIERED Categorically Excluded (Subject to 58.5)' and 'TIERED Environmental Assessment'.

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Environmental Clearance

Program Services

[Davis Bacon/Labor](#)
[Loan Closings](#)
[Quality Assurance \(Disbursements\)](#)
[Environmental](#)

Environmental Process by Program

Quick links to download forms:

Categorically Excluded Projects

- Certification of Exemption
- Compliance Documentation Checklist
- Certificates of Categorical Exclusion (Not Subject to)
- Certification of Categorical Exclusion (Subject to)

Environmental Assessment

- Certification of Exemption
- Environmental Greenbook

Single Family Projects

Step 1: Determine what category your project falls into, by clicking on the links below. The links below provide detailed information about the activities that each level covers, and also provides information about what documents are required for each level of review.

[Categorically Excluded \(Not Subject to 58.5\)](#)
(Generally includes things that do not involve construction, like down payment assistance, and rental assistance)

[Categorically Excluded \(Subject to 58.5\)](#)
(Generally includes things like acquisition, rehabilitation, and reconstruction)

[Environmental Assessment](#)
(Generally includes new construction of multi-family complexes, and reconstruction of more than 4 units within 2000 ft. of each other)

****If your project involves activities from more than one level of review, then you must categorize the project as the higher level of review.****

TIERED Single Family Projects

If the addresses of the homes that you are trying to help are not known yet, or your project involves several scattered sites within a single city or county then you may perform a TIERED review of that city or county.

[TIERED Categorically Excluded \(Subject to 58.5\)](#)

[TIERED Environmental Assessment](#)

This page is perhaps one of the most useful pages in the re-designed environmental webpage. It gets into specific information about the environmental process that sub-recipients would have otherwise had to dig up in the environmental review manual which is highly outdated and not user-friendly. It explains to users that the first step in the process is to determine what category their project falls into. It gives them some brief descriptions of the levels of review, and allows them to click further to see more information about a level of review. It warns users, that if their project falls into more than one classification, then the higher level of review is given deference.

Next, the webpage illustrates the notion of a Tiered environmental review for a single family project. It gives a brief description of what tiered is, and gives the only two allowable options for tiered, single family projects. The re-designed website, in a sense, guides users to the necessary forms and processes needed to get environmental clearance in an easy and intuitive manner. They are only required to know basic things about their project like whether or not the project involves single family homes or multifamily homes. The side bar on the left side of the page now changes to a place where users can quickly download checklists and forms necessary for single family projects. The final page below gives an example of what a user would see if they were to click the link for Tiered Categorically Excluded (Subject to 58.5).

Example of Tiered Categorically Excluded (Subject to 58.5) Page

Illustration 5.8: Tiered Categorically Excluded (Subject to 58.5) Page.

The screenshot shows the Texas Department of Housing & Community Affairs website. The header includes the department name, logo, and navigation links: Home, Contact, About, Calendar, Press, Employment. A site search bar is present. Below the header are menu buttons for Programs, Compliance, Board, and Manufactured Housing. The main content area is titled "Environmental Clearance" and is divided into two columns. The left column contains a "Program Services" section with links for Davis Bacon/Labor, Loan Closings, Quality Assurance (Disbursements), and Environmental. Below that is an "Environmental Process by Program" section with a list of quick links to download forms for a Tiered Categorically Excluded project, including Project Description, Tiering Plan, Exemption, Compliance Documentation Checklists, Exclusion Certification, and Statutory Checklists. A red warning box states that example documents are for reference only and must be replaced with original conclusions. The right column is titled "TIERED Categorically Excluded (Subject to 58.5)" and contains text explaining that some NSP single-family projects may require a tiered review. It details the process: publishing a notice, waiting for public comment, and then submitting smaller, site-specific reviews. An "Example Scenario of Tiered Categorically Excluded (Subject to 58.5) Project" is provided, describing a project in Travis County. The "Public Notification Process" section explains that a Notice of Intent to Request Release of Funds must be published in a county-wide newspaper and a 7-day comment period must be held. The "Submitting an RROF Package" section states that the package includes a Request for Release of Funds Form, an affidavit, and proof of notification. A 15-day federal comment period follows, after which TDHCA issues an Authority to Use Grant Funds. The "Site-Specific Checklists" section notes that applicants must create their own checklists based on the factors from the Statutory Checklist.

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Programs Compliance Board Manufactured Housing

Environmental Clearance

Program Services

Davis Bacon/Labor
Loan Closings
Quality Assurance (Disbursements)
Environmental

Environmental Process by Program

Quick links to download forms for a Tiered Categorically Excluded (Subject to 58.5)Project)

- Example Project Description
- Example Tiering Plan
- Certification of Exemption
- Blank Compliance Documentation Checklist
- Example Compliance Documentation Checklist
- Certification of Categorical Exclusion
- Blank Statutory Checklist
- Example Statutory Checklist (With support documents)
- Notice of Intent to Request Release of Funds Template
- Request for Release of Funds
- Example Site-Specific Checklist

IF TDHCA NOTICES THAT VERBIAGE FROM ANY OF THE EXAMPLE CHECKLISTS ARE COPIED AND PASTED TO ANY OF THE DOCUMENTS THAT YOU SUBMIT, YOUR ENVIRONMENTAL REVIEW RECORD WILL BE SENT BACK TO YOU FOR REVISION AND PLACED ON THE BOTTOM OF THE LIST OF PROJECTS TO BE REVIEWED.

EXAMPLE DOCUMENTS ARE TO BE USED FOR REFERENCE ONLY. YOU MUST WRITE YOUR OWN CONCLUSION STATEMENTS.

TIERED Categorically Excluded (Subject to 58.5)

Some NSP Single family projects may be required to conduct a tiered review. This means that they can conduct an environmental review on a broad scale (city or county wide). To do this, they would need to submit a project description, tiering plan, the required checklists, and support documentation.

Next, the would need to publish or post a notice about their project, wait through public comment periods and then proceed to submit smaller, site-specific reviews for each individual addresses, as they become known.

Example Scenario of Tiered Categorically Excluded (Subject to 58.5) Project

If an applicant, for example, wanted to purchase and rehabilitate a number of fore-closed homes throughout Travis County and was still in the process of finding the homes, it could conduct a broad environmental review of Travis County. The applicant would first write a detailed Project Description. Next, the applicant would submit a tiering plan that outlines the factors on the statutory checklist they plan to clear broadly and the factors they plan to cover on a site-specific level. In this broad environmental review, the applicant would try to clear all of the factors he or she could, without knowing the specific addresses of homes yet. Compliance factors like the Coastal Zone Management Act and the Wild and Scenic Rivers Act could be easily cleared, in this case, because Travis County is located several miles away from the Texas Coast, and the only wild and Scenic River in Texas is located near El Paso.

Public Notification Process

The applicant would then either publish a Notice of Intent to Request Release of Funds in a Travis county-wide news paper or post the notice in at least 3 county-wide municipal buildings. If the notice is published in a newspaper, the applicant would need to wait through a 7 day comment period before submitting a Request for Release of Funds package to TDHCA. If the notice is posted, the applicant would need to wait through a 10 day local comment period before submitting a Request for Release of Funds Package to TDHCA.

Submitting an RROF Package

An RROF Package consists of a Request for Release of Funds Form, a copy of the publication or posting, an affidavit confirming when the notice was published or posted, and proof that interested parties were notified about the notice. While HUD is vague about what constitutes an "interested party," they generally like to see that the local EPA and city council are notified.

The applicant would then need to wait through a 15 day federal comment period. After the federal comment period elapses TDHCA will send them their Authority to use Grant Funds. Only after the receipt of an Authority to Use Grant Funds is issued can an applicant begin submitting specific sites for environmental clearance.

Site-Specific Checklists

Applicants are to make their own site-specific checklists based off of the factors that they did not clear in their broad reviews. This can be done, by copying and pasting the appropriate factors from the Statutory Checklist. An example of this can be found on the Quick Link to Forms section on the left side of this page.

