

Determination of Categorical Exclusion (subject to Section 58.5)

Determination of activities per 24 CFR 58.35(a)

Project Names(s) and Grant Number(s): City of Stayton Housing Rehabilitation Grant Program H17011

Address: City of Stayton, 362 N. Third Avenue, Stayton, Oregon

The City of Stayton Housing Rehabilitation Project will serve to provide funding assistance for low and moderate income residents of single-family, owner occupied homes which lack equity to qualify for existing program to perform vital structural upgrades. Funds will be provided in the form of grants with a maximum grant amount of \$10,000. Eligible activities will include, but not be limited to, reasonable accommodations; lead-based paint assessment and potential removal of disturbed surfaces; asbestos and mold removal; water lines and wells; electrical; heating; roofing; windows and other weatherization needs to reduce costs; plumbing and dry rot repairs to protect the structure. Projects will take place within the city of Aumsville, Aurora, Donald, Detroit, Gates, Gervais, Hubbard, Idanha, Jefferson, Mt. Angel, Saint Paul, Scotts Mills, Silverton, Stayton, Sublimity Turner, Woodburn and unincorporated Marion County.

Estimated cost: \$405,000

Funding Source: **CDBG \$400,000** HOME Public Housing EDI ICDBG NAHASDA **Other: \$5,000**

The project falls into the category below, which is listed at 24 CFR 58.35(a) as a Categorically Excluded activity subject to Section 58.5.

	<ol style="list-style-type: none"> 1. Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are already in place and will be retained in the same use without change in size or capacity for more than 20 percent. Examples: <ul style="list-style-type: none"> ▪ Replacement of water or sewer lines ▪ Reconstruction of curbs and sidewalks ▪ Repaving of streets
	<ol style="list-style-type: none"> 2. Special projects directed toward the removal of material and architectural barriers that restrict the mobility of and accessibility to the elderly and handicapped persons.
X	<ol style="list-style-type: none"> 3. Rehabilitation of buildings and improvements under the following conditions: <ol style="list-style-type: none"> i. In the case of a building for residential use (with one to four units), the density is not increased beyond four units and the land use is not changed. ii. In the case of multifamily residential buildings: <ol style="list-style-type: none"> A. Unit density is not changed more than 20% 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% of the total estimated cost of replacement after rehabilitation. iii. In the case of non-residential structures, including commercial, industrial, and public buildings: <ol style="list-style-type: none"> 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.
	<ol style="list-style-type: none"> 4. An individual action <ol style="list-style-type: none"> i. 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. 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.
	<ol style="list-style-type: none"> 5. Acquisition (including leasing) or disposition of an existing structure or acquisition (including leasing) of vacant land provided that the structure or land acquired or disposed of will be retained for the same use;
	<ol style="list-style-type: none"> 6. Combinations of the above activities

The Housing Rehabilitation Program provides funding to existing single family homes owned by low and moderate income homeowners.

You must complete the compliance checklist for 24 CFR 58.6 and the Statutory Worksheet on the following pages.

Compliance Checklist for the “Other Requirements” in 24 CFR 58.6

Project Name: City of Stayton Housing Rehabilitation Grant Program H17011

Section 1. Flood Disaster Protection Act

Are funds for acquisition (including equipment) or construction (including repair and rehabilitation) purposes?	Yes	
Is the Activity in an area identified as having special flood hazards (SFHA)? Identify FEMA flood map used to make this determination: _____ Community Name and Number _____ Map panel number and date	To Be Determined On Site Specific Basis	
Is the Community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?	Yes-Document and follow instructions below.	
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.		

Section 2. Airport Runway Clear Zones (Civil) and Accident Potential Zones (Military)

Does the project involve HUD assistance, subsidy or insurance for the purchase or sale of an existing property?	NO	No—Proceed to Section 3—regulation does not apply.
Is the project located within 2,500 feet of a civil airport or 15,000 feet of a military airfield?		
Is the project located within an FAA-designated civilian airport Runway Clear Zone (RCA) or Runway Protection Zone, or within the military Airfield Clear Zone (CZ) or Accident Potential Zone/Approach Protection Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones?		
Comply with 24 CFR Part 51, Subpart D. This may include providing a written notice to a prospective buyer or leaser of the potential hazards from airplane accidents and the potential that an airfield operator may wish to purchase the property. Maintain copies of the signed notice. For properties located in a military clear zone, make and document a determination of whether the use of the property is consistent with DOD guidelines. Notice Sample: http://www.hud.gov/offices/cpd/energyenviron/environment/compliance/qa/airporthazards.pdf		

Section 3. Coastal Barrier Resources Act

Section 58.6 also requires compliance with the Coastal Barrier Resources Act. There are no Coastal Barrier Resource Areas in Washington, Oregon, Alaska, or Idaho. Therefore, the Act does not apply.

STATUTORY WORKSHEET

Use this worksheet only for projects which are Categorically Excluded per 24 CFR Section 58.35(a).

PROJECT NAME and Grant Number : City of Stayton Housing Rehabilitation Grant Program H17011

Compliance documentation must contain verifiable source documents and relevant base data.

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

Status
A/B

Compliance Documentation

Historic Preservation [36 CFR Part 800]	B	To be determined on site-specific review. Locations of properties to be rehabilitated are unknown at this time.
Floodplain Management [24 CFR 55, Executive Order 11988]	B	To be determined on site-specific review. Locations of properties to be rehabilitated are unknown at this time.
Wetland Protection [Executive Order 11990]	B	Will be determined on site-specific review. Locations of properties to be rehabilitated are unknown at this time and the Housing Rehabilitation Program Management Policies state there is an exception to when new construction, expansion or addition of unfinished spaces may be allowed.
Coastal Zone Management Act [Sections 307(c), (d)]	A	The project is not located within a Coastal Zone Management Area. Map showing Oregon Coastal Zones is attached.
Sole Source Aquifers [40 CFR 149]	A	Project is not located within a U.S EPA-designated sole source aquifer watershed area. Map of U.S. EPA-designated sole source aquifer watershed areas is attached.
Endangered Species Act [50 CFR 402]	B	To be determined on site-specific review. Locations of properties to be rehabilitated are unknown at this time.
Wild and Scenic Rivers Act [Sections 7(b), and (c)]	B	To be determined on site-specific review. Locations of properties to be rehabilitated are unknown at this time.
Clean Air Act - [Sections 176(c), (d), and 40 CFR 6, 51, 93]	A	The Project is not in a non-attainment area. The Project is in compliance with the State Implementation Plan prepared under the Clean Air Act. List of non-attainment areas in Oregon are attached.
Farmland Protection Policy Act [7 CFR 658]	A	The Housing Rehabilitation Program does not include new construction, acquisition of undeveloped land or change in use of land or property. Housing Rehabilitation Program Management Polices are attached. See Section 2.4, Page 6.
Environmental Justice [Executive Order 12898]	A	The Housing Rehabilitation Program is for rehabilitation of existing units and that LMI participants reside in the units therefore there will be no disproportionate impact to minority or low and moderate income persons. Therefore, it is in compliance with E.O. 12898.
HUD ENVIRONMENTAL STANDARDS Noise Abatement and Control [24 CFR 51B]	B	To be determined by on site-specific review. Locations of the properties to be rehabilitated are unknown at this time.
Explosive and Flammable Operations [24 CFR 51C]	A	The Housing Rehabilitation Program does not increase residential densities, convert buildings for habitation or make vacant buildings habitable. Therefore, it is in compliance with 24 CFR 51C., Housing Rehabilitation Program Management Polices

		are attached. See Section 2.4, Page 6.
Toxic Chemicals and Radioactive Materials [24 CFR 58.5(i)(2)]	B	To be determined by on site-specific review. Locations of the properties to be rehabilitated are unknown at this time.
Airport Clear Zones and Accident Potential Zones [24 CFR 51D]	A	The Housing Rehabilitation Program only provides "minor rehabilitation" (i.e. rehabilitation of single-family units not exceeding 50% of the market value of the structure before rehabilitation). Therefore, Program is in compliance with 24 CFR 51D. Housing Rehabilitation Program Management Polices are attached. See Section 2.3, Page 5

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); This (now) EXEMPT project may now be initiated; 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 initiating the project; 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.

Conditions for Approval: (List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in project contracts and other relevant documents as requirements).

CERTIFICATION:

PREPARER SIGNATURE _____

Name, Title John Schmidt Grant Admin Specialist Date April 6, 2020

RESPONSIBLE ENTITY SIGNATURE _____

Name, Title Mayor - City of Stayton, OR Date 4/8/20

INSTRUCTIONS for completing the STATUTORY WORKSHEET

For HUD funded projects that are categorically excluded per 24 CFR §58.35(a), the Responsible Entity (**RE**) must determine whether the proposal achieves compliance with each applicable statute, Executive Order or regulation with or without requiring formal consultation, mitigation, permits or having adverse effects on the resources protected by the statute. These instructions are a brief description of the essential findings needed to establish compliance. Please see Northwest Region Checklist Tools for further guidance on these laws and authorities. These instructions are not intended to replace the applicable regulations and applicable regulations take precedence.

The Preparer of the Statutory Worksheet must DOCUMENT AND ATTACH THE SOURCES OF THE DETERMINATION.

Record the finding status on the STATUTORY WORKSHEET for each listed Federal statute, regulation, authority as follows:

Status “A” applies when compliance with the authority is achieved without adverse effects on the protected resource, without necessary mitigation or attenuation AND when no formal consultation, permit or agreement is required to establish compliance. In these situations, enter “A” in the STATUTORY WORKSHEET status column.

Status “B” applies when project compliance with the authority requires formal consultation, a permit or agreement, OR when the proposal may have an adverse effect on the protected resources. Part B summarizes what additional steps or formal procedures must be completed prior to submitting a Request for Release of Funds (RROF) to HUD or to the State. Evidence of completion and implementation of the required procedures or mitigation must be retained in the project Environmental Review Record (ERR).

Historic Properties (including archeology): A) The RE and SHPO agree that there are No Historic Properties Affected per 36 CFR 800.4(d)(1) **OR** SHPO has not objected within 30 days to such a fully documented determination. **B)** The proposal will have an affect on historic properties per §800.4(d)(2) This includes no adverse effect on historic properties §800.5.

Floodplain Management: A) The project does not require compliance with 8-step decision-making at 24 CFR Part 55.20 or the 5-step decision-making at 24 CFR 55.12(a). **B)** The project requires compliance with the 8-step decision-making process at 24 CFR Part 55.20 or the 5-step decision-making process at 24 CFR 55.12(a).

Wetlands Protection: A) The project does not require compliance with 8-step decision-making at 24 CFR Part 55.20 or the 5-step decision-making at 24 CFR 55.12(a). **B)** The project requires compliance with the 8-step decision-making process at 24 CFR Part 55.20 or the 5-step decision-making process at 24 CFR 55.12(a).

Coastal Zone Management: A) The project is not located in the coastal zone, **OR** the project does not include new construction or major rehabilitation of existing structures, **OR** the State Department of Ecology has accepted the RE’s certification that the project is consistent with the Coastal Zone Management Program. **B)** State Department of Ecology does not accept consistency determination and/or requires mitigation.

Sole Source Aquifers (Safe Drinking Water Act): A) The project is not located within a U.S. EPA-designated sole source aquifer watershed area (including stream flow source areas), **OR** the project need not be referred to EPA for evaluation according to an EPA approved MOU or checklist, **OR** EPA has concurred that the project is “not likely to affect Sole Source Aquifer quality” in an informal consultation. **B)** EPA does not concur with “not likely to affect Sole Source Aquifer quality” determination and/or requires mitigation.

Endangered Species: A) The RE determines that the proposal will have “no effect” on federally protected (listed or proposed) Threatened or Endangered Species **B)** US Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) concur the project “is not likely to adversely affect” any federally protected (listed or proposed) Threatened or Endangered Species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats **OR** USFWS and/or NMFS do not concur the project “is not likely to adversely affect” federally protected species or adversely modify critical habitats **OR** the proposal is “likely to adversely affect” any federally protected (listed or proposed) Threatened or Endangered Species.

Wild and Scenic Rivers: A) The project is not located within one mile of a listed Wild and Scenic River, **OR** the project will have no effects on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system. **B)** Impact resolution and/or mitigation required.

Air Quality: A) The project is located within an “attainment” area, **OR**, if within a “non-attainment” area, conforms with the EPA-approved State Implementation Plan (SIP), per contact with a regional Clean Air Agency, **AND** the project requires no individual NESHAP permit or notification; **B)** Negotiate suitable mitigation measures with the relevant regional Clean Air Agency, obtain necessary permits, issue required notices. (For example, 40 CFR §61.145 requires 10-day prior notification to the Air Quality District Administrator whenever either 260 linear ft., 160 sq.ft., or 35 cubic ft., of asbestos containing material is to be disturbed).