This page brings forth the highest level of detail of any of the other proposed web-pages. It tells the user everything they need to know about an NSP, single family, tiered environmental review. It provides an example scenario to illustrate the public notification process, the Request for Release of Funds process, and also the Site-Specific process. The side bar on the left, serves as the most important part of the page again, because it provides all of the necessary documents, in a form-fillable format, to submit for an environmental review. Documents on the previous TDHCA environmental page were not in a form-fillable format, which made it difficult for sub recipients to work with. Finally, the webpage provides several example documents to serve as references for the types of verbiage TDHCA is looking for, and also the correct supporting documents. This was the most popular suggestion indicated by the surveys distributed to the people who prepare environmental reviews.

CHAPTER CONCLUSION

Having outlined the incredibly ornate process of environmental compliance at TDHCA, it is not difficult to see why sub-recipients have trouble submitting environmental review records. It is also not difficult to see why there is such a backlog, and long turnaround time for environmental review records to get cleared. Tracking the deficiency reviews sent to a sample of applicants helped to point out patterns regarding where applicants are finding the process difficult. Adding to this data, in a more direct form, was survey data; which was gathered from several people who both put together and review environmental applications. While the survey data helped to illustrate areas

where the process is difficult for people, it also quantified several suggested improvements to the process. Additionally, the surveys received from other individuals who review submitted environmental review records, shed some light on the general NEPA process and ways to make it better. Finally, outlining the tabulated suggestions from all areas of research seemed to provide some clear, fool-proof ways to maximize the efficiency of the TDHCA environmental process. These suggestions have been submitted to the correct departments and should be visible on the TDHCA website by the fall of 2010.

Appendix

APPENDIX A: HUD PROGRAMS THAT ARE AUTHORIZED TO USE ENVIRONMENTAL REGULATION [HUD TITLE 24 CFR PART 58] - ENVIRONMENTAL REVIEW PROCEDURES FOR ENTITIES ASSUMING HUD ENVIRONMENTAL RESPONSIBILITIES

| Law | HUD Programs |
|---|--|
| Section 104(g) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)) | <ul style="list-style-type: none"> ▶ Community Development Block Grants (Entitlement) ▶ Community Development Block Grants (for States and Small Cities Section 108 Loan Guarantees) ▶ Community Development Block Grants for Indian Tribes and Alaska Native Villages ▶ Economic Development Initiative Grants ▶ Brownfields Economic Development Initiative Grants |
| Section 443 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11402) | <ul style="list-style-type: none"> ▶ Emergency Shelter Grants ▶ Shelter Plus Care Grants ▶ Supportive Housing Grants ▶ Section 8 Moderate Rehabilitation Single Room ▶ Occupancy for Homeless Individuals |
| Section 288 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12838) | <ul style="list-style-type: none"> ▶ HOME Investment Partnerships Grants |
| Section 1011(o) of the Housing and Community Development Act of 1992 (42 U.S.C. 4852(o)) | <ul style="list-style-type: none"> ▶ Grants to State and local governments for lead-based paint hazard control |
| Section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x) | <ul style="list-style-type: none"> ▶ Public Housing Assistance (Capital Improvements) ▶ HOPE VI Revitalization Grants ▶ HOPE VI Demolition Grants ▶ Capital Fund Grants ▶ Mixed Finance Assistance ▶ Section 202 Conversions ▶ Section 8 (except the Section 8 special allocation program) ▶ Section 8 Program for Disposition of HUD-owned projects |
| Section 305 of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547) | <ul style="list-style-type: none"> ▶ Special Project Grants |
| Section 542(c)(9) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) | <ul style="list-style-type: none"> ▶ FHA Multifamily Housing Finance Agency Pilot Program |

| | |
|---|--|
| Section 11(m) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) | ▶ Self-Help Homeownership Opportunity Program |
| Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) | ▶ Native American Housing Block Grants |
| Section 184(k) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(k)) | ▶ Native American Housing Loan Guarantees |
| Section 806 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4226) | ▶ Native Hawaiian Housing Block Grants |
| Section 207(c) of the FY 1999 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies | ▶ Grants for Housing Opportunities for Persons with AIDS |

APPENDIX B: CERTIFICATION OF EXEMPTION FOR HUD FUNDED PROJECTS

Certification of Exemption for HUD funded projects

Determination of activities listed at 24 CFR 58.34(a)
 May be subject to provisions of Sec 58.6, as applicable

Grant Recipient: _____ Project Name: _____
 Project Description (Include all actions which are either geographically or functionally related): _____

Location: _____
 Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other
 Funding Amount: _____ Grant Number: _____

I hereby certify that the abovementioned project has been reviewed and determined an Exempt activity per 24 CFR 58.34(a) as follows:

| | |
|--|---|
| | 1. Environmental & other studies, resource identification & the development of plans & strategies; |
| | 2. Information and financial services; |
| | 3. Administrative and management activities; |
| | 4. 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; |
| | 5. Inspections and testing of properties for hazards or defects; |
| | 6. Purchase of insurance; |
| | 7. Purchase of tools; |
| | 8. Engineering or design costs; |
| | 9. Technical assistance and training; |
| | 10. Assistance for 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 including those resulting from physical deterioration; |
| | 11. Payment of principal and interest on loans made or obligations guaranteed by HUD; |
| | 12. Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in Sec. 58.5. |

If your project falls into any of the above categories, no Request for Release of Funds (RROF) is required, and no further environmental approval from HUD will be needed by the recipient for the draw-down of funds to carry out exempt activities and projects. The responsible entity must maintain this document as a written record of the environmental review undertaken under this part for each project.

By signing below the Responsible Entity certifies in writing that each activity or project is exempt and meets the conditions specified for such exemption under section 24 CFR 58.34(a). Please keep a copy of this determination in your project files.

 Responsible Entity Certifying Official Name

 Title (please print)

 Responsible Entity Certifying Official Signature

 Date

APPENDIX C: COMPLIANCE DOCUMENTATION CHECKLIST

**Compliance Documentation Checklist
24 CFR 58.6**

Grant Recipient: _____ Project Name: _____
Project Description (Include all actions which are either geographically or functionally related):

Level of Environmental Review Determination: _____
Select One: (1) Exempt per 24 CFR 58.34, or (2) Categorically Excluded not subject to statutes per § 58.35(b), or (3) Categorically Excluded subject to statutes per § 58.35(a), or (4) Environmental Assessment per § 58.36, or (5) EIS per 40 CFR 1500

STATUTES and REGULATIONS listed at 24 CFR 58.6

FLOOD DISASTER PROTECTION ACT

1. Does the project involve acquisition, construction or rehabilitation of structures located in a FEMA-identified Special Flood Hazard?
 No; Cite Source Document: _____
 Yes; Source Document: _____
2. Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?
 Yes (Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost. A copy of the flood insurance policy declaration must be kept on file). (Appendix I)
 No (Federal assistance may not be used in the Special Flood Hazards Area).

COASTAL BARRIERS RESOURCES ACT

1. Is the project located in a coastal barrier resource area?
 No; Cite Source Documentation:
(This element is completed).
 Yes - Federal assistance may not be used in such an area.

AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES DISCLOSURES

1. Does the project involve the sale or acquisition of existing property within a Civil Airport's Runway Clear Zone or a Military Installation's Clear Zone?
 No; Source Documentation: _____

Project complies with 24 CFR 51.303(a)(3).

- Yes; Disclosure statement must be provided to buyer and a copy of the signed disclosure must be maintained in this Environmental Review Record (Appendix II)

Prepared by (name and title, please print): _____

Signature: _____

Date: _____

APPENDIX D: CERTIFICATION OF CATEGORICAL EXCLUSIONS (NOT SUBJECT TO 58.5)

Certification of Categorical Exclusion (not subject to 58.5)

Determination of activities listed at 24 CFR 58.35(b)

May be subject to provisions of Sec 58.6, as applicable

Grant Recipient: _____ Project Name: _____

Project Description (Include all actions which are either geographically or functionally related):

Location: _____

Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other

Funding Amount: _____ Grant Number: _____

I hereby certify that the abovementioned project has been reviewed and determined to be a Categorically Excluded activity (not subject to 58.5) per 24 CFR 58.35(b) as follows:

| | |
|--|--|
| | 1. Tenant-based rental assistance; |
| | 2. 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; |
| | 3. Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs; |
| | 4. Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations; |
| | 5. Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title. |
| | 6. Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact. |
| | 7. Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under Sec. 58.47. |

If your project falls into any of the above categories, no Request for Release of Funds (RROF) is required, and no further environmental approval from HUD will be needed by the recipient for the draw-down of funds to carry out exempt activities and projects. The responsible entity must maintain this document as a written record of the environmental review undertaken under this part for each project.