Farmland Protection: A) The project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service NRCS (formerly the Soil Conservation Service), **OR** the project site includes prime or unique farmland, but is located in an area committed to urban uses; **B)** Project site includes prime or unique farmland as identified by NRCS.

Noise Abatement and Control: A) The project does not involve development of noise sensitive uses, **OR** the project is not within 15 miles of a civil airport or military airfield, within 1000 feet of major highways or busy roads, or with 3000 feet of a railroad, **OR** ambient noise level is documented to be 65 LDN (CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG); **B)** Development project requires mitigation to meet HUD’s noise standards at 24 CFR 51B.

Explosive or Flammable Operations: **A)** The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to 24 CFR 51C, **OR** the project will expose neither people nor buildings to such hazards; **B)** Project requires mitigation to meet Acceptable Separation Distance.

Toxic Chemicals and Radioactive Materials: **A)** The subject and adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the subject property. **B)** Project requires mitigation to meet HUD's toxic standards.

Environmental Justice: **A)** The proposed site is suitable for its proposed use and will NOT have a disproportionate environmental impact on low income or minority populations; **B)** Site suitability is a concern; the proposal is adversely affected by environmental conditions disproportionately impacting low income or minority populations.

Airport Clear Zones and Accident Potential Zones: **A)** The project is not located within an FAA-designated civilian airport Runway Clear Zone (RCA) or Runway Protection Zone, or within the military Airfield Clear Zone (CZ) or Accident Potential Zone/Approach Protection Zone (APZ), based upon information from the airport or military airfield administrator identifying the boundaries of such zones, **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in the RCZ or CZ; **B)** It is HUD policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site.

SITE SPECIFIC REVIEW PROCESS AND FORM

City of Stayton Housing Rehabilitation Program. Policies and Procedures for Site Specific Environmental Reviews

The City of Stayton has made the following decisions pertaining to future site-specific environmental review projects:

NOTE: If the Tier 1 checklist identifies an “A” designation for any environmental standard (specialized topic area) and those standards are identified below, those standards can be deleted. If the Tier 1, checklist identifies a “B” designation for any environmental standard (specialized topic area), that environmental standard must be included in the review procedures / policy for the site specific Tier 2 reviews, below:

HISTORIC PROPERTIES

Projects will be evaluated on a case-by-case basis. For all projects older than 49 years, the City of Stayton will consult with SHPO to determine if the unit is national register eligible or on the national register. The City of Stayton will consider SHPO comments and comply with part 36 CFR Part 800 prior to approving any loan or grant under this program. In addition, the City of Stayton will consult with the Confederated Tribes of the Grande Ronde Community and the Confederated Tribes of the Warm Springs on a case-by-case basis.

WETLANDS

Projects will be evaluated on a case-by-case basis. If it is determined the project is located within a wetland and the scope of the project includes the alteration or expansion of the footprint of any existing structure, Community Development Block Grant funds will not be used.

ENDANGERED SPECIES ACT

Projects will be evaluated on a case-by-case basis. If it is determined that the project is in a riparian zone and involves landscaping or the removal of a hazardous tree, Community Development Block Grant funds will not be allowed.

WILD AND SCENIC RIVERS

Projects will be evaluated on a case-by-case basis. If it is determined that the project is near a Wild and Scenic River, Designated Wild and Scenic River, or a river on the Nationwide Rivers Inventory proper mitigation actions will take place.

NOISE

Projects will be evaluated on a case-by-case basis. Projects located within 1,000 feet of a major highway or roadway, 3,000 feet of a railroad, 5 miles of a civilian airport, or 15 miles of a military airfield, or in proximity to other significant noise sources (such as manufacturing facilities) are in noise

exposed areas and will require further review. For these projects, noise attenuation measures will be included, to the extent feasible, as part of the rehab.

TOXIC CHEMICALS AND RADIOACTIVE MATERIALS

Projects will be evaluated on a case-by-case basis. If it is determined there are hazards that could affect the health and safety of occupants, the City of Stayton has determined that mitigation of the affected adverse environmental conditions by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate federal, state or local oversight agency will occur, or the project will not be funded.

FLOOD DISASTER PROTECTION ACT

Projects will be evaluated on a case-by-case basis. If it is determined that the project is in a floodway, federal financial assistance cannot be used. According to CFR Title 24 §58.6, the flood insurance requirement for homes located in the 100-year flood zone does not apply to formula grants made to states.

ASBESTOS

Projects will be evaluated on a case-by-case basis: An Asbestos Survey must be conducted on each property built before 2004. If it is determined that there is asbestos-containing materials (ACM) currently creating a hazard or ACM might be disturbed by the project, an asbestos abatement contractor must be used on the project to eliminate the hazard and/or remove ACM that may be disturbed in the completion of the project.

Project cannot proceed prior to City of Stayton notification that environmental review is complete (ROF issued by OBBD-IFA and the site specific review has been signed by the Responsible Entity's Certifying Officer).

Building Address: _____

Market Value of House: _____

Estimated Cost of Rehabilitation: _____

Rehabilitation will expand footprint of house: Yes No

HISTORIC PRESERVATION

1. The unit is less than 49 years old and does not include ground disturbance
 - Yes: STOP here. The Section 106 Historic Preservation review is complete.
 - Provide documentation to show the age of the building and confirmation that there is no ground disturbance. City determines no historic properties affected.
 - No: PROCEED to #2
2. Consult the State Historic Preservation Officer (SHPO) to determine if project is on or eligible for the National Historic Register. Notify City of ground disturbance and City will contact Tribes. Check determination
 - No Historic Properties Affected
 - Provide letter documenting concurrence of determination from SHPO
 - Provide documentation indicating Tribe was contacted and response or documentation showing that there is no ground disturbance
 - No Historic Properties Adversely Affected
 - Provide letter documenting concurrence of determination from SHPO
 - Provide conditions that will be placed on projectCondition(s):
 - Adverse Effect on Historic Properties (City will make determination with SHPO)
 - Provide letter documenting concurrence of determination from SHPO
 - Provide Memorandum of AgreementCondition(s):

WETLANDS

1. Does the project include new construction, rehabilitation that expands the footprint of the building, or ground disturbance?

The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding and related activities.

No: STOP here. The Protection of Wetlands executive order does not apply. Record your determination that the project is not in a wetland.

Yes: Proceed to #2

2. Is there a wetland on the project site?

No: STOP here. The Protection of Wetlands executive order does not apply. Record your determination that the project is not in a wetland. Provide a map or any other relevant documentation to explain determination.

Yes: Proceed to #3.

3. Does the project meet one of the categories of proposed action for which the 8-step decision making process does not apply? (Below are several exemptions that apply to wetlands)

- The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property if:
 - The property is cleared of all existing structures and related improvements;
 - The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and
 - A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland from future development.
- A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.
- Project site with an incidental portion situated in an adjacent floodplain, including the floodway or Coastal High Hazard Area, or wetland, but only if:
 - The proposed construction and landscaping activities (except for minor grubbing, clearing of debris, pruning, sodding, seeding, or other similar activities) do not occupy or modify the 100- year floodplain (or the 500-year floodplain for critical actions) or the wetland;
 - Appropriate provision is made for site drainage that would not have an adverse effect on the wetland; and
 - A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland.
- Special Projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Yes: Stop here.

No: Proceed to #4.

4. Does your project meet one of the categories of proposed action for which a limited 8-step process applies? (Below are categories that apply to wetlands)

- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities and one-to-four family properties in communities in the Regular Program of the NFIP and in good standing, units are not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for 'substantial improvement's and the footprint of the structure and paved areas is not significantly increased.
- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures in communities in the Regular Program of the NFIP and in good standing, the action does not meet the thresholds for 'substantial improvement's and the footprint of the structure is not significantly increased.

Yes: Complete the 5-step decision-making process for wetlands.

No: Proceed to #5.

5. Are there practicable alternatives to impacting a wetland?

Yes: Reject or modify project.

No: Document your analysis, including wetlands notices.

ENDANGERED SPECIES ACT

1. Is the project listed in Table A below and does it meet all the required parameters? Therefore, the project will have No Effect on ESA-listed species and/or designated critical habitat.

Yes: The activity is listed in Table A and meets all the required parameters. Include a species list and map of project location. Attach a statement explaining how project meets the required parameters.

No: The project activity does not match a project description in Table A and all of the specified parameters. Continue to Question 2.

2. Is there some other basis for a No Effect determination, for example a biological assessment or other documentation from a qualified professional?

Yes: the project has professional documentation for No Effect documentation. Include a species list and map of project location. Attach biological assessment or other professional documentation.

No: Project does not have professional documentation supporting a No Effect determination.

TABLE A.

Potential "No Effect" Activity	Required Parameters
Purchase building	No change to existing structures
	Does not remove trees or streamside vegetation
Interior rehabilitation	For existing structures Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site
Any exterior repair or improvement that will not increase post-construction runoff, e.g. Replace exterior paint or siding Build a fence Replace/repair roof without using bituminous waterproofing Replace/repair a roof or siding without using galvanized metal Reconstruct/repair existing curbs, sidewalks or other concrete structures	Does not increase amount of impervious surface Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site

Repair existing parking lots (potholes, repainting lines, etc.)	
Special projects directed to the removal of material or architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities, e.g. Curb cuts Wheelchair ramps	Meets all of the following Will not impact an area of natural habitat, a wetland, or riparian area; and Complies with all state and local building codes and stormwater regulations
Install LID practices	For existing structures
New construction or addition on previously developed site (for example a building over an existing parking lot)	Meets all of the following not increase amount of impervious surface Waste materials are recycled or otherwise disposed of in an EPA approved sanitary or hazardous waste disposal site Stormwater meets NOAA Fisheries standards
Project that will add new impervious surface that will increase post-construction runoff, including new construction	Meets all of the following: All post-construction runoff will be completely infiltrated or used on-site; and Will not impact an area of natural habitat, a wetland, or riparian area; and Complies with all state and local building codes and stormwater regulations

WILD AND SCENIC RIVERS:

1. Is the project within proximity of a Wild and Scenic River?

No. STOP here. Project is in compliance with this section. Attach documentation used to make your determination, such as a map identifying the project site and its surrounding area or a list of rivers in your region.

Yes: the project is in proximity of a Designation Wild and Scenic River or Study Wild and Scenic River. Proceed to #2.

Yes. The project is in proximity of Nationwide Rivers Inventory (NRI) river. Proceed to #3.

2. Is the project a Water Resources Project?

No: STOP here. Project is in compliance with this section. Please attach all necessary supporting documentation.

Yes. PROCEED to #3.

3. Could the project do any of the following:

- Have a direct and adverse effect within the Wild and Scenic River Boundaries
- Invade the area or unreasonably diminish the river outside the Wild and Scenic River Boundaries?
- Have an adverse effect on the natural, cultural and/or recreational values of a NRI segment?

No: STOP here. Project is in compliance with this section. Please attach all necessary supporting documentation.

Yes: Proceed to #4.

4. Can you mitigate the impact to the River?

Yes. Attach mitigation plan. Require mitigation as part of grant agreement and other contracts. Monitor project to ensure mitigation followed-through.

No. Cancel project at this location.

NOISE:

1. Is the project located within 1,000 feet of a busy road or highway, 3,000 feet of a railroad, or 15 miles of a civil airport or military airfield? Are there any other potential noise sources in the project vicinity that could produce a noise level above HUD’s acceptable range, including but not limited to concert halls, night clubs, event facilities, et cetera?

- No: STOP here. Maintain a map identifying distances from roads, railroads and airports and your project. Record your determination. You do not need to calculate a specific noise level.
- Yes: PROCEED to #2

2. Determine the actions to take based on the project and HUD Acceptability Standards. For Modernization projects a noise calculation is not required. HUD or RE determines need based on their evaluation of project. Proceed to 3 below.

HUD General Acceptability Standards	
HUD determination	Day night average sound level in decibels (dB)
Acceptable	Not exceeding 65 dB
Normally Unacceptable	Above 65 dB but not exceeding 75dB
Unacceptable	Above 75 dB +

3. Is the Day-Night average sound level above an acceptable level (based on noise calculation or your analysis of the site using maps or a site visit)?