By signing below the Responsible Entity certifies in writing that each activity or project is Categorically Excluded (not subject to 58.5) and meets the conditions specified for such determination per section 24 CFR 58.35(b). Please keep a copy of this determination in your project files.

 Responsible Entity Certifying Official Name & Title (please print)

 Responsible Entity Certifying Official Signature

 Date

APPENDIX E: CERTIFICATION OF CATEGORICAL EXCLUSION (SUBJECT TO 58.5)



Certification of Categorical Exclusion (subject to 58.5)

Determination of activities listed at 24 CFR 58.35(a)
 May be subject to provisions of Sec 58.6, as applicable

Grant Recipient: _____ Project Name: _____
 Project Description (Include all actions which are either geographically or functionally related): _____

Location: _____
 Funding Source: CDBG HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other
 Funding Amount: _____ Grant Number: _____

I hereby certify that the abovementioned project has been reviewed and determined to be a Categorically Excluded activity (subject to 58.5) per 24 CFR 58.35(a) as follows:

| | |
|--|---|
| | 1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets); |
| | 2. Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons; |
| | 3. Rehabilitation of buildings and improvements when the following conditions are met: i. In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland; ii. In the case of multifamily residential buildings: (A) Unit density is not changed more than 20 percent; (B) The project does not involve changes in land use from residential to non-residential; and (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation. iii. In the case of non-residential structures, including commercial, industrial, and public buildings: (A) The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent, and (B) The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another. |
| | 4. (i) An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between; or (ii) An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site. (iii) Paragraphs (a)(4)(i) and (ii) of this section do not apply to rehabilitation of a building for residential use (with one to four units) (see paragraph (a)(3)(i) of this section). |
| | 5. Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use. |
| | 6. Combinations of the above activities. |

The responsible entity must also complete and attach a **Statutory Checklist**. By signing below the Responsible Entity certifies in writing that each activity or project is Categorical Excluded (subject to 58.5) and meets the conditions specified for such exemption under section 24 CFR 58.35(a). Please keep a copy of this determination in your project files.

 Responsible Entity Certifying Official Name Title (please print)

 Responsible Entity Certifying Official Signature Date

APPENDIX F: STATUTORY CHECKLIST

STATUTORY CHECKLIST
For Categorical Excluded Projects Only
24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS

Grant Recipient: _____ Project Name: _____

Project Description (Include all actions which are either geographically or functionally related):

Location: _____

This project is determined to be categorically excluded according to: [Cite section(s)] _____

Compliance Factors:
 Statutes, Executive Orders, and
 Regulations listed at 24 CFR §58.5

N/A Consultative,
 Review,
 Permits
 Required Consistency
 Determination Condition,
 Mitigation

Compliance Documentation

| Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 | N/A | Consultative, Review, Permits Required | Consistency Determination | Condition, Mitigation | Compliance Documentation |
|--|-----|---|------------------------------|--------------------------|--------------------------|
| Historic Preservation [36 CFR Part 800] | | | | | |
| Floodplain Management [24 CFR 55, Executive Order 11988] | | | | | |
| Wetland Protection [Executive Order 11990] | | | | | |
| Coastal Zone Management Act [Sections 307(c), (d)] | | | | | |
| Safe Drinking Water Act (42 USC 201, 300(f) & 21 U.S.C. 349) | | | | | |
| Sole Source Aquifers [40 CFR 149] | | | | | |
| Endangered Species Act [50 CFR 402] | | | | | |
| Wild and Scenic Rivers Act [Sections 7(b), and (c)] | | | | | |
| Clean Air Act [Sections 176(c), (d), and 40 CFR 6, 51, 93] | | | | | |

Compliance Factors:
 Statutes, Executive Orders, and
 Regulations listed at 24 CFR §58.5

N/A Consultation,
 Review,
 Permits
 Required Consistency
 Determination Condition,
 Mitigation

Compliance Documentation

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
| Farmland Protection Policy Act [7 CFR 658] | | | | | |
| Environmental Justice [Executive Order 12898] | | | | | |
| HUD ENVIRONMENTAL STANDARDS | | | | | |
| Noise Abatement and Control [24 CFR 51B] | | | | | |
| Explosive and Flammable Operations [24 CFR 51C] | | | | | |
| Toxic Chemicals and Radioactive Materials [24 CFR 58.5(i)] | | | | | |
| Airport Clear Zones and Accident Potential Zones [24 CFR 51D] | | | | | |

DETERMINATION:

- () This project converts to Exempt, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities); **Funds may be drawn down** for this (now) EXEMPT project; OR
- () This project cannot convert to Exempt because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Grant Funds (HUD 7015.16) per Section 58.70 and 58.71 before drawing down funds; OR
- () The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

PREPARER SIGNATURE: _____ DATE: _____

PREPARER NAME: _____

RESPONSIBLE ENTITY AGENCY

OFFICIAL SIGNATURE: _____

NAME, TITLE: _____

DATE: _____

APPENDIX G: SAMPLE OUTLINE FOR TIERING PLAN

Sample Outline for Tiering Plan

Jurisdiction of: City of Jasper

Owner Occupied Assistance

A Project Description has been completed for this project. The Responsible Entity has determined that this project will be tiered. All of the project addresses are not known. The project will be classified under Certification of Categorical Exclusion (subject to 58.5) 24 CFR 58.35(a). A tiered project allows the analysis to be completed on a geographic area to address environmental impacts that might occur, or not occur on a typical site within the area. This broad review of the geographical area will make it so the compliance factors listed will not have to be repeated on a site specific basis, once eligible individuals or families are known. No construction work will be begun until all levels of this tiered review are completed.

Level I or the Broad Review:

1. Characteristics of the targeted area.
 - a. Established residential sites
 - b. Schools, Churches, Hospitals, Transportation, etc. are available in the area
 - c. Small town atmosphere
 - d. The geographic area is defined as within the city limits of Jasper
2. Targeted population.
 - a. Individuals or families living in sub-standard housing
 - b. Elderly citizens
 - c. Physically or mentally challenged
3. Limitations of the project.
 - a. Assistance will be given to (5) individuals or families
 - b. Broad review will be careful to verify this project does not impact the local environment not only for its well being, but the project is limited to \$55,000 per household assisted.
 - c. This review will be carried out by the staff of the City of Jasper and will be completed by August 31, 2006
4. The following compliance factors will be analyzed in this broad review:
 - a. Safe Drinking Water Act
 - b. Sole Source Aquifers
 - c. Endangered Species Act
 - d. Wild and Scenic Rivers Act
 - e. Clean Air Act
 - f. Farmland Protection Policy Act

APPENDIX H: SAMPLE NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

SAMPLE

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

(Date of Notice)

(Name of Responsible Entity (RE))

(Address)

(City, State, Zip Code)

(Telephone Number of RE Preparer Agency)

On or about (at least one day after the end of the comment period) the (name of RE) will [if the re is not also the grantee insert the following language here--"authorize the (name of grantee) to"] submit a request to the (HUD/state administering agency) for the release of (name of grant program) funds under [title/section ()] of the (name of the Act) of (date of Act), as amended, to undertake a project known as (project title), for the purpose of (nature/scope of project, and project address/location if applicable).

The activities proposed [Alternative #1: are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act requirements-- Alternative #2: comprise a project for which a finding of no significant impact on the environment was (published/posted) on (date of finding publication or posting)]. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at (name and address of RE office where ERR can be examined and name and address of other locations where the record is available for review) and may be examined or copied weekdays () A.M. to () P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the (RE designated office responsible for receiving and responding to comments). All comments received by (if notice is published: notice date plus seven days--if notice is posted: posting date plus ten days) will be considered by the (name of RE) prior to authorizing submission of a request for release of funds.