- Yes. Encourage noise attenuation features in alterations. Record your determination in the ERR. Identify how you are encouraging noise attenuation
- No. Record your determination in the ERR

TOXIC / HAZARDOUS / RADIOACTIVE MATERIALS, CONTAMINATION, CHEMICALS OR GASES (24 CFR 58.5(I)(2):

1. Is the property free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants? (Special consideration should be given to properties that are located near toxic or solid waste landfill sites, underground storage tanks, or other areas known to contain toxic, hazardous, or radioactive substances.).

- Yes. Stop here.
 - Provide documentation to evidence determination including inspection reports, pictures, and information from www.epa.gov/enviro/ or similar sites.
- No. However the project will be conditioned on measures to mitigate the adverse environmental condition (e.g. shielding, removing or encapsulating the toxic substances) according to the requirements of the appropriate Federal, state or local oversight agency.
 - Provide documentation to show mitigation will address adverse environmental condition.
 - Provide condition(s) that will be placed on project:

Condition(s):

No. Project cannot be mitigated. PROJECT MUST BE REJECTED.

FLOOD INSURANCE

Is the project located in a FEMA designated floodway? (Repairs can be funded in floodplains, just not in floodways.) You can obtain FEMA FIRM (Flood Insurance Rate Maps) at <http://www.fema.gov/>

Yes. Stop here. Federal financial assistance cannot be used in a floodway. Project activity is not eligible.

No. Provide FIRM map and FIRM map panel number.

ASBESTOS SURVEY

1. Was the home built before 2004?

No. Stop here

Yes. An asbestos survey must be completed on the home by an accredited asbestos testing professional. Provide a copy of the asbestos survey to the home owner. Proceed to #2.

2. Was the home found to be free of asbestos?

Yes. Stop here

No. Proceed to #3.

3. Are the asbestos-containing materials (ACM) currently creating a hazard or is there ACM which might be disturbed by this project?

No. Inform homeowner and contractor(s) of ACM in the project home.

Yes. An asbestos abatement contractor must be used on this project to eliminate the hazard and/or remove ACM that may be disturbed in the completion of this project.

Determination:

This project does not require any mitigation for compliance with any statutes or authorities. This project may now be initiated; OR

Approval of this project is conditioned on the following mitigation measures: These conditions must be included in project contracts or other legally binding documents. The project may be initiated subject to compliance with the conditions:

Conditions:

The project does not comply with the following policy and will not be funded:

Certifying Officer Signature:

Certifying Officer Name, Title:

Date:

Historic Preservation for Oregon

24 CFR Part 58

General requirements	Legislation	Regulation
Protect sites, buildings, and objects with national, state or local historic, cultural and/or archeological significance. Identify effects of project on properties	National Historic Preservation Act, 16 U.S.C. 470(f), section 106	36 CFR Part 800 24 CFR Part 58.5(a)

1. Does the project include repair, rehabilitation or conversion of existing properties; new construction; the acquisition of undeveloped land; or any activity that requires ground disturbance (defined as one cubic foot of disturbed soil)?

- No: STOP here. The Section 106 Historic Preservation review is complete.
 Yes: PROCEED to #2

2. Does the project involve a structure that is less than 50 years old, is not in a historic district and has no ground disturbing activities?

The location of the properties to be rehabilitated are not known at this time. Historic Preservation Review will be determined during the Tier 2 Site Specific Review. The Tribes were originally contacted on September 7, 2018. They expressed interest to be contacted when the location of the properties are known and an Inadvertent Discovery Plan be in place. With the expansion of the service area, the Tribes were contacted again on January 24, 2020. No comments were received.

- Yes: STOP here. The Section 106 Historic Preservation review is complete.
 No: PROCEED to #3

3. Consult with SHPO or THPO and any tribes or groups that may have an interest in the project to determine if the project is eligible for the National Historic Register.

- You must define and consider the Area of Potential Effect (APE). The APE is the geographic area within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. The APE is influenced by the scale and nature of an undertaking. (36 CFR Part 800.16).
- Determine if there are tribes or groups that have an interest in the historic aspects of the project and invite them to participate in the consultation. For ground disturbing activities, you must make a reasonable and good faith effort to identify Indian tribes that may have an interest. HUD's website lists interested tribes by county: <http://egis.hud.gov/tdat/Tribal.aspx>. It is suggested that you go to the Tribal website or contact the SHPO to make sure contact information is current.
- Consult the State Historic Preservation Officer (SHPO), or if the project is on certain tribal lands, the Tribal Historic Preservation Officer (THPO), with details of the project and project site and your determination if it is eligible for the National Historic Register. SHPO or THPO has 30 days from receipt of a well-documented request of review of your determination. We recommend sending the letter with a return receipt form to document the contact. If they do not respond within the timeframe, or provide a description of additional information needed, you may proceed with the next step of the process based on your finding or consult with the Advisory Council on Historic Preservation (ACHP).

Visit the Region X environmental website for specific information about the Historic Preservation process in your state: <http://www.hud.gov/local/shared/working/r10/environment/index.cfm?state=wa>

State Historic Preservation Officer contacts: <http://www.nps.gov/nr/shpolist.htm>
Tribal Historic Preservation Officers contacts: <http://www.nathpo.org/map.html>

Proceed as appropriate based on the Finding:

- No Historic Properties Affected:** STOP here. The Section 106 Historic Preservation review is complete.
- No Adverse Effect on Historic Property:** STOP here. The Section 106 Historic Preservation review is complete. **Categorically Excluded projects (24 CFR Part 58.35(a)) CANNOT convert to exempt with this determination.**
- Adverse Effect on Historic Property** Resolve Adverse Effects per 800.6 in consultation with SHPO/THPO, the ACHP if participating, and any consulting parties. The loan or grant may not be approved until adverse effects are resolved according to 800.6 or you have complied with 36 CFR Part 800. **Categorically Excluded projects (24 CFR Part 58.35(a)) CANNOT convert to exempt with this determination.**



City of Stayton

Administration • Finance

362 N. Third Avenue • Stayton, OR 97383
Phone: (503) 769-3425 • Fax (503) 769-1456

January 24, 2020

Christopher Bailey, Cultural Protection Specialist
Confederated Tribes of the Grand Ronde Community of Oregon
8720 Grand Ronde Road
Grand Ronde, OR 97347-9712

Re: City of Stayton Housing Rehabilitation Program

Dear Mr. Bailey:

On September 7, 2018 the City of Stayton reached out to the Confederated Tribes of the Grand Ronde Community of Oregon for consultation on a City of Stayton Housing Rehabilitation Grant. The Confederated Tribes responded on September 27th, 2018 that due to the unknown locations of the Housing Rehabilitation Projects at the time, they would like to be consulted during the Environmental Site Review Process, specifically that consultation should be taken if the scope of any of the projects change, if any archaeological and or cultural resources are found, and that an Inadvertent Discovery Plan be in place for each Housing Rehabilitation Project. (See Exhibit A)

The City of Stayton and its Grant Partners are proposing an expansion of the original project area from our initial 2018 consultation in order to reach and serve more homeowners. Enclosed is a map that shows the new project area and, if applicable, an additional area of potential effect.

To meet project timeframes, if you would like to consult again on this project, please let us know of your interest within 30 days. If you have any initial concerns with impacts of the project on potential archaeological, religious or cultural properties, can you please note them in your response? If you would like to affirm the initial consultative action in this expanded project area, please also let us know.

We value your assistance and feedback and look forward to consulting further if you believe there is potential for impact on culturally or religious significant properties that may be affected by this proposed expanded area.

Sincerely,

Henry Porter
Mayor

POLICE
386 N. THIRD AVENUE
STAYTON, OR 97383
(503) 769-3423
FAX (503) 769-7497

PLANNING
362 N. THIRD AVENUE
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FAX (503) 769-3218



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January 24, 2020

Delores Pigsley, Tribal Chairperson
Confederated Tribes of Siletz Indians of Oregon
P.O. Box 549
Siletz, OR 97380

Re: City of Stayton Housing Rehabilitation Program

Dear Tribal Chairperson Pigsley:

On September 7, 2018 the City of Stayton reached out to the Confederated Tribes of the Siletz Indians of Oregon for consultation on a City of Stayton Housing Rehabilitation Grant. The City did not receive a response from the Confederated Tribes at that time.

The City of Stayton and its Grant Partners are proposing an expansion of the original project area from our initial 2018 consultation in order to reach and serve more homeowners. Enclosed is a map that shows the new project area and, if applicable, an additional area of potential effect.

To meet project timeframes, if you would like to consult on this project, please let us know of your interest within 30 days. If you have any initial concerns with impacts of the potential archaeological, religious or cultural properties, can you please note them in your response?

We value your assistance and feedback and look forward to consulting further if you believe there is potential for impact on culturally or religious significant properties that may be affected by this proposed expanded area.

Sincerely,

Henry Porter
Mayor

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January 24, 2020

Christian Nauer, Archaeologist
Confederated Tribes of the Warm Springs Reservation of Oregon
1233 Veterans Street
P.O. Box C
Warm Springs, OR 97761-3001

Re: City of Stayton Housing Rehabilitation Program

Dear Mr. Nauer:

On September 7, 2018 the City of Stayton reached out to the Confederated Tribes of the Warm Springs Reservation of Oregon for consultation on a City of Stayton Housing Rehabilitation Grant. The Confederated Tribes responded on September 18, 2018 that the Area of Potential Effect is within the area of concern for the Tribes and that if it is determined during the Environmental Site Specific Review Process that any of the Housing Rehabilitation Projects require ground disturbance activities, the Tribes would like a chance to review archival data to make a recommendation about identification or protection measures. (See Exhibit A)

The City of Stayton and its Grant Partners are proposing an expansion of the original project area from our initial 2018 consultation in order to reach and serve more homeowners. Enclosed is a map that shows the new project area and, if applicable, an additional area of potential effect.

To meet project timeframes, if you would like to consult again on this project, please let us know of your interest within 30 days. If you have any initial concerns with impacts of the potential archaeological, religious or cultural properties, can you please note them in your response? If you would like to affirm the initial consultative action in this expanded project area, please also let us know.

We value your assistance and feedback and look forward to consulting further if you believe there is potential for impact on culturally or religious significant properties that may be affected by this proposed expanded area.

Sincerely,

Henry A. Porter
Mayor

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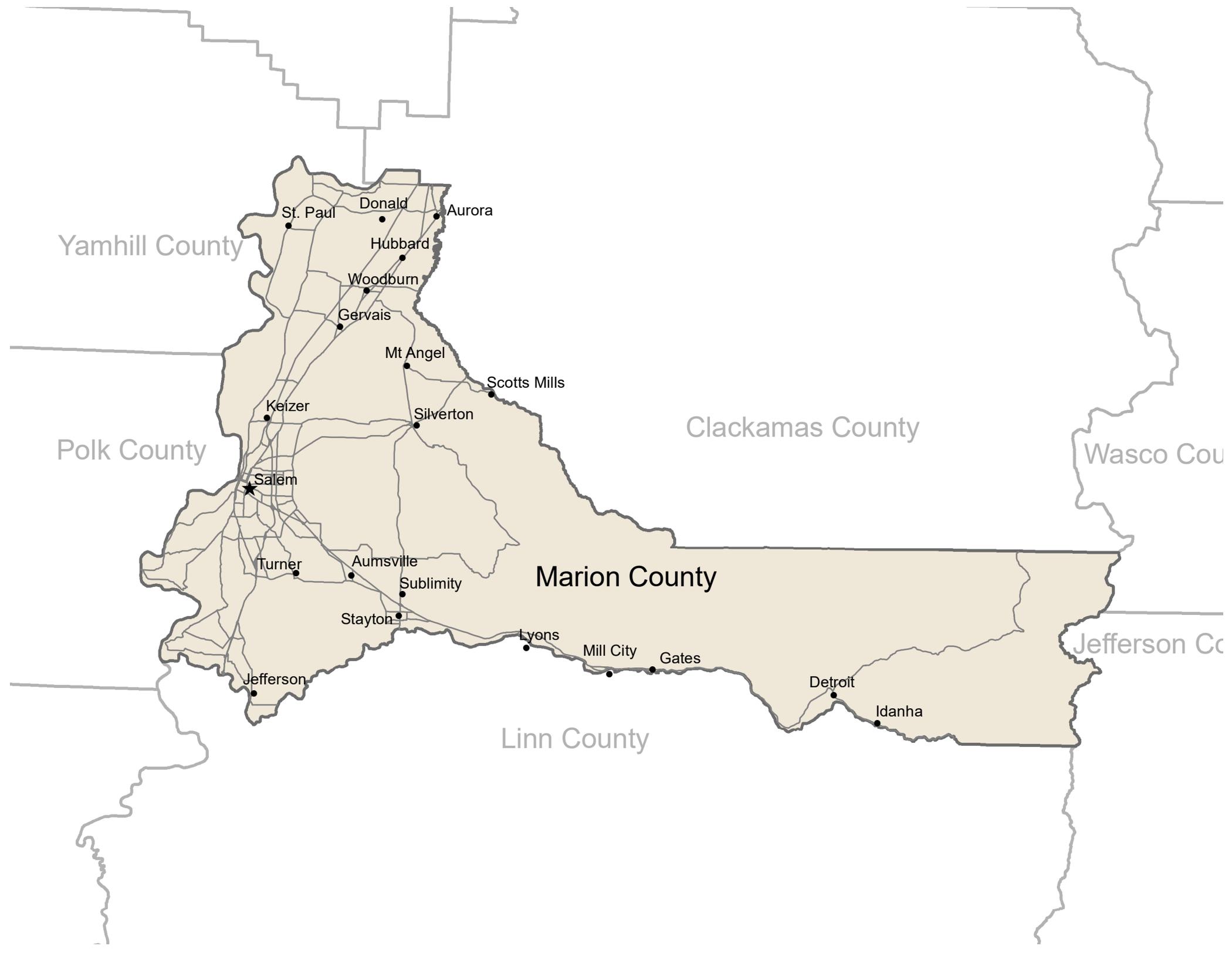
Tribal Directory Assessment Information