RELEASE OF FUNDS

The (name of RE) certifies to (HUD/state) that (name of certifying officer) in (his/her) capacity as (official title) consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. (HUD's/state's) approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the (name of grantee) to use Program funds.

APPENDIX I: EXAMPLE OF REQUEST FOR RELEASE OF FUNDS CERTIFICATION

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 3/31/2011)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

| | | |
|---|---|---|
| 1. Program Title(s) Neighborhood Stabilization Program | 2. HUD/State Identification Number (HUD GRANT NUMBER) B-08-DN-48-0001 | 3. Recipient Identification Number (optional) 77090000182 |
| 4. OMB Catalog Number(s) 14.228 | 5. Name and address of responsible entity TDHCA 221 East 11th Street Austin, Texas | |
| 6. For information about this request, contact (name & phone number) Lora Myrick, (512) 475-3033 | | 7. Name and address of recipient (if different than responsible entity) |
| 8. HUD or State Agency and office unit to receive request Fort Worth Regional Office 801 Cherry Street Unit #45 – Suite 2500 Fort Worth, Texas 76102 | | |
| The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following | | |
| 9. Program Activity(ies)/Project Name(s) Demolition of condemned properties, acquisition and rehabilitation or reconstruction of foreclosed single family properties | 10. Location (Street address, city, county, State) Abilene, Texas | |

11. Program Activity/Project Description (including grant amount)

Habitat for Humanity Abilene Inc has been awarded \$518,400 for the purpose of demolishing a minimum of 40 condemned houses with the intention of eventually building on the said properties and also purchasing and rehabilitating/reconstructing a minimum of 10 foreclosed single family homes in the City of Abilene. This is a tiered review.

Funding Amount: \$518,400

Administrative: \$38,400


Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
4. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
5. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
6. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

7. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
8. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

| | |
|--|---|
| Signature of Certifying Officer of the Responsible Entity X  | Name & Title of Certifying Officer Lora Myrick, Director Program Services |
| | Date signed 4/12/10 |
| Address of Certifying Officer 221 East 11th Street Austin, Texas 78701 | |

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

| | |
|--|------------------------------------|
| Signature of Authorized Officer of the Recipient | Name & Title of Authorized Officer |
|--|------------------------------------|

APPENDIX J: EXAMPLE OF SITE SPECIFIC CHECKLIST

SITE SPECIFIC CHECKLIST
Starr County Contract Number 1000793

Grant Recipient: _____ Project Name: _____

Project Description (Include all actions which are either geographically or functionally related):

Location: _____

This project is determined to be categorically excluded according to: [Cite section(s)] _____

Date of Publication: _____ Date of Issuance of Authority to Use Grant Funds: _____

The following Compliance Factors were evaluated in the Broad Review: _____

Compliance Factors: N/A Consultation, Consistency Condition, **Compliance Documentation**
 Statutes, Executive Orders, and Review, Determination Mitigation
 Regulations listed at 24 CFR §58.5 Possible Required

| Compliance Factor | N/A | Consultation, Review, Possible Required | Consistency Determination | Condition, Mitigation | Compliance Documentation |
|---|-----|---|---------------------------|-----------------------|--------------------------|
| Historic Preservation [36 CFR Part 800] | | | | | |
| Floodplain Management [24 CFR 55, Executive Order 11988] | | | | | |

PREPARER SIGNATURE: _____ DATE: _____

PREPARER NAME: _____

RESPONSIBLE ENTITY

OFFICIAL SIGNATURE: _____

NAME, TITLE: _____

DATE: _____



APPENDIX K: ENVIRONMENTAL ASSESSMENT CHECKLIST

Environmental Assessment Checklist

| Impact Categories | IMPACT ANTICIPATED | | | REQUIRES MITIGATION OR MODIFICATION | NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING REFERENCE NOTES |
|---|---------------------|-------|-------|-------------------------------------|--|
| | NONE | MINOR | MAJOR | | |
| Socioeconomic | | | | | |
| Demographic Character Changes | | | | | |
| Displacement | | | | | |
| Employment and Income Patterns | | | | | |
| Community Facilities and Services. | | | | | |
| Educational Facilities | | | | | |
| Commercial Facilities | | | | | |
| Health Care | | | | | |
| Social Services | | | | | |
| Solid Waste | | | | | |
| Waste Water | | | | | |
| Storm Water | | | | | |
| Water Supply | | | | | |
| Public Safety | Police | | | | |
| | Fire | | | | |
| | Emergency Medical | | | | |
| Open Space and Recreation | Open Space | | | | |
| | Recreation | | | | |
| | Cultural Facilities | | | | |
| Transportation | | | | | |

Environmental Assessment Checklist

| Impact Categories | IMPACT ANTICIPATED | | | REQUIRES MITIGATION OR MODIFICATION | NOTE CONDITIONS AND/OR SOURCE DOCUMENTATION THAT SUPPORTS FINDING REFERENCE NOTES |
|--|--------------------|-------|-------|-------------------------------------|--|
| | NONE | MINOR | MAJOR | | |
| Natural Features | | | | | |
| Water Resources | | | | | |
| Surface Water | | | | | |
| Floodplains | | | | | |
| Wetlands | | | | | |
| Coastal Zone | | | | | |
| Unique Natural Features and Agricultural Lands | | | | | |
| Vegetation and Wildlife | | | | | |

Summary of Findings and Conclusions

Summary of Environmental Conditions

Environmental Assessment Checklist

ALTERNATIVES

Determine and describe possible alternatives to the proposed project, including the alternative of not implementing the project. The feasibility of each alternative and the reasons why each should be adopted or rejected should be discussed sufficiently to indicate that an adequate consideration of each alternative has occurred.

Alternative 1

Alternative 2

COMPARATIVE ANALYSIS: Local and area-wide plans that demonstrate environmental considerations can serve as the context within which a comparison of alternative sites is made (i.e. by a project's consistency with the environmental criteria for site selection as may be established with such plans).

Additional Studies Performed (Attach Study or Summary)

Mitigation Measures Needed:

Environmental Assessment Checklist

1. Is project in compliance with applicable laws and regulations? Yes No
2. Is an EIS required? Yes No
3. Finding of No Significant Impact (FONSI) can be made. Project will not significantly affect the quality of the human environment. Yes No

Prepared By: _____

Title: _____

Date: _____

Reviewed By: _____

Title: _____

Date: _____

APPENDIX L: SAMPLE COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO REQUEST RELEASE OF FUNDS

SAMPLE

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND INTENT TO REQUEST RELEASE OF FUNDS

(Date of Notice)

(Name of Responsible Entity [RE])

(Address)

(City, State, Zip Code)

(Telephone Number of RE Preparer Agency)

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about (at least one day after the end of the comment period) the (name of RE) will [if the RE is not also the grantee insert the following language here--"authorize the (name of grantee) to"] submit a request to the (HUD/state administering agency) for the release of (name of grant program) funds under [Title/Section ()] of the (name of the Act) of (date of Act), as amended, to undertake a project known as (project title), for the purpose of (nature/scope of project, and project address/location if applicable).

FINDING OF NO SIGNIFICANT IMPACT

The (name of RE) has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at (name and address of RE office where err can be examined and name and address of other locations where the record is available for review) and may be examined or copied weekdays () A.M. to () P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the (RE designated office responsible for receiving and responding to comments). All comments received by (if notice published: notice date plus fifteen days--if notice posted: posting date plus eighteen days) will be considered by the (name of RE) prior to authorizing submission of a request for release of funds. Commentors should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The (name of RE) certifies to (HUD/state) that (name of certifying officer) in (his/her) capacity as (official title) consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. (HUD's/state's) approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the (name of grantee) to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

(HUD/state) will consider objections to its release of funds and the (RE's name) certification received by (anticipated date of HUD/state receipt of rof/c plus fifteen days) or a period of fifteen days from its receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer or other officer of the (name of RE) approved by (HUD/state); (b) the (RE) has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by (HUD/state); or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to (HUD/state grant administration office) at (address of that office). Potential objectors should contact (HUD/state) to verify the actual last day of the objection period.