Contact Information for Tribes with Interests in Marion County, Oregon

Tribal Name				County Name			
- Confederated Tribes of Siletz Indians of Oregon				Marion			
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Delores Pigsley	Tribal Chairperson			PO Box 549 Siletz, OR 97380		(800) 992-1399	
◀ ▶							
- Confederated Tribes of the Grand Ronde Community of Oregon				Marion			
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
David Harrelson		THPO		8720 Grand Ronde Road Grand Ronde, OR 97347-9712		(503) 879-2320	
Reynold Leno	Tribal Chairman			9615 Grand Ronde Road Grand Ronde, OR 97347		(503) 879-5211	
◀ ▶							
- Confederated Tribes of the Warm Springs Reservation of Oregon				Marion			
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Austin Greene	Tribal Chairman			PO Box C Warm Springs, OR 97761		(541) 553-3257	
Robert Brunoe	Tribal Preservation Officer			PO Box C Warm Springs, OR 97761-3001		(541) 553-2001	
◀ ▶							

1 - 3 of 3 results



Yamhill County

Polk County

Clackamas County

Wasco County

Marion County

Jefferson County

Linn County

St. Paul

Donald

Aurora

Hubbard

Woodburn

Gervais

Mt. Angel

Scotts Mills

Keizer

Silverton

Salem

Turner

Aumsville

Sublimity

Stayton

Jefferson

Lyons

Mill City

Gates

Detroit

Idanha

Floodplain Management

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Avoid the adverse impacts associated with the occupancy and modification of floodplains. Avoid floodplain development whenever there are practicable alternatives.	Executive Order 11988, May 24 1977	24 CFR Part 55

1. Is the Project located in a floodway or a 100 or 500-year flood plain?

Projects will be evaluated on a case-by-case basis. If it is determined that the project is in a floodway, federal financial assistance cannot be used. According to CFR Title 24 §58.6, the flood insurance requirement for homes located in the 100-year flood zone does not apply to formula grants made to states.

For projects in areas mapped by FEMA, maintain the FEMA map panel that includes your project site. Make sure to include the map panel number and date. If FEMA information is unavailable or insufficiently detailed, other Federal, state, tribal or local data may be used as ‘best available information.’ However, a base flood elevation from an interim or preliminary or non-FEMA source cannot be used if it is lower than the current FIRM and FIS. Include documentation, including a discussion of why this is the best available information for the site.

- No: STOP here. The Floodplain Management regulations do not apply. Record your determination that the project is not in a floodplain or floodway.
- Yes—Floodway. **STOP. The National Flood Insurance Program prohibits federal financial assistance for use in a floodway.** The only exception is for functionally dependent uses, such as a marina, a port facility, a waterfront park, a bridge or a dam. If your project is a functionally dependent use in a floodway, proceed to #3
- Yes—500-year flood plain (Zone B or X on FEMA maps or best information). **PROCEED to #2**
- Yes—100 Year flood plain (Zone A or V on FEMA maps or best information). **PROCEED to #3**
- Yes—Flood prone area. **PROCEED to #3**

2. For projects in the 500-year flood plain: Does your project involve a critical action, defined as an activity for which even a slight chance of flooding would be too great because it might result in loss of life, injury or property damage? Specific examples include:

- Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic or water-reactive materials.
- Structures or facilities that provide essential and irreplaceable records or utility or emergency services that may become lost or inoperative during flood and storm events (e.g., data storage centers, generating plants, principal utility lines, emergency operations centers including fire and police stations, and roadways providing sole egress from flood-prone areas).
- Structures or facilities that are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events, e.g. persons who reside in hospitals, nursing homes, convalescent homes, intermediate care facilities, board and care facilities, and retirement service centers. Housing for independent living for the elderly is not considered a critical action.

- No: STOP here. The project can proceed without further analysis. Record your determination and attach flood plain map and documentation that project does not involve a critical action.
- Yes: PROCEED to #3

3. Does your project meet one of the categories of proposed action for which Part 55 does not apply?

(Below are several common exemptions—please see 24 CFR 55.12(c) for additional categories of proposed action)

- The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands but only other certain further conditions (see 24 CFR 55(c)(3).
- A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain.
- Approval of a project site, an incidental portion of which is situated in an adjacent floodplain, but only with certain further conditions (see 24 CFR 55.12(c)(6)).
- A project on any site in a floodplain for which FEMA has issued a final Letter of Map Amendment or Letter of Map Revision that removed the property from a FEMA-designated floodplain location.
- A project on any site in a floodplain for which FEMA has issued a conditional LOMA or LOMR if the approval is subject to the requirements and conditions of the conditional LOMA or LOMR.
- Special Projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Yes: Stop here. Record your determination that the project is exempt from floodplain management regulations per 24 CFR 55.12(c). Maintain copies of all of the documents you have used to make your determination. Please note that you may still have to maintain flood insurance on the project per the Flood Disaster Protection Act.

No: Proceed to #4.

4. Does your project meet one of the categories of proposed action for which the 8-step decision making process does not apply? (Below are several common exemptions—please see 24 CFR 55.12(b) for additional categories of proposed action)

- Financial assistance for the purchasing, mortgaging or refinancing of existing one-to-four family properties under certain conditions (24 CFR 55(b)(1))
- Financial assistance for minor repairs or improvements on one-to-four-family properties that do not meet the thresholds for ‘substantial improvement’¹
- Disposition of individual HUD-acquired one-to-four-family properties.
- HUD guarantees under the Loan Guarantee Recovery Fund Program under certain conditions (see 24 CFR 55.12(b)(4).
- Leasing an existing structure in the floodplain but only under certain conditions (see 24 CFR 55.12(b)(5))

Yes: Stop here. Record your determination that the project is exempt from the 8-step process as per 24 CFR 55.12(b). Maintain copies of all of the documents you have used to make your determination. Please note that you may still have to maintain flood insurance on the project per the Flood Disaster Protection Act. Please also note that notification of floodplain hazard requirements at 24 CFR 55.21 may apply.

No: Proceed to #5.

5. Does your project meet one of the categories of proposed action for which a limited 8-step process applies? (please see 24 CFR 55.12(a) for more details)

- Disposition of acquired multifamily housing projects or acquired one-to-four family properties where communities are in good standing in the NFIP program.
- HUD’s actions under the National Housing Act for purchase or refinance of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in good standing under the NFIP.
- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, nursing homes, assisted living facilities, board and care facilities, intermediate car facilities and one-to-four family properties in communities in the Regular Program of the NFIP and in good standing, units are not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not

meet the thresholds for ‘substantial improvement’¹ and the footprint of the structure and paved areas is not significantly increased.

- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures in communities in the Regular Program of the NFIP and in good standing, the action does not meet the thresholds for ‘substantial improvement’¹ and the footprint of the structure is not significantly increased.

Yes: Complete the 5-step decision-making process for floodplains. You do not have to publish the notices in steps 2 or 7 or do an analysis of alternatives in Step 3. Analyze potential direct and indirect impacts (step 4); design or modify to minimize potential impacts (step 5); reevaluate the proposed action to determine if action is still practicable (step 6).

- If still practicable, document your analysis in the file and move forward.
- If not still practicable, either reject or modify project.

No: Proceed to #6.

6. Are there practicable alternatives to locating your project in the floodplain?

HUD strongly discourages use of funds for projects that do not meet an exemption in Part 55.12. Reject the Project Site or Request a Letter of Map Amendment or Revision (LOMA/R) from FEMA. If you decide to consider the project you must determine if there are alternatives by completing the 8-step decision-making process described in 24 CFR Section 55.20. Please note that requesting a LOMA/R or completing the 8 step process take time and resources. The 8-step decision-making process requires two public notice and comment periods.

You must also maintain flood insurance on the project per the Flood Disaster Protection Act.

Yes: Reject or modify project.

No: Document your analysis, including floodplain notices, in your Environmental Review Record. You must notify any private party participating in a financial transaction for the property of the hazards of the floodplain location before the execution of documents completing the transaction. (24 CFR Section 55.21)

DISCLAIMER: This document is intended as a tool to help HUD Region X grantees and HUD staff complete environmental requirements. This document is subject to change. This is not a policy statement, and the Floodplain Executive Order and Regulations take precedence over any information found in this document.

¹ Substantial Improvement means any repair, reconstruction, modernization or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair started or if the structure has been damaged before the damage occurred OR any repair reconstruction etc. that results in an increase of more than 20% of dwelling units or peak number of customers and employees (24 CFR 55.2(b)(8))

Protection of Wetlands

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Avoid the adverse impacts associated with the destruction and modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.	Executive Order 11990, May 24 1977	24 CFR Part 55

1. Does the project include new construction, rehabilitation that expands the footprint of the building, or ground disturbance?

- No: STOP here. The Protection of Wetlands executive order does not apply. Record your determination that the project is not in a wetland.
- Yes: Proceed to #2

Projects will be evaluated on a case-by-case basis. If it is determined the project is located within a wetland and the scope of the project includes the alteration or expansion of the footprint of any existing structure, Community Development Block Grant funds will not be used.

2. Is there a wetland on your project site?

Use both national and local resources to make this determination. A good first step is to check the National Wetlands Inventory's digital wetlands mapper tool: <http://www.fws.gov/wetlands/Data/Mapper.html> If site conditions or other documents indicate there may be a wetland, next check with city, county or tribal experts for local wetlands inventories. If none exist, the presence of hydric soils can indicate a wetland. If you suspect a wetland due to soil type or site conditions, you should commission a professional site survey to delineate the wetland and its boundaries.

HUD defines a wetland as those areas that are inundated with surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. The definition includes wetlands separated from their natural supply of water and constructed wetlands. **Please note that the US Army Corps of Engineers has a more restrictive definition of wetlands. A determination by the US Army Corps that there is no jurisdictional wetland on site is not sufficient documentation for HUD's purposes.**

Maintain, in your ERR, all documents you have collected to make your wetlands determination.

- No: STOP here. The Protection of Wetlands executive order does not apply. Record your determination that the project is not in a wetland.
- Yes: Proceed to #3.

3. Does your project involve new construction in the wetland? New construction includes draining, dredging, channelizing, filling, diking, impounding, and related activities.

- No: STOP here. The Protection of Wetlands executive order does not apply. Record your determination that the project does not involve new construction in a wetland.
- Yes: Proceed to #4.

4. Does your project meet one of the categories of proposed action for which the 8-step decision making process does not apply? (Below are several exemptions that apply to wetlands—please see 24 CFR 55.12(b) and 55.12(c) for additional categories of proposed action)

- The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property if:
 - The property is cleared of all existing structures and related improvements;
 - The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and
 - A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland from future development.
- A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.
- Project site with an incidental portion situated in an adjacent floodplain, including the floodway or Coastal High Hazard Area, or wetland, but only if:
 - The proposed construction and landscaping activities (except for minor grubbing, clearing of debris, pruning, sodding, seeding, or other similar activities) do not occupy or modify the 100-year floodplain (or the 500-year floodplain for critical actions) or the wetland;
 - Appropriate provision is made for site drainage that would not have an adverse effect on the wetland; and
 - A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland.
- Special Projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Yes: Stop here. Record your determination that the project is exempt from floodplain management regulations per 24 CFR 55.12. Maintain copies of all of the documents you have used to make your determination.