(name and title of RE certifying officer)

APPENDIX M: ADDITIONAL INFORMATION ABOUT ENVIRONMENTAL IMPACT STATEMENTS

HUD interprets the criteria listed below to require an Environmental Impact Statement:

- (a) An EIS is required when the project is determined to have a potentially significant impact on the human environment.
- (b) An EIS is required under any of the following circumstances, except as provided in paragraph (c) of this section:
 - (1) The project would provide a site or sites for, or result in the construction of, hospitals or nursing homes containing a total of 2,500 or more beds.
 - (2) The project would remove, demolish, convert or substantially rehabilitate 2,500 or more existing housing units (but not including rehabilitation projects categorically excluded under § 58.35), or would result in the construction or installation of 2,500 or more housing units, or would provide sites for 2,500 or more housing units.
 - (3) The project would provide enough additional water and sewer capacity to support 2,500 or more additional housing units. The project does not have to be specifically intended for residential use nor does it have to be totally new construction. If the project is designed to provide upgraded service to existing development as well as to serve new development, only that portion of the increased capacity which is intended to serve new development should be counted.
- (c) If, on the basis of an EA, a responsible entity determines that the thresholds in paragraph (b) of this section are the sole reason for the EIS, the responsible entity may prepare a FONSI pursuant to 40 CFR 1501.4. In such cases, the FONSI must be made available for public review for at least 30 days before the responsible entity makes the final determination whether to prepare an EIS.
- (d) Notwithstanding paragraphs (a) through (c) of this section, an EIS is not required where § 58.53 is applicable.
- (e) *Recommended EIS Format.* The responsible entity must use the EIS format recommended by the CEQ regulations (40 CFR 1502.10) unless a determination is made on a particular project that there is a compelling reason

Format of an Environmental Impact Statement

- Cover sheet.
- Summary.
- Table of contents.
- Purpose of and need for action.
- Alternatives including proposed action (sections 102(2)(C)(iii) and 102(2)(E) of the Act).
- Affected environment.
- Environmental consequences (especially sections 102(2)(C)(i), (ii), (iv), and (v) of the Act).
- List of preparers.
- List of Agencies, Organizations, and persons to whom copies of the statement are sent
- Index.
- Appendices (if any).

APPENDIX N: DEFICIENCY REVIEW AND ADDITIONAL INFORMATION, CANDLEWICK APARTMENTS



Memorandum

TO: [REDACTED]

FROM: [REDACTED], Environmental Specialist, TDHCA - Program Services

CC: [REDACTED]

SUBJECT **Environmental Review Deficiency Notice for Candlewick Apartments**

A review of the Part 58 Environmental Analysis for the entity listed above has been completed. Environmental staff has concluded that:

The Environmental submission was found to be complete and all the support information was present and sufficient. **You may now forward your publication for review prior to publication.**

x The Environmental submission was lacking information that is required before you may proceed to the publication of the notice or obtain clearance; **please submit the information requested below no later than 10/26/09.**

There is some confusion as to the level of review based on the submitted documents. In order to classify the level of review correctly, we need to verify if the project can be categorically excluded, convert to exempt, or needs an environmental assessment. To help with that, you need to update the Certificate of Categorical Exclusion (subject to 58.5) form that was submitted because it shows all options selected, and all that are selected need to be explained (usually within the project description). It seems, though, that most were selected even though they do not all apply to this project. Please review this document again and chose those that apply. Based on what has been submitted to support this document (checklists, Phase I, project description), it seems that the following is the action that the project is trying to be classified as:

Categorical exclusions subject to Sec. 58.5,

(3) Rehabilitation of buildings and improvements when the following conditions are met:

(ii) In the case of multifamily residential buildings:

(C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

If this project can fall under the above classification, then it does not need an environmental assessment and might be able to convert to exempt. To verify this, please provide the calculations (most likely found in the underwriting report) showing that the project costs for rehabilitation will be less than 75% of the cost of reconstruction after rehabilitation.

If you wish the project to convert to exempt, then please fill out the attached HUD form called Certificate of Exemption for HUD funded projects, and select option #12. Please submit this in with all the other requests on this deficiency letter.

Project Description

The project description needs to include more construction details regarding the actual development, how many acres, how many buildings, how many stories are the buildings, will it be flat surface parking or will first floor of building serve as parking garage for each? What type of roof, doors, windows siding were or will be utilized? Are you installing HVAC units? Are the appliances energy efficient, will you be building to energy star certification standards?

Also, we need the funding sources to be stated. Please see example below:

USDA loan - \$1,200,000

Conventional loan - \$300,000

TDHCA TCAP - \$3,000,000

Etc.....

Total Project Cost \$.....

Statutory Checklist

Historic Preservation - Please send us the SPHO reply letter regarding their determination as it applies to this project. You may have to resubmit another request since the last request was over a year ago.

Wild and Scenic Rivers – Please update the conclusion statement to reflect how this project doesn't adversely affect the scenic rivers in Texas.

Noise Abatement and Control – Since this is substantial rehabilitation on a multifamily housing project, please provide a noise contour map from the Brownsville Airport.

Explosive and Flammable Operations – Please provide the results from the HUD Siting of Hazardous Materials that is referenced in the conclusion statement with the hazardous operations and their distances listed for this project.

Thank you, and if you have any question you can reach me at [REDACTED],

[REDACTED]

You may address your submissions to:

Program Services Division

Environmental Staff

221 East 11th Street

Austin, Texas 78701

| File # | Type of Project/ Classification | Date rec'd | Location | Characteristics of Preparer of Enviro Documents | Deficiencies Issued by Environmental Specialist | Date Notice Okayed for Publication | Environmental Clearance Date |
|--------|---|------------|---|---|--|------------------------------------|------------------------------|
| 9720 | Rehabilitation of Multi-family apartment complex : Candlewick Apartments <i>Classification: Environmental Assessment</i> | Sept 2009 | 1155 Paredes Line Rd Brownsville Texas , Cameron County | Experienced: Has been to at least one TDHCA enviro training and has submitted several projects for enviro review. | Unclear level of review Project Description Historic Preservation Wild and Scenic Rivers Noise Abatement and Control Explosive and Flammable Operations | Dec 14 2009 | Jan 27 2010 |

APPENDIX O: DEFICIENCY REVIEW AND ADDITIONAL INFORMATION, SPHINX AT FIJI RETIREMENT HOMES



Memorandum

TO: [REDACTED]

FROM: [REDACTED], Environmental Specialist, Program Services

CC: [REDACTED]

SUBJECT **Deficiency Notice for Sphinx at Fiji Seniors**
 Environmental Review

A review of the Part 58 Environmental Analysis for the entity listed above has been completed. Environmental staff has concluded that:

The Environmental submission was found to be complete and all the support information was present and sufficient. You may now forward your publication for review prior to publication.

X The Environmental submission was lacking information that is required before you may proceed to the publication of the notice or obtain clearance; please submit the information requested below on CD no later than 10/2/09.

PROJECT DESCRIPTION

The description provided was inadequate and not the format required, attached you will find a sample project description. Please follow that outline and provide more detail regarding the actual development, how many acres, how many buildings, how many stories are the buildings, will it be flat surface parking or will first floor of building serve as parking garage for each? What type of roof, doors, windows siding were or will be utilized? Are you installing HVAC units? Are the appliances energy efficient, will you be building to energy star certification standards?

For the funding, we need a list of the sources, see example below:

USDA loan - \$1,200,000

Conventional loan – \$300,000

TDHCA TCAP - \$3,000,000

Etc.

Total Project Cost \$.....

ENVIRONMENTAL ASSESSMENT CHECKLIST

Hazards and Nuisances Including Site Safety

- TDHCA requires better conclusion that refers to construction practices and what they found on land prior to construction. Were OSHA, city codes, and safety regulations met?

Health Care

- Please indicate proximity of site to healthcare facilities such as hospitals and clinics, and whether they will have the capacity to adequately care for increased population.

Public Safety

- TDHCA needs to know whether area is serviced by Police, Fire, and Emergency Medical Services, and also the names of the Police, Fire, and EMS departments that cover area

You may address your submissions to:

Program Services Division

Environmental Staff

221 East 11th Street

Austin, Texas 78701

| File # | Type of Project/ Classification | Date Recieved | Location | Characteristics of Preparer of Environmental Documents | Deficiencies Issued by Environmental Specialist | Date Notice Okayed for Publication | Environmental Clearance Date |
|--------|--|---------------|----------------------------|---|--|------------------------------------|------------------------------|
| 9740 | New Construction of Multi-family Complex: Sphinx at Fiji Retirement Homes <i>Classification: Environmental Assessment</i> | Sept 22 2009 | 201 Fran Way Dallas, Texas | Moderately Experienced: Attended two environmental trainings hosted by TDHCA, but has never submitted and environmental application before. | Project Description Hazards and Nuisances Health Care Public Safety | Oct 2 2009 | Nov 24 2009 |

APPENDIX P: DEFICIENCY REVIEW AND ADDITIONAL INFORMATION, TIMBER EDGE APARTMENTS



**TEXAS DEPARTMENT OF
HOUSING & COMMUNITY AFFAIRS**
Building Homes. Strengthening Communities.

Memorandum

TO: [REDACTED]
FROM: [REDACTED], Environmental Specialist, Program Services
CC: [REDACTED]
SUBJECT Environmental Review Deficiency Notice for Timbers Edge

A review of the Part 58 Environmental Analysis for the entity listed above has been completed. Environmental staff has concluded that:

- The Environmental submission was found to be complete and all the support information was present and sufficient. You may now forward your publication for review prior to publication.
- The Environmental submission was lacking information that is required before you may proceed to the publication of the notice or obtain clearance; please submit the information requested below on CD no later than 10/14/09.

PROJECT DESCRIPTION

The project description provided lacks thorough details of rehabilitation activities. Please provide more detail regarding the actual development, including: total acreage, number of buildings, number of stories the buildings are, type of surface parking, type of roof, doors, windows and siding that were or will be utilized, installation of any HVAC units, etc. State if the appliances are energy efficient and if the building will be built to Energy-Star certification standards. (See Sample Project Description attachment)

For the funding breakdown we will need a list of the sources, see example below:

USDA Loan - \$1,200,000

TDHCA TCAP - \$3,000,000

Etc.....

Total Project Cost \$.....

STATUTORY CHECKLIST

Historic Preservation – Please provide the Texas Historic Commission’s (SHPO) response to correspondence submitted to them for historic review.

Noise Abatement and Control – A noise assessment will need to be conducted due to the proximity of nearby railroads and roadways to the project site. HUD Guidelines require noise assessments for sites located within 1,000 ft of a major arterial roadway, 3,000 ft of a railroad* and within 15 miles of an airport.

*Federal Railroad Administration helpful website link:
<http://safetydata.fra.dot.gov/officeofsafety/publicsite/crossing/xingqrxing.aspx>

You may address your submissions to:

TDHCA – Program Services Division

c/o: Environmental Staff

221 East 11th Street

Austin, Texas 78701

Thank you,

Environmental Specialist
TDHCA - Program Services Division
221 E 11th Street
Austin, Texas 78701

| File# | Type of Project/ Classific. | Date rec'd | Location | Characteristics of Preparer of Environmental Documents | Deficiencies Issued by Environmental Specialist | Date Notice Okayed for Publication | Enviro Clearance Date |
|-----------------------|---|-----------------|---|--|---|---|-----------------------------|
| 0 9 7 5 3 | Rehab of Multifamily Complex: Timber Edge <i>Classific:</i> <i>EA</i> | July 23 2009 | 1075 Pinchback Road Beaumont, Jefferson County, Texas | Applicant had very minimal experience, but contracted with an engineering/environmental firm to submit environmental application. | Project Description Historic Preservation Noise Abatement and Control | Nov 3 2009 | Jan 7 2010 |

APPENDIX Q: ADDITIONAL INFORMATION, JASON AVENUE RESIDENTIAL

| File # | Type of Project/ Classific. | Date Rec'd | Location | Characteristics of Preparer of Environmental Documents | Deficiencies Issued by Environmental Specialist | Date Notice Okayed for Publication | Environmental Clearance Date |
|--------|--|--------------|--|--|---|------------------------------------|------------------------------|
| 09746 | New Construction of Multifamily Complex: Jason Avenue Residential <i>Classific: Environmental Assessment</i> | Jul 23, 2009 | 509 & 527 Jason Avenue Amarillo, Texas | Minimal experience with environmental documents. | Project Description Historic Preservation Conclusions Missing on EA Checklist | 11/6/2009 | 12/21/2009 |

APPENDIX R: DEFICIENCY REVIEW AND ADDITIONAL INFORMATION, INCLUSIVE COMMUNITIES PROJECT



Memorandum

TO: [REDACTED]
FROM: [REDACTED], Environmental Specialist, Program Services
CC: [REDACTED]
SUBJECT **Deficiency Notice for Inclusive Communities Project Environmental Review**

A review of the Part 58 Environmental Analysis for the entity listed above has been completed. Environmental staff have concluded that:

The Environmental submission was found to be complete and all the support information was present and sufficient. **You may now forward your publication for review prior to publication.**

X The Environmental submission was lacking information that is required before you may proceed to the publication of the notice or obtain clearance; **please submit the information requested below on CD no later than 10/27/09**

PROJECT DESCRIPTION/ TIERING PLAN

- Please provide a full project description that describes the scope of this project in detail. The description needs to be on a separate sheet and include all activities that this funding will be used for, and approximately how much will be allocated for each activity. Attached is a sample project description
- Additionally, a tiering plan is required since this is a tiered project. Attached is a sample tiering plan.
- The compliance documentation checklist says that ICP will be purchasing homes, making minor improvements to them, and then renting them out.
 - o If this is the case, then TDHCA will mark number 3 on the Certification of Categorical Exclusion (Subject to) sheet, in addition to number 5, as this qualifies to be considered rehabilitation.

- This will not change anything really, but ICP must also do this for its records in case of an audit from HUD.

STATUTORY CHECKLIST

Historic Preservation

- A clearance letter from the State Historic Preservation Office is still required for this project. TDHCA recommends that you contact the SHPO immediately in order to obtain clearance.

You may address your submissions to:

Program Services Division
Environmental Staff
221 East 11th Street
Austin, Texas 78701

| NSP Contract Number # | Type of Project/ Classific. | Date Rec'd | Location | Characteristic of Preparer of Enviro Documents | Deficiencies Issued by Environmental Specialist | Date Notice Okayed for Publication | Environmental Clearance Date |
|-----------------------|---|--------------|---------------|--|--|------------------------------------|------------------------------|
| 77090000183 | Purchase and minor rehab of single family homes to rent or sell to low income households <i>Classification: Tiered Categorically Excluded Subject to</i> | Sept 2, 2009 | Frisco, Texas | Attended at least one TDHCA sponsored environmental training, however, has never submitted environmental documents before. | Project description Tiering plan missing Forms not filled out correctly Historic Preservation | Oct 30, 2009 | Dec 28, 2009 |

APPENDIX S: ADDITIONAL INFORMATION, CITY OF EL PASO

| NSP Contract Number # | Type of Project/ Classification | Date Received | Location | Characteristics of Preparer of Environmental Documents | Deficiencies Issued by Environmental Specialist | Date Notice Okayed for Publication | Enviro Clearance Date |
|-----------------------|--|---------------|----------------|--|---|------------------------------------|-----------------------|
| 77090000112 | Purchase and rehabilitation or demolition of properties <i>Classification: Tiered Categorically Excluded Subject to</i> | Sept 1, 2009 | El Paso County | Experienced: Has put together environmental reviews before | Project description Unsure about publication process | Nov 11, 2009 | Jan 13, 2010 |

**APPENDIX T: DEFICIENCY REVIEW AND ADDITIONAL INFORMATION, SAN ANTONIO
ALTERNATIVE HOUSING CORPORATION**



Memorandum

TO: [REDACTED]

FROM: [REDACTED], Environmental Specialist, Program Services

CC: [REDACTED]

SUBJECT **Deficiency Notice for San Antonio Alternative Housing Corporation Environmental Review**

A review of the Part 58 Environmental Analysis for the entity listed above has been completed. Environmental staff have concluded that:

The Environmental submission was found to be complete and all the support information was present and sufficient. **You may now forward your publication for review prior to publication.**

X The Environmental submission was lacking information that is required before you may proceed to the publication of the notice or obtain clearance; **please submit the information requested below on CD or E-mail no later than 11/30/2009.**

PROJECT DESCRIPTION

Please provide more detail regarding the actual rehabilitation. What types of improvements will be made. Does it involve painting, changing windows, doors, appliances etc?