No: Proceed to step 5.

5. Does your project meet one of the categories of proposed action for which a limited 8-step process applies? (Below are categories that apply to wetlands, please see 24 CFR 55.12(a) for additional categories of proposed action)

- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities and one-to-four family properties in communities in the Regular Program of the NFIP and in good standing, units are not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for 'substantial improvement'¹ and the footprint of the structure and paved areas is not significantly increased.
- Actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures in communities in the Regular Program of the NFIP and in good standing, the action does not meet the thresholds for 'substantial improvement'¹ and the footprint of the structure is not significantly increased.

Yes: Complete the 5-step decision-making process for wetlands. You do not have to publish the notices in steps 2 or 7 or do an analysis of alternatives in Step 3. Analyze potential direct and indirect impacts (step 4); design or modify to minimize potential impacts (step 5); reevaluate the proposed action to determine if action is still practicable (step 6).

- If still practicable, document your analysis in the file and move forward.
- If not still practicable, either reject or modify project.

No: Proceed to #6.

6. Are there practicable alternatives to impacting a wetland?

HUD strongly discourages use of funds for projects that do not meet an exemption in Part 55.12. Reject the Project Site or amend project so there is no destruction or modification of the wetland. If you decide to consider the project you must determine if there are alternatives by completing the 8-step decision-making process described in 24 CFR Section 55.20. The 8-step decision-making process requires two public notice and comment periods. Appropriate and practicable compensatory mitigation is recommended for unavoidable adverse impacts to more than one acre of wetland. The use of compensatory mitigation may not substitute for the requirement to avoid and minimize impacts to the maximum extent practicable. For further details about compensatory mitigation please see 24 CFR 55.20(e)(2) and 55.2(b)(2).

A completed Individual Section 404 permit can cover steps 1-5 in the 8-step process if the project is not in the 100 year flood plain (or 500 year floodplain for critical actions) and all wetlands adversely affected by the action are covered by the permit. (24 CFR 55.28)

Yes: Reject or modify project.

No: Document your analysis, including wetlands notices, in your Environmental Review Record.

DISCLAIMER: This document is intended as a tool to help Region X grantees and HUD staff complete NEPA requirements. This document is subject to change. This is not a policy statement, and the Floodplain Executive Order and Regulations take precedence over any information found in this document.

¹ Substantial Improvement means any repair, reconstruction, modernization or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair started or if the structure has been damaged before the damage occurred OR any repair reconstruction etc. that results in an increase of more than 20% of dwelling units or peak number of customers and employees (24 CFR 55.2(b)(8))

Coastal Zone Management--Oregon

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Ensure that projects are consistent with the Oregon Coastal Zone Management Program	Coastal Zone Management Act 16 U.S.C. 1451-1464	15 CFR Part 930

1. Is the project located in Oregon's Coastal Zone?

To view a map of the Coastal Zone, http://www.oregon.gov/lcd/ocmp/pages/cstzone_intro.aspx

No: STOP here. The Oregon Department of Land Conservation and Development has determined that HUD projects outside of the coastal zone are consistent with the Oregon Coastal Zone Management Program. Record your determination on the EA, Statutory Worksheet or HUD Form 4128.

Yes: PROCEED to #2

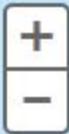
2. Does the project meet all applicable local and state water and land use requirements?

The Oregon Coastal Management Program (OCMP) integrates state permit authorities of the Departments of State Lands, Environmental Quality, Parks and Recreation, and Water Resources. The program also requires that all cities and counties in the coastal zone develop comprehensive plans that are consistent with the state's coastal zone requirements. To be consistent with the OCMP, a proposed project must be consistent with: the statewide planning goals; the applicable acknowledged city or county comprehensive plans (those plans approved by the Land Conservation and Development Commission as being in compliance with the statewide planning goals); and selected state authorities (e.g., those governing removal-fill, water quality, and fish and wildlife protections). All local and state permits for a project must be obtained for a project to be consistent with the OCMP.

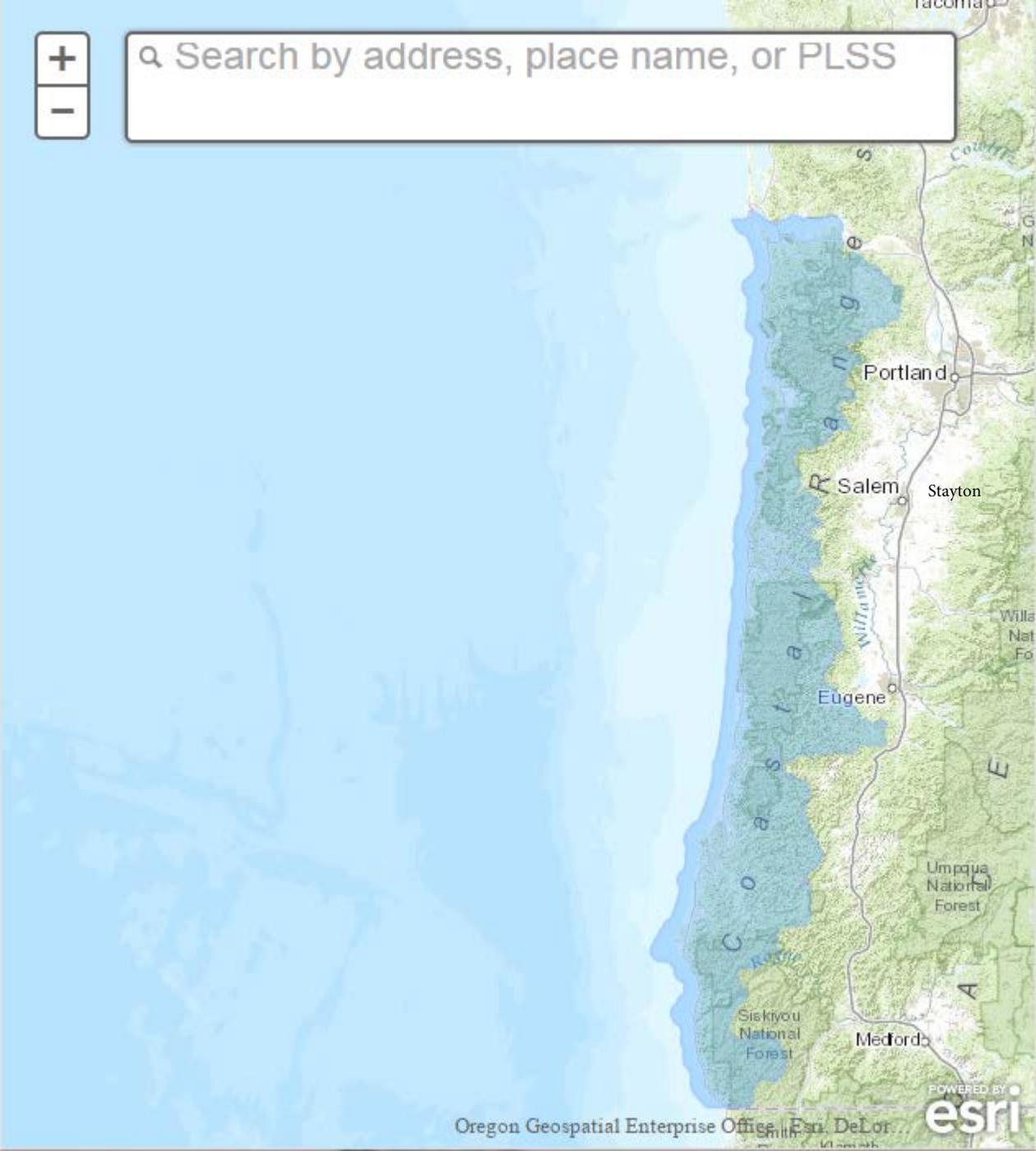
Yes: STOP here. Your project is consistent with the Coastal Zone Management Plan. Record your determination on the EA, Statutory Worksheet or HUD Form 4128.

No: If the project will not comply with local or state water or land use requirements, work with the Ocean and Coastal Services Division of the Oregon Department of Land Conservation and Development to mitigate [issues http://www.oregon.gov/LCD/OCMP/Pages/Federal_Consistency_Home.aspx](http://www.oregon.gov/LCD/OCMP/Pages/Federal_Consistency_Home.aspx). Any project in the Territorial Sea (3 geographic miles into the ocean from the coastline) will require an additional review—please contact the Coastal Services Division to obtain a Goal 19 Checklist. Do not initiate the Project until CZM issues have been mitigated.

DISCLAIMER: This document is intended as a tool to help HUD Region X grantees and HUD staff complete environmental requirements. This document is subject to change. This is not a policy statement, and the Coastal Zone Management Legislation and Regulations take precedence over any information found in this document.



🔍 Search by address, place name, or PLSS



Sole Source Aquifers

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Protect drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 et seq., and 21 U.S.C. 349)	40 CFR 149.2

1. Is the project located on a sole source aquifer (SSA) review area which includes the aquifer and streamflow source areas? (Note: There are currently no sole source aquifers in Alaska.)

Maintain, in your ERR, a copy of the latest SSA review area map, marked with your project location.

<http://yosemite.epa.gov/r10/water.nsf/Sole+Source+Aquifers/ssamaps>

Make sure you consider streamflow source areas.

No: STOP here. The Sole Source Aquifer authority does not apply. Record your determination.

Yes: PROCEED to #2

2. Is the project located in Idaho?

Yes: Follow the 2000 Sole Source Aquifer Memorandum of Understanding between HUD/Idaho Division of Community Development/Idaho Housing and Finance Association and EPA. Record your determination on the Statutory Worksheet.

No: PROCEED to #3

3. Does the project consist of an individual action on a one-to-four unit residential building (including acquisition, disposition, new construction and rehabilitation) that meets all applicable local and state groundwater regulations?

Yes: STOP here. The project is not likely to affect Sole Source Aquifer quality. Record your determination on the Statutory Worksheet.

No: PROCEED to #4

4. Does the project consist of acquisition, disposition or rehabilitation of a multifamily (5 or more dwelling units) residential building, commercial building or public facility that does not increase size or capacity and meets all applicable local and state groundwater regulations?

Yes: STOP here. The project is not likely to affect Sole Source Aquifer quality. Record your determination on the Statutory Worksheet.

No: PROCEED to #5

5. Does the project consist of new construction or rehabilitation that increases size or capacity of a multifamily building, commercial building or public facility that meets all applicable local/state ground-water regulations AND is served by public water, sewer and storm drainage systems. (If the project uses well water or a septic system or infiltrates storm-water on site, you must proceed to Step #6.)

Yes: STOP here. The project is not likely to affect Sole Source Aquifer quality. Record your determination on the Statutory Worksheet.

No: PROCEED to #6

6. Submit your project to EPA for review.

Include the following information:

1. Location of Project and name of Sole Source Aquifer.
2. Project description and federal funding source.
3. Is there any increase of impervious surface? If so, what is the area?
4. Describe how storm water is currently treated on the site.
5. How will storm water be treated on this site during construction and after the project is complete?
6. Are there any underground storage tanks present or to be installed? Include details of such tanks.
7. Will there be any liquid or solid waste generated? If so how will it be disposed of?
8. What is the depth of excavation?
9. Are there any wells in the area that may provide direct routes for contaminants to access the aquifer and how close are they to the project?
10. Are there any hazardous waste sites in the project area....especially if the waste site has an underground plume with monitoring wells that may be disturbed? Include details.
11. Are there any deep pilings that may provide access to the aquifer?
12. Are Best Management Practices planned to address any possible risks or concerns?
13. Is there any other information that could be helpful in determining if this project may have an affect on the aquifer?
14. Does this Project include any improvements that may be beneficial to the aquifer, such as improvements to the wastewater treatment plan?