CERTIFICATION OF EXEMPTION FOR HUD FUNDED PROJECTS

- Box number 12 cannot be checked since the project is not converting to exempt.
- Please update and re-send this sheet

STATUTORY CHECKLIST

Airport Clear Zones

- Please provide proof that clear zones are entirely contained inside airport properties for San Antonio International Airport and Kelly Annex Airport.

| NSP Contract # | Type of Project/ Classification | Date Rec'd | Location | Characteristics of Preparer of Environmental Documents | Deficiencies Issued by Enviro Specialist | Date Notice Okayed for Publication | Enviro Clearance Date |
|----------------|---|-------------|---------------------|---|--|------------------------------------|-----------------------|
| 77090000125 | Purchase and rehab of single family homes to rent or sell to low income households <i>Classification: Tiered Categorically Excluded Subject to</i> | Nov 12 2009 | Bexar County, Texas | Minimal experience: Has never attended environmental training or submitted an environmental document. | Project Description Forms not filled out correctly Airport Clear Zones | Dec 22 2009 | Feb 11 2010 |

**APPENDIX U: DEFICIENCY REVIEW AND ADDITIONAL INFORMATION,
HARRIS COUNTY**

From: [REDACTED]
Sent: Tuesday, January 05, 2010 3:47 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: ERR Documents - NSP Single Family Assistance Program

Ms. [REDACTED]

There appear to be a few errors on some the environmental documents submitted.

In regards to the HBA activity, Homebuyers Assistance is not a tiered review. Whenever you get the address of a property that you wish to provide homebuyers assistance to, please submit a [HBA Project description](#), [Certification of Categorical Exclusions \(not subject to\)](#) and a [Compliance Documentation Checklist](#) for *each specific property*, and TDHCA will be able to clear them individually.

Regarding Permanent Financing, there are a few errors on the tiering plan. First, only the Permanent Financing part of the program will be covered by the tiering plan, so please erase the part that talks about Homebuyers Assistance. Also, it says that Floodplain Management, and Wetland Protection will be covered by the broad review, but the statutory checklist says that they will be covered on the site specific. Please indicate on the broad review that Floodplain Management and Wetland Protection will be analyzed on the site specific review.

Thank You,
[REDACTED]

-----Original Message-----
From: [REDACTED] (CSD) [mailto:[REDACTED]]
Sent: Monday, January 04, 2010 5:22 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: ERR Documents - NSP Single Family Assistance Program

Mr. [REDACTED]

Please find the attached ERR documents for the NSP Single Family Assistance Program. The following documents are attached:

Homebuyer Assistance Program

1. Certification of Categorical Exclusion (not subject to 58.5)/Compliance Documentation Checklist
2. Project Description

Permanent Financing Program

1. Categorical Exclusion (subject to 58.5)/Statutory Checklist
2. Project Description
3. Tiering Plan/Site Specific Review Forms

I've also attached another copy of the Exempt Form for the Administration portion, revised budget and NSP Zip Code list. If you need additional information, please let me know. Thank you again for your assistance.

[REDACTED]
Planning Manager
Harris County
Community Services Department
8410 Lantern Point Dr.
Houston, TX 77054
[REDACTED]
[REDACTED]

| NSP Contract Number # | Type of Project/ Classification | Date Rec'd | Location | Characteristics of Preparer of Environmental Documents | Deficiencies Issued by Enviro Specialist | Date Notice Okayed for Publication | Enviro Clearance Date |
|-----------------------|--|--------------|----------------------|--|--|------------------------------------|-----------------------|
| 77090000162 | Providing Home Buyers Assistance to low income households and also Permanent Financing. <i>Classification: Tiered Categorically Excluded Subject to</i> | Nov 30, 2009 | Harris County, Texas | Experienced: Has experience submitting environmental documents to HUD. | Discrepancies about activities, levels of review, and correct forms. | Jan 4, 2010 | Feb 10, 2010 |

APPENDIX V: DEFICIENCY REVIEW AND ADDITIONAL INFORMATION, CRESTMOOR PARK



Memorandum

TO: [REDACTED]

FROM: [REDACTED] Environmental Specialist, TDHCA - Program Services

CC: TDHCA: [REDACTED]

SUBJECT **Environmental Review Deficiency Notice for Crestmoor South Park Apartments, HOME #1001133**

A review of the Part 58 Environmental Analysis for the entity listed above has been completed. Environmental staff has concluded that:

The Environmental submission was found to be complete and all the support information was present and sufficient. **You may now forward your publication for review prior to publication.**

x The Environmental submission was lacking information that is required before you may proceed to the publication of the notice or obtain clearance; **please submit the information requested below**

Project Description

Please submit a project description. I have attached a sample project description in the format we prefer. This project's level of review is dependant on the scope of the project. If the project is trying to convert to exempt, it would be categorically excluded (subject to), which I believe is the intention based on the level of determination indicated on the Statutory Checklist, and would fall under this activity on the categorically excluded (subject to) form:

Categorical exclusions subject to Sec. 58.5,
(3) Rehabilitation of buildings and improvements when the following conditions are met:
(ii) In the case of multifamily residential buildings:
(C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

If this project can fall under the above classification, then it does not need an environmental assessment. **To verify this, please provide the calculations (most likely found in the underwriting report) showing that the project costs for rehabilitation will be less than 75% of the cost of reconstruction after rehabilitation.**

If you wish the project to convert to exempt, then please fill out the attached HUD form called Certificate of Exemption for HUD funded projects, and select option #12. Please also fill out the Categorical Exclusion (subject to 58.5) that is attached.

Statutory Checklist

Historic Preservation – have you received a response from the SHPO? The letter provided in the environmental review record is for February 11, 2009. If you haven't heard from SHPO, please try them again.

Environmental Assessment Checklist

Clean Air - Will all construction debris from the site been disposed of in an appropriate manner, such as a permitted facility? Please update the conclusion statement to reflect how the site will appropriately handle construction debris.

Environmental Justice - Please update the conclusion statement to state how this project does not adversely impact the surrounding area and the area does not have an adverse impact on the future residents of this complex.

Explosive and Flammable Operations – please calculate if the above ground storage tank, TCEQ unit number 00208751, is at an acceptable separation distance from the site according to HUD standards - <http://www.hud.gov/offices/cpd/environment/training/guidebooks/hazfacilities/>

Toxic Chemicals and Radioactive Materials – I'm concerned about the Phase I, section 9.0 Opinion portion that states there was an accident on Hidden Creek Parkway or Gardens Boulevard at or near the site resulting in the release of hazardous material that could have a negative environmental impact on the property. I was unable to find reference to that accident in the Phase I. Do you have more information on that? Is the TCEQ is aware of it?

Thank you, and if you have any question you can reach me at [REDACTED]

[REDACTED]

You may address your submissions to:

Program Services Division

| Contract # | Type of Project/ Classification | Date Received | Location | Characteristics of Preparer of Environmental Documents | Deficiencies Issued by Environmental Specialist | Date Notice Okayed for Publication | Environmental Clearance Date |
|------------|--|---------------|-----------------------------------|--|---|------------------------------------|------------------------------|
| 1001133 | Rehabilitation of Multifamily Complex, with the addition of a laundry facility. <i>Classification: Environmental Assessment</i> | Sept 22, 2009 | 514 SE Gardens Blvd. Burleson, TX | Moderately Experienced: Has attended one TDHCA environmental training. | Project Description Historic Preservation Clean Air Environmental Justice Explosive and Flammable Operations Toxic Chemicals and Radioactive Materials | Dec 10, 2009 | Feb 10, 2009 |

APPENDIX W: DEFICIENCY REVIEW AND ADDITIONAL INFORMATION, CITY OF FLOYDADA

[REDACTED]

From: [REDACTED]
Sent: Tuesday, April 06, 2010 11:03 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: City of Floydada HOME 1001156 - original RROF requested to issue clearance for broad review
Attachments: J Tiering Review Procedures.doc

Hi,

In order to process the Authority to Use Grant funds for the City of Floydada's HOME contract 1001156, we will need to receive the originally signed Request Release of Funds as well as an updated project description. The project description needs to include more construction details such as including estimate house square footages, average number of bedrooms/bathrooms, type of foundation (concrete slab?), type of siding, windows, doors, etc. Will the homes be handicapped accessible, and will the homes have energy efficient appliances?

Also, there are some suggestions to the Environmental Assessment checklist that would require updating of the checklists:

- Alternatives (pg. 4 of 5 of the EA checklist) – Two alternatives are required to be completed for an environmental assessment. Since there's currently only one filled out, you can add another to the checklist that can be anything from changing housing design to changing the land use, or any alternative to the project that could provide room for adjustments in achieving the project goals.
- Project Description – please include more construction details and submit the updated checklist to us. Housing details should include estimate house square footage, average number of bedrooms/bathrooms, type of foundation (concrete slab?), type of siding, windows, doors, etc. Will the homes be handicapped accessible, and will the homes have energy efficient appliances?
- Transportation need to have a conclusion statement (pg. 2 of 5 of the EA checklist)
- Do you have a tiering plan? I've attached a sample in case you do not, plus, in the future, please state that the project is following a tiering plan in the publication.

Once we receive an updated project description and the original RROF, we can proceed with issuing an Authority to Use Grant Funds.

Thanks
[REDACTED]
[REDACTED]
Environmental Specialist
TDHCA - Program Services Division
221 E. 11th St.
Austin, TX 78701
[REDACTED]

| NSP Contract # | Type of Project/ Classification | Date Received | Location | Characteristics of Preparer of Environmental Documents | Deficiencies Issued by Environmental Specialist | Date Notice Okayed for Publication | Enviro Clearance Date |
|----------------|---|----------------|----------------------|--|---|------------------------------------|-----------------------|
| 1001156 | Tiered Rehabilitation/ Reconstruction of approximately 5 homes in City Of Floydada <i>Classification: Environmental Assessment</i> | March 22, 2010 | City of Floydada, TX | Moderately Experienced: Has previously submitted environmental documents to TDHCA. | Project Description Tiering Plan Transportation Alternatives | April 7 2010 | April 23 2010 |

**APPENDIX X: DEFICIENCY REVIEW AND ADDITIONAL INFORMATION,
WEBB COUNTY**



Memorandum

TO: [REDACTED]

FROM: [REDACTED] Environmental Specialist, Program Services

CC: [REDACTED]

SUBJECT **Deficiency Notice for Webb County
Environmental Review**

A review of the Part 58 Environmental Analysis for the entity listed above has been completed. Environmental staff have concluded that:

The Environmental submission was found to be complete and all the support information was present and sufficient. **You may now forward your publication for review prior to publication.**

X The Environmental submission was lacking information that is required before you may proceed to the publication of the notice or obtain clearance; **please submit the information requested below on CD no later than 10/23/09**

PROJECT DESCRIPTION

- Please provide a project description. Attached is a sample project description.

CERTIFICATION OF CATEGORICAL EXCLUSION (SUBJECT TO)

- Since the activities proposed are both Rehabilitation and Reconstruction, boxes 3, 4, and 6, must be checked on this sheet.

STATUTORY CHECKLIST

- Please submit to TDHCA a statutory checklist that has been filled out for each compliance factor.
- If the projected is intended to be a tiered project, please submit a tiering plan. I have attached a sample tiering plan for your reference.

Historic Preservation

- TDHCA requires a letter from the State Historic Preservation Office that indicates that the site is not a historic place.

REQUEST FOR RELEASE OF FUNDS CERTIFICATION

- Please use the following HUD address
Jack Pipkin
HUD Ft. Worth Regional Office
801 Cherry Street
Unit # 45 – Suite 2500
Ft. Worth, TX 76012
- Please provide better project description, like the one indicated in the sample project description attached to this e-mail.

You may address your submissions to:

Program Services Division
Environmental Staff
221 East 11th Street
Austin, Texas 78701

| NSP Contract # | Type of Project/ Classification | Date Received | Location | Characteristics of Preparer of Enviro Documents | Deficiencies Issued by Environmental Specialist | Date Notice Okayed for Publication | Enviro Clearance Date |
|----------------|--|---------------|-------------|---|--|--|-----------------------|
| 1001027 | <p>Tiered Purchase, Rehabilitation, and Reconstruction of Single Family Houses in Webb County.</p> <p><i>Classification: Categorically Excluded Subject To (Converted to Exempt)</i></p> | Oct 7 2009 | Webb County | <p>Unsure about correct procedures. Initially tried to conduct a tiered review, but later realized they could convert properties to exempt.</p> | <p>Project description</p> <p>No tiering plan</p> <p>Forms not filled out correctly</p> <p>Historic preservation</p> | 10/7/2009 (But later realized that publication was not necessary) | 11/5/2010 |

APPENDIX Y: DEFICIENCY REVIEW AND ADDITIONAL INFORMATION, CROWLEY FOUNTAINHEAD APARTMENTS

[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Monday, January 11, 2010 4:48 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Environmental Deficiency for Crowley Fountain Head St. Charles Place 1000981
Attachments: 24-CFR-58_35a.doc

Hello,

There are a few issues that need to be attended to before TDHCA can give [Crowley Fountain Head St. Charles Place](#) environmental clearance.

PROJECT DESCRIPTION

- Please provide detail on the types of things that the rehabilitation will entail.
- Are you replacing carpets? Floors? Re-painting? Etc.

STATUTORY CHECKLIST

- Please provide conclusions in the spaces provided for each regulation. For example you could say something like", the property in question is not in a historical district as indicated by the stamped letter from the State Historic Preservation Office, dated 1/5/2009. This can be found in Tab 3" Simply referencing a Tab in your documents is not sufficient.

Water Quality

- Please provide something indicating that the drinking water being supplied to this property meets the necessary standards. Something like a water quality report from the city of [Ft. Worth](#) would suffice.
- Please also check the parentheses at the bottom of the statutory checklist that indicate that the project converts to exempt.

CERTIFICATION OF EXEMPTION FOR HUD FUNDED PROJECTS

- Please provide this sheet as it is necessary in order to convert the project to exempt. Box number 12 must be checked in addition to any others that may apply. I have attached a copy of this document.

Warmest Regards,

[REDACTED]

[REDACTED]
TDHCA - Environmental Specialist
221 East 11th Street
Austin, TX 78701
Phone: [REDACTED]

| NSP Contract # | Type of Project/ Classification | Date Received | Location | Characteristics of Preparer of Environmental Documents | Comments from Environmental Specialist | Date Notice Okayed for Publication | Enviro Clearance Date |
|----------------|--|---------------|---------------------------------|---|--|--|-----------------------|
| 1000981 | Rehabilitation of multifamily apartment complex. <i>Classification: Categorically Excluded Subject To (Converted to Exempt)</i> | Oct 6, 2009 | 1408 Longhorn Trail Crowley, TX | Minimal experience, but has previously attended a TDHCA training. | Project description Forms not filled out correctly Water quality | Publication not necessary because project was converted to Exempt. | Jan 12, 2010 |

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Vita

Ryan Ramphul was born in Manhasset, New York. After completing his work at Martin High School in Arlington, Texas, he entered The University of Texas at San Antonio, and later transferred to the University of Texas at Austin. At UT Austin he received a Bachelors of Arts in both Urban Studies and Geography in May, 2008. Shortly thereafter, he studied abroad briefly in India, before returning to Austin and enrolling in the Community and Regional Planning Graduate Program at UT, in September, 2008. While enrolled as a Graduate Student he worked as a research assistant for Dr. Ming Zhang in his first year, and then went on to work full time for the Texas Department of Housing and Community Affairs in his second and final year of graduate school.

E-Mail: Rramphul@gmail.com

This report was typed by Ryan Christian Ramphul