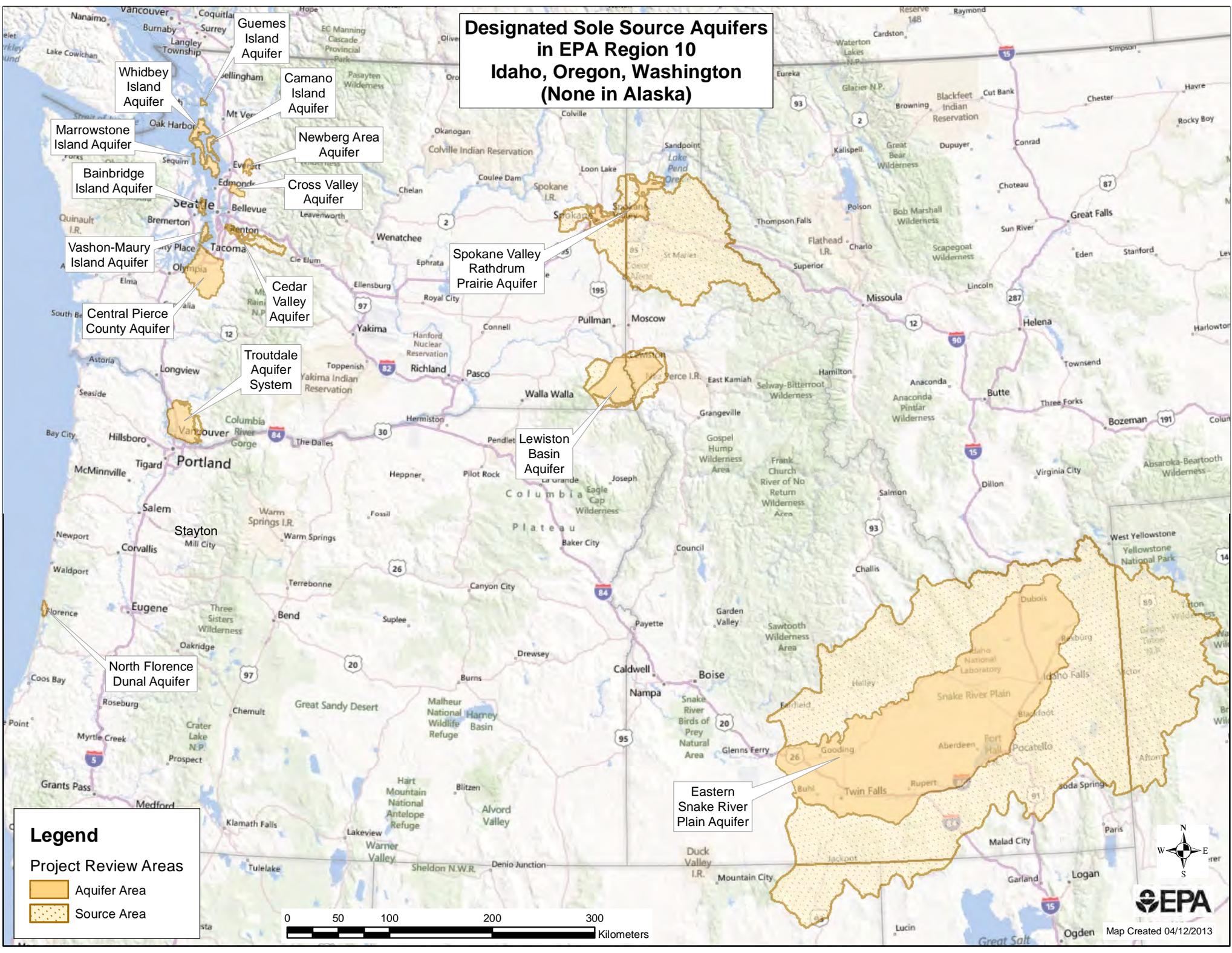
Submit the information to Susan Eastman at eastman.susan@epa.gov , phone number (206) 553-6249, for EPA approval of the project. Please note that EPA may request additional information if impacts to the aquifer are questionable after the information is submitted for review.

EPA approves project: Stop here. The project is not likely to affect Sole Source Aquifer quality. Maintain copies of all of the documents you have used to make your determination and your correspondence with EPA.

EPA objects to project: Continue working with EPA to mitigate issues. You may need to hire a technical consultant or request EPA to conduct an independent review of the proposed project for impacts to ground water quality. If EPA determines that the project continues to pose a significant contaminant hazard to public health, federal financial assistance must be denied.

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Designated Sole Source Aquifers in EPA Region 10 Idaho, Oregon, Washington (None in Alaska)



Whidbey Island Aquifer

Guemes Island Aquifer

Camano Island Aquifer

Marrowstone Island Aquifer

Newberg Area Aquifer

Bainbridge Island Aquifer

Cross Valley Aquifer

Vashon-Maury Island Aquifer

Cedar Valley Aquifer

Central Pierce County Aquifer

Troutdale Aquifer System

Spokane Valley Rathdrum Prairie Aquifer

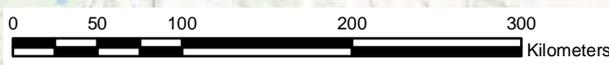
Lewiston Basin Aquifer

North Florence Dunal Aquifer

Eastern Snake River Plain Aquifer

Legend
Project Review Areas

- Aquifer Area
- Source Area



Map Created 04/12/2013

Wild and Scenic Rivers

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Establishes a method for providing Federal protection for certain free-flowing and scenic rivers designated as components or potential components of the National Wild and Scenic Rivers System from the effects of construction.	The Wild and Scenic Rivers Act (Pub L. 90-542 as amended: 16 U.S.C. 1271-1287)	24 CFR 58.5(f) 24 CFR 50.4(f)

1. Is your project within proximity of a Wild and Scenic River?

Projects will be evaluated on a case-by-case basis. If it is determined that the project is near a Wild and Scenic River, Designated Wild and Scenic River, or a river on the Nationwide Rivers Inventory proper mitigation actions will take place.

You must consider **Designated Wild and Scenic Rivers** (<http://www.rivers.gov/map.php>); **Study Wild and Scenic Rivers** (<http://www.rivers.gov/study.php>) and rivers on the **Nationwide Rivers Inventory** (<http://www.nps.gov/ncrc/programs/rtca/nri/>)

- No: STOP here. Project is in compliance with this section. Attach documentation used to make your determination, such as a map identifying the project site and its surrounding area or a list of rivers in your region.
- Yes: the project is in proximity of a Designation Wild and Scenic River or Study Wild and Scenic River. PROCEED to #2
- Yes: the project is in proximity of Nationwide Rivers Inventory (NRI) river. PROCEED to #3

2. Is your project a Water Resources project?

A Water Resources Project is a federally assisted project that could affect the free-flowing condition of a Wild and Scenic River. Examples include dams, water diversion projects, bridges, roadway construction, boat ramps, and activities that require a Section 404 permit from the Army Corps of Engineers. New construction that could increase storm water runoff should also be considered.

- No: STOP here. Project is in compliance with this section. Please attach all necessary supporting documentation.
- Yes: PROCEED to #3.

3. Could the project do any of the following:

- **Have a direct and adverse effect within Wild and Scenic River Boundaries**
- **Invade the area or unreasonably diminish the river outside the Wild and Scenic River Boundaries?**
- **Have an adverse effect on the natural, cultural, and/or recreational values of a NRI segment?**

For designated and study wild and scenic rivers, consult with the appropriate federal/state/local/tribal Managing Agency, pursuant to Section 7 of the Act, to determine if the proposed project may have an adverse effect. For NRI rivers, consult with the National Park Service pursuant to Section 5 of the Act to determine if your project will have an adverse effect.

- No: STOP here. Project is in compliance with this section. Please attach all necessary supporting documentation.
- Yes: PROCEED to #4

4. Can you mitigate the impact to the river?

- Yes. Attach mitigation plan. Require mitigation as part of grant agreement and other contracts. Monitor project to ensure mitigation followed-through.
- No. Cancel project at this location.

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Clean Air Act Compliance

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
EPA requires federal actions to conform to State or Federal Action Plans for air quality.	Clean Air Act (42 U.S.C. 7401 et seq.) as amended	40 CFR Parts 6, 51 and 93

1. Does your project require an environmental assessment level review for new construction or major rehabilitation of existing structures?

- No: STOP here. The Clean Air Act conformity requirements do not apply. Record your determination.
- Yes: PROCEED to #2

2. Is the project located in a designated non-attainment area for criteria air pollutants?

Maintain, in your ERR, either a map or list of non-attainment areas in your region. You can find information on non-attainment areas by state at this website:
<http://epa.gov/oar/oaqps/greenbk/ancl.html>

- No: STOP here. The Clean Air Act conformity requirements do not apply. Record your determination.
- Yes: PROCEED to #3

3. Does your project exceed de minimis impact criteria?

Determine if your project will result in emissions (both direct and indirect) that exceed the de minimis thresholds established for each criteria pollutant at 40 CFR Part 93.153 (see attached). In general, HUD projects will not exceed this threshold. However, you should work with your local air quality authority to determine whether your project may have an impact on air quality. For PM-10 and PM 2.5 non-attainment areas, please make special note of any local dust control regulations that might apply during construction. Please see attached document for air authority contacts.

- No: STOP here. The project does not impact air quality. Record your determination on the Statutory Worksheet and attach documentation.
- Yes: PROCEED to #4

4. Does your project conform with the State or Federal Action Plan for air quality?

Work with your local or state air quality authority to determine if your project conforms with your State Action plan. If you cannot reach this determination, please contact your HUD environmental officers for further guidance.

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You are here: EPA Home > Green Book > Current Nonattainment Counties for All Criteria Pollutants

Current Nonattainment Counties for All Criteria Pollutants

Data is current as of August 31, 2018

The 8-hour Ozone (1997) standard was revoked on April 6, 2015 and the 1-hour Ozone (1979) standard was revoked on June 15, 2005.

"Part County NA" means only a portion of the county is designated nonattainment (NA).

Listed by State, County, NAAQS * Part County NA NA Area Name
(Classification, if applicable)

ALASKA

Fairbanks North Star Borough
PM-2.5 (2006) *Fairbanks, AK - (Serious)

ARIZONA

Cochise County
PM-10 (1987) *Paul Spur/Douglas (Cochise County), AZ - (Moderate)

Gila County
Lead (2008) *Hayden, AZ
PM-10 (1987) *Hayden, AZ - (Moderate)
PM-10 (1987) *Miami, AZ - (Moderate)
Sulfur Dioxide (2010) *Hayden, AZ
Sulfur Dioxide (2010) *Miami, AZ
8-Hour Ozone (2015) *Phoenix-Mesa, AZ - (Marginal)

Maricopa County
PM-10 (1987) *Phoenix, AZ - (Serious)
8-Hour Ozone (2008) *Phoenix-Mesa, AZ - (Moderate)
8-Hour Ozone (2015) *Phoenix-Mesa, AZ - (Marginal)

Pima County
PM-10 (1987) *Ajo (Pima County), AZ - (Moderate)
PM-10 (1987) *Rillito, AZ - (Moderate)

Pinal County
Lead (2008) *Hayden, AZ
PM-10 (1987) *Hayden, AZ - (Moderate)
PM-10 (1987) *Miami, AZ - (Moderate)
PM-10 (1987) *Phoenix, AZ - (Serious)
PM-10 (1987) *West Pinal, AZ - (Moderate)
PM-2.5 (2006) *West Central Pinal, AZ - (Moderate)
Sulfur Dioxide (1971) *Hayden (Pinal County), AZ
Sulfur Dioxide (2010) *Hayden, AZ
8-Hour Ozone (2008) *Phoenix-Mesa, AZ - (Moderate)
8-Hour Ozone (2015) *Phoenix-Mesa, AZ - (Marginal)

Santa Cruz County
PM-10 (1987) *Nogales, AZ - (Moderate)
PM-2.5 (2006) *Nogales, AZ - (Moderate)

Yuma County

8-Hour Ozone (2015) Cincinnati, OH-KY - (Marginal)
 Washington County
*Sulfur Dioxide (2010)**Muskingum River, OH

OREGON

Klamath County
PM-2.5 (2006) *Klamath Falls, OR - (Moderate)
 Lane County
PM-10 (1987) *Lane Co, OR - (Moderate)
PM-2.5 (2006) *Oakridge, OR - (Moderate)

PENNSYLVANIA

Allegheny County
PM-2.5 (1997) *Liberty-Clairton, PA - (Moderate)
PM-2.5 (2006) *Liberty-Clairton, PA - (Moderate)
PM-2.5 (2012) Allegheny County, PA - (Moderate)
*Sulfur Dioxide (2010)**Allegheny, PA
8-Hour Ozone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)

Armstrong County
*Sulfur Dioxide (1971)**Armstrong Co, PA
*Sulfur Dioxide (2010)**Indiana, PA
8-Hour Ozone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)

Beaver County
Lead (2008) *Lower Beaver Valley, PA
*Sulfur Dioxide (2010)**Beaver, PA
8-Hour Ozone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)

Berks County
Lead (2008) *Lyons, PA
Lead (2008) *North Reading, PA
8-Hour Ozone (2008) Reading, PA - (Marginal)

Bucks County
8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)

Butler County
8-Hour Ozone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)

Carbon County
8-Hour Ozone (2008) Allentown-Bethlehem-Easton, PA - (Marginal)

Chester County
8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)

Delaware County
PM-2.5 (2012) Delaware County, PA - (Moderate)
8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
8-Hour Ozone (2015) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)

Fayette County
8-Hour Ozone (2008) Pittsburgh-Beaver Valley, PA - (Marginal)

Indiana County
Sulfur Dioxide (2010) Indiana, PA

Lancaster County
8-Hour Ozone (2008) Lancaster, PA - (Marginal)

Lebanon County
PM-2.5 (2012) Lebanon County, PA - (Moderate)

Lehigh County
8-Hour Ozone (2008) Allentown-Bethlehem-Easton, PA - (Marginal)

Montgomery County
8-Hour Ozone (2008) Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)

	<i>8-Hour Ozone (2015)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
Northampton County	<i>8-Hour Ozone (2008)</i>	Allentown-Bethlehem-Easton, PA - (Marginal)
Philadelphia County	<i>8-Hour Ozone (2008)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
	<i>8-Hour Ozone (2015)</i>	Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE - (Marginal)
Warren County	<i>Sulfur Dioxide (2010)</i>	*Warren, PA
Washington County	<i>8-Hour Ozone (2008)</i>	Pittsburgh-Beaver Valley, PA - (Marginal)
Westmoreland County	<i>8-Hour Ozone (2008)</i>	Pittsburgh-Beaver Valley, PA - (Marginal)
PUERTO RICO		
Arecibo Municipio	<i>Lead (2008)</i>	*Arecibo, PR
Bayamon Municipio	<i>Sulfur Dioxide (2010)</i>	*San Juan, PR
Catano Municipio	<i>Sulfur Dioxide (2010)</i>	San Juan, PR
Guaynabo Municipio	<i>Sulfur Dioxide (2010)</i>	*San Juan, PR
Salinas Municipio	<i>Sulfur Dioxide (2010)</i>	*Guayama-Salinas, PR
San Juan Municipio	<i>Sulfur Dioxide (2010)</i>	*San Juan, PR
Toa Baja Municipio	<i>Sulfur Dioxide (2010)</i>	*San Juan, PR
TENNESSEE		
Sullivan County	<i>Sulfur Dioxide (2010)</i>	*Sullivan County, TN
TEXAS		
Anderson County	<i>Sulfur Dioxide (2010)</i>	*Freestone and Anderson Counties, TX
Brazoria County	<i>8-Hour Ozone (2008)</i>	Houston-Galveston-Brazoria, TX - (Moderate)
	<i>8-Hour Ozone (2015)</i>	Houston-Galveston-Brazoria, TX - (Marginal)
Chambers County	<i>8-Hour Ozone (2008)</i>	Houston-Galveston-Brazoria, TX - (Moderate)
	<i>8-Hour Ozone (2015)</i>	Houston-Galveston-Brazoria, TX - (Marginal)
Collin County	<i>8-Hour Ozone (2008)</i>	Dallas-Fort Worth, TX - (Moderate)
	<i>8-Hour Ozone (2015)</i>	Dallas-Fort Worth, TX - (Marginal)
Dallas County	<i>8-Hour Ozone (2008)</i>	Dallas-Fort Worth, TX - (Moderate)
	<i>8-Hour Ozone (2015)</i>	Dallas-Fort Worth, TX - (Marginal)
Denton County	<i>8-Hour Ozone (2008)</i>	Dallas-Fort Worth, TX - (Moderate)
	<i>8-Hour Ozone (2015)</i>	Dallas-Fort Worth, TX - (Marginal)
El Paso County	<i>PM-10 (1987)</i>	*El Paso Co, TX - (Moderate)
Ellis County	<i>8-Hour Ozone (2008)</i>	Dallas-Fort Worth, TX - (Moderate)
	<i>8-Hour Ozone (2015)</i>	Dallas-Fort Worth, TX - (Marginal)
Fort Bend County	<i>8-Hour Ozone (2008)</i>	Houston-Galveston-Brazoria, TX - (Moderate)
	<i>8-Hour Ozone (2015)</i>	Houston-Galveston-Brazoria, TX - (Marginal)
Freestone County	<i>Sulfur Dioxide (2010)</i>	*Freestone and Anderson Counties, TX

Galveston County		
8-Hour Ozone (2008)	Houston-Galveston-Brazoria, TX - (Moderate)	
8-Hour Ozone (2015)	Houston-Galveston-Brazoria, TX - (Marginal)	
Harris County		
8-Hour Ozone (2008)	Houston-Galveston-Brazoria, TX - (Moderate)	
8-Hour Ozone (2015)	Houston-Galveston-Brazoria, TX - (Marginal)	
Johnson County		
8-Hour Ozone (2008)	Dallas-Fort Worth, TX - (Moderate)	
8-Hour Ozone (2015)	Dallas-Fort Worth, TX - (Marginal)	
Kaufman County		
8-Hour Ozone (2008)	Dallas-Fort Worth, TX - (Moderate)	
8-Hour Ozone (2015)	Dallas-Fort Worth, TX - (Marginal)	
Liberty County		
8-Hour Ozone (2008)	Houston-Galveston-Brazoria, TX - (Moderate)	
Montgomery County		
8-Hour Ozone (2008)	Houston-Galveston-Brazoria, TX - (Moderate)	
8-Hour Ozone (2015)	Houston-Galveston-Brazoria, TX - (Marginal)	
Panola County		
Sulfur Dioxide (2010)	*Rusk and Panola Counties, TX	
Parker County		
8-Hour Ozone (2008)	Dallas-Fort Worth, TX - (Moderate)	
8-Hour Ozone (2015)	Dallas-Fort Worth, TX - (Marginal)	
Rockwall County		
8-Hour Ozone (2008)	Dallas-Fort Worth, TX - (Moderate)	
Rusk County		
Sulfur Dioxide (2010)	*Rusk and Panola Counties, TX	
Tarrant County		
8-Hour Ozone (2008)	Dallas-Fort Worth, TX - (Moderate)	
8-Hour Ozone (2015)	Dallas-Fort Worth, TX - (Marginal)	
Titus County		
Sulfur Dioxide (2010)	*Titus County, TX	
Waller County		
8-Hour Ozone (2008)	Houston-Galveston-Brazoria, TX - (Moderate)	
Wise County		
8-Hour Ozone (2008)	Dallas-Fort Worth, TX - (Moderate)	
8-Hour Ozone (2015)	Dallas-Fort Worth, TX - (Marginal)	

UTAH

Box Elder County		
PM-2.5 (2006)	*Salt Lake City, UT - (Serious)	
Cache County		
PM-2.5 (2006)	*Logan, UT-ID - (Moderate)	
Davis County		
PM-2.5 (2006)	Salt Lake City, UT - (Serious)	
8-Hour Ozone (2015)	Northern Wasatch Front, UT - (Marginal)	
Duchesne County		
8-Hour Ozone (2015)	*Uinta Basin, UT - (Marginal)	
Salt Lake County		
PM-10 (1987)	Salt Lake Co, UT - (Moderate)	
PM-2.5 (2006)	Salt Lake City, UT - (Serious)	
Sulfur Dioxide (1971)	Salt Lake Co, UT	
8-Hour Ozone (2015)	Northern Wasatch Front, UT - (Marginal)	
Tooele County		
PM-2.5 (2006)	*Salt Lake City, UT - (Serious)	
Sulfur Dioxide (1971)	*Tooele Co, UT	
8-Hour Ozone (2015)	*Northern Wasatch Front, UT - (Marginal)	
Uintah County		
8-Hour Ozone (2015)	*Uinta Basin, UT - (Marginal)	
Utah County		
PM-10 (1987)	Utah Co, UT - (Moderate)	
PM-2.5 (2006)	*Provo, UT - (Serious)	
8-Hour Ozone (2015)	*Southern Wasatch Front, UT - (Marginal)	

Weber County

- PM-10 (1987)* *Ogden, UT - (Moderate)
PM-2.5 (2006) *Salt Lake City, UT - (Serious)
8-Hour Ozone (2015) *Northern Wasatch Front, UT - (Marginal)

VIRGINIA

Alexandria city

- 8-Hour Ozone (2008)* Washington, DC-MD-VA - (Marginal)
8-Hour Ozone (2015) Washington, DC-MD-VA - (Marginal)

Arlington County

- 8-Hour Ozone (2008)* Washington, DC-MD-VA - (Marginal)
8-Hour Ozone (2015) Washington, DC-MD-VA - (Marginal)

Fairfax County

- 8-Hour Ozone (2008)* Washington, DC-MD-VA - (Marginal)
8-Hour Ozone (2015) Washington, DC-MD-VA - (Marginal)

Fairfax city

- 8-Hour Ozone (2008)* Washington, DC-MD-VA - (Marginal)
8-Hour Ozone (2015) Washington, DC-MD-VA - (Marginal)

Falls Church city

- 8-Hour Ozone (2008)* Washington, DC-MD-VA - (Marginal)
8-Hour Ozone (2015) Washington, DC-MD-VA - (Marginal)

Loudoun County

- 8-Hour Ozone (2008)* Washington, DC-MD-VA - (Marginal)
8-Hour Ozone (2015) Washington, DC-MD-VA - (Marginal)

Manassas Park city

- 8-Hour Ozone (2008)* Washington, DC-MD-VA - (Marginal)
8-Hour Ozone (2015) Washington, DC-MD-VA - (Marginal)

Manassas city

- 8-Hour Ozone (2008)* Washington, DC-MD-VA - (Marginal)
8-Hour Ozone (2015) Washington, DC-MD-VA - (Marginal)

Prince William County

- 8-Hour Ozone (2008)* Washington, DC-MD-VA - (Marginal)
8-Hour Ozone (2015) Washington, DC-MD-VA - (Marginal)

WEST VIRGINIA

Brooke County

- Sulfur Dioxide (2010)* *Steubenville, OH-WV

Marshall County

- Sulfur Dioxide (2010)* *Marshall, WV

WISCONSIN

Door County

- 8-Hour Ozone (2015)* *Door County, WI - (Marginal (Rural Transport))

Kenosha County

- 8-Hour Ozone (2008)* *Chicago-Naperville, IL-IN-WI - (Moderate)
8-Hour Ozone (2015) *Chicago, IL-IN-WI - (Marginal)

Manitowoc County

- 8-Hour Ozone (2015)* *Manitowoc County, WI - (Marginal)

Milwaukee County

- 8-Hour Ozone (2015)* *Northern Milwaukee/Ozaukee Shoreline, WI - (Marginal)

Oneida County

- Sulfur Dioxide (2010)* *Rhineland, WI

Ozaukee County

- 8-Hour Ozone (2015)* *Northern Milwaukee/Ozaukee Shoreline, WI - (Marginal)

Sheboygan County

- 8-Hour Ozone (2008)* Sheboygan County, WI - (Moderate)
8-Hour Ozone (2015) *Sheboygan County, WI - (Marginal)

WYOMING

Lincoln County

- 8-Hour Ozone (2008)* *Upper Green River Basin Area, WY - (Marginal)

Sublette County

- 8-Hour Ozone (2008)* Upper Green River Basin Area, WY - (Marginal)

Sweetwater County
*8-Hour Ozone (2008) *Upper Green River Basin Area, WY - (Marginal)*

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2018-08-31

Farmland Protection

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
The Farmland Protection Policy Act discourages Federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include new construction, acquisition of undeveloped land or change in use of land or property.

Yes: PROCEED to #2

No: STOP here. The Farmland Protection Policy Act does not apply. Record your determination

x Maintain, in your ERR, a determination that the project does not include new construction, acquisition of undeveloped land or change in use of a property

2. Does your project meet one of the following exemptions?

- Construction limited to on-farm structures needed for farm operations.
- Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
- Project on land used for water storage or already in or committed urban development (this includes land with a density of 30 structures per 40 acre area. It also includes lands identified as “urbanized area” (UA) on the Census Bureau Map, or as urban area mapped with a “tint overprint” on the USGS topographical maps, or as “urban built-up” on the USDA Important Farmland Maps. Please note that land “zoned” for development, i.e. non-agricultural use, does not exempt a project from compliance with the FPPA).

Yes: STOP here. The Farmland Protection Policy Act does not apply. Record your determination

Maintain, in your ERR, documentation to evidence the project meets one of the exemptions. If the project is already in urban development provide a map as described above with your site marked or documentation from another credible source.

No: PROCEED to #3

3. Does “important farmland” regulated under the Farmland Protection Policy Act occur on the project site? This includes prime farmland, unique farmland and/or land of statewide or local importance

You may use the links below to determine if important farmland occurs on the project site:

- Utilize USDA Natural Resources Conservation Service’s (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

- Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center
<http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> for assistance

No: STOP here. The project does not convert farmland to nonagricultural purposes. Record your determination on the Statutory Worksheet and attach documentation used to make your determination

Yes: PROCEED to #4

4. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.

Complete form [AD-1006, “Farmland Conversion Impact Rating”](#) and contact the state soil scientist before sending it to the local NRCS District Conservationist. Work with NRCS to minimize the impact of the project on the protected farmland.

Return a copy of Form 1006 to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination once you have finished the analysis.

Record your determination on the Statutory Worksheet and attach documentation used to make your determination. Include any mitigation required in the review.

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Environmental Justice

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Address disproportionately high and adverse human health or environmental effects on minority and low-income populations.	Executive Order 12898, February 11, 2004	24 CFR 50.4(l) and 24 CFR 58.5(j).

1. Is there an adverse environmental impact caused by the proposed action, or is the proposed action subject to an adverse environmental impact?

This question is designed to determine how the Environmental Justice analysis is reflected in the environmental review as a whole. Your consideration of the other environmental laws and authorities is your supporting documentation for this question. If any other environmental law or authority required mitigation (i.e., 8-step process for locating in a flood plain, waiver of noise requirements), then there is an adverse environmental impact.

- No: STOP here. The project does not pose an Environmental Justice concern.
 Yes: PROCEED to #2

2. Will the project have a disproportionate impact on low-income or minority populations?

The following steps will help you make this determination:

- 1) Describe the project.
- 2) Consider historic uses of the site, past land uses and patterns (such as lending discrimination and exclusionary zoning).
- 3) Determine the demographic profile of the people using the project and/or living and working in the vicinity of the project. EPA's environmental justice geographic assessment tool provides helpful demographic information: <http://epamap14.epa.gov/ejmap/entry.html>
- 4) Describe the adverse environmental impact you identified in your environmental review. Identify adjacent land uses, paying particular attention to toxic sites, dumps, incinerators, hazardous materials (e.g. asbestos), and other issues with the potential to have adverse human health effects. (This may already have been considered in your review of toxic and hazardous substances.)
- 5) Consider how the adverse environmental impact and any potentially harmful adjacent land uses would impact the people using and/or surrounding the project.
- 6) Consider whether market-rate development exists in the area. If not, would this project succeed as a market-rate project at the proposed site?

- No: STOP here. Maintain documentation concerning your determination of no disproportionate impact.
 Yes: Consult with HUD environmental staff to develop a mitigation plan. An Environmental Justice mitigation plan must include public outreach, participation and community involvement. The project can not move forward until the EJ issue is mitigated to the satisfaction of HUD or the Responsible Entity and the impacted community.

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Noise Abatement and Control

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Encourage land use patterns for housing and other noise sensitive urban needs that will provide a suitable separation between them and major noise sources	Noise Control Act of 1972 The Quiet Communities Act of 1978 as amended OMB Circular 75-2, “Comparable Land Uses at Federal Airfields”	24 CFR Part 51 Subpart B Noise Guidebook

1. Is the project for new construction, purchase or resale of existing, modernization, or rehabilitation of noise sensitive use (i.e., housing, mobile home parks, nursing homes, hospitals, and other non-housing uses where quiet is integral to the project’s function, e.g., libraries)?

No: STOP here. The project is not subject to the noise standards. Maintain documentation on the nature of the project. Record your determination that the project is not subject to the noise standards in your Environmental Review Record (ERR).

Yes: PROCEED to #2

2. Is the project located within 1,000 feet of a busy road or highway, 3,000 feet of a railroad, or 15 miles of a civil airport or military airfield? Are there any other potential noise sources in the project vicinity that could produce a noise level above HUD’s acceptable range, including but not limited to concert halls, night clubs, event facilities, etc.... ?

The locations of the properties to be rehabilitated are not known at this time. Noise Abatement and Control will be determined during the Tier 2 Site Specific Review.

No: STOP here. Maintain a map identifying distances from roads, railroads and airports and your project. Record your determination. You do not need to calculate a specific noise level.

Yes: PROCEED to #3

3. Determine the actions to take based on the project and HUD Acceptability Standards.

Is the activity for:

Construction of new noise sensitive use. **Calculate noise using HUD standards or online tool:** <https://www.hudexchange.info/environmental-review/dnl-calculator> **PROCEED to 3.a**

Purchase or resale of existing buildings (existing buildings are either more than 1 year old or buildings for which this is the second or subsequent purchaser). Noise calculation is not required. HUD or RE determines need based on their evaluation of project. Proceed to 3.b

Modernization. Noise calculation is not required. HUD or RE determines need based on their evaluation of project. Proceed to 3.c

Major or substantial rehabilitation (**use the definition contained in the specific program guidelines**).

Calculate noise using HUD standards or online tool:

<https://www.hudexchange.info/environmental-review/dnl-calculator> **Proceed to 3.d**

Noise Abatement and Control

Checklist for HUD or Responsible Entity

HUD General Acceptability Standards	
<i>HUD determination</i>	<i>Day night average sound level in decibels (dB)</i>
Acceptable	Not exceeding 65 dB
Normally Unacceptable	Above 65 dB but not exceeding 75dB
Unacceptable	Above 75 dB +

Noise Abatement and Control

Checklist for HUD or Responsible Entity

New Construction

Is the Day-Night average sound level:

- Above 75 dB. **Construction of new noise sensitive uses is generally prohibited**, an EIS is required prior to the approval. The Assistant Secretary or Certifying Officer may waive the EIS requirement in cases where noise is the only environmental issue and no outdoor sensitive activity will take place on the site. (Under § Part 50 approval is required of the Assistant Secretary for CPD, under § Part 58 the Certifying Officer must provide approval). The project must be mitigated to acceptable standards. Document the ERR with the noise calculation, EIS, EIS waiver if approved, mitigation requirements and when complete, evidence of mitigation..
- Above 65 dB but not exceeding 75 dB. **Construction of new noise sensitive uses is discouraged** – all new projects require special environmental reviews and may require special approvals prior to construction (except when the threshold has been shifted to 70 dB as described below). Information is provided at 51.104 (b)(1). Document ERR include the noise calculation, special review and approval. Document mitigation requirements and when complete, evidence of mitigation.
- Not exceeding 65 dB. (this threshold may be shifted to 70 dB on a case-by-case basis when 6 specific conditions are satisfied as described at Section 51.105(a)). Noise levels are acceptable. Document the noise calculation in the ERR

b. Purchase or Resale of Existing Building

Is the Day-Night average sound level above an acceptable level (based on noise calculation or your analysis of the site using maps or a site visit)?

- Yes. Consider environmental noise as a marketability factor when considering the amount of insurance or assistance that will be provided to the project? Noise exposure by itself will not result in the denial of HUD support for the resale and purchase of otherwise acceptable existing buildings. Record your determination in the ERR.
- No. Record your determination in the ERR

c. Modernization

Is the Day-Night average sound level above an acceptable level (based on noise calculation or your analysis of the site using maps or a site visit)?

- Yes. Encourage noise attenuation features in alterations. Record your determination in the ERR. Identify how you are encouraging noise attenuation
- No. Record your determination in the ERR

d. Major or Substantial Rehabilitation

Is the Day-Night average sound level:

- Above 75 dB. HUD or the RE shall actively seek to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure and will strongly encourage conversion of the noise exposed sites to land uses compatible with the high noise levels. Document the ERR include the noise calculation and efforts taken to encourage noise attenuation .
- Above 65 dB but not exceeding 75 dB. HUD or the RE shall actively seek to have project sponsors incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure Document ERR include the noise calculation and efforts taken to encourage noise attenuation.
- Not exceeding 65 dB. (this threshold may be shifted to 70 dB on a case-by-case basis when 6 specific conditions are satisfied as described at Section 51.105(a)). Noise levels are acceptable. Document the ERR with the noise calculation.

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Explosive and Flammable Operations

24CFR Part 58

General requirements	Legislation	Regulation
Establish safety standards that can be used as a basis for calculating acceptable separation distances for assisted projects.	Sec.2 Housing and Urban Development Act of 1969 (42 U.S.C. 1441 (a))	24 CFR Part 51 Subpart C

1. Does the project include development, construction, rehabilitation or modernization or conversion? (For modernization and rehabilitation projects, does the work increase residential densities, convert a building for habitation, or make a vacant building habitable?)

- No: STOP here. The project is not subject to 24 CFR Part 51 C. Record your determination in your Environmental Review Record (ERR).
- Yes: PROCEED to #2

2. Are there aboveground storage tanks within 1 mile of the project site more than 100 gallons in size? Are there plans to install such aboveground storage tanks within 1 mile of the project site? (HUD's stated position is that 24 CFR Part 51 C does not apply to storage tanks ancillary to the operation of the assisted 1-4 family residence, for example the home heating or power source. It does apply to all other tanks, including tanks for neighboring 1-4 family residences.)

Maintain documentation supporting your determination in your ERR. Documentation could include a finding by a qualified data source (i.e. Fire Marshall etc...), copies of pictures, maps, and/or internet data.

TIP: You do not have to consider all tanks at all sizes within 1 mile of your project. Screen further by determining the Acceptable Separation Distance for specific tank sizes and using that information to narrow your search. For instance, the maximum ASD for a 100 gallon tank is 115 feet. You do not need to map 100 gallon tanks farther than 115 feet from your project site. Find the list of ASDs by tank size in Appendix C here: <https://www.hudexchange.info/resources/documents/Acceptable-Separation-Distance-Guidebook-Appendix-C.pdf>

- No: STOP here. The project is not subject to 24 CFR Part 51 C. Record your determination that there are no storage tanks within one mile of the project site in your ERR.
- Yes: PROCEED to #3

3. Is the Separation Distance from the project acceptable based on standards in 24 CFR 51 C?

Use the online tool to calculate ASD: <https://www.hudexchange.info/environmental-review/asd-calculator/> or use the HUD guidebook, "Acceptable Separation Distance Guidebook which is available at: <https://www.hudexchange.info/resource/2762/acceptable-separation-distance-guidebook/>

- Yes: STOP here. Include maps and your separation distance calculations in your ERR.
- No: PROCEED to #4

4. With mitigation, can the Separation Distance become acceptable?

- No: PROJECT IS NOT ACCEPTABLE-DO NOT FUND
- Yes: STOP here. Maintain documentation supporting your determination in your ERR. Documentation could include a finding by a qualified data source (i.e., Fire Marshall etc.), copies of pictures, maps, technical calculations and information describing the mitigation measures taken.

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Toxic Chemicals and Radioactive Materials

24 CFR Part 58

General requirements	Legislation	Regulation
All property proposed for use in HUD programs must be free of hazardous materials, contamination, toxic chemicals and gasses and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.	Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by Superfund Amendments and Reauthorization Act	24 CFR 58.5(i)

You are required to consider all hazards that could affect the health and safety of occupants and use current techniques by qualified professionals to undertake investigations determined necessary. This checklist tool is intended as guidance only and does not cover all possible hazards. This document is subject to change. Legislation and Regulations take precedence over any information found in this document.

1. Is the project for acquisition, new construction or rehabilitation of a one-to-four family residential property?

- Yes: PROCEED to #3 to determine the likelihood of hazardous conditions existing nearby or on the property which could affect the health and safety of proposed occupants.
- No: PROCEED to #2

2. Is the project for multifamily housing with 5 or more dwelling units (including leasing), or non-residential property?

- No: PROCEED to #3
- Yes: The environmental review **must** include the evaluation of previous uses of the site or other evidence of contamination on or near the site, to assure that the occupants of proposed sites are not adversely affected by hazardous materials, contamination, toxic chemicals and gases, and radioactive substances. **For acquisition and new construction projects, HUD strongly advises that the review include an ASTM Phase 1 assessment or equivalent analysis, including an update if the assessment is over 180 days old, in order to meet real estate transaction standards of due diligence.** If you do obtain a Phase I review, it is suggested that you include consideration of the regulations at 24 CFR Part 58.5(i) as an additional purpose in the subsection on “purpose” in the Phase I. Your review should cover the information in the questions below (if you have a Phase I it will already cover the information below). **PROCEED to #3.**

3. Is the answer Yes to any of the following questions?

The locations of the properties to be rehabilitated are not known at this time. The Toxic Chemicals and Radioactive Materials will be determined during the Tier 2 Site Specific Review.

- **Is the property or surrounding neighborhood listed on an EPA Superfund National Priorities, the CERCLA List, or equivalent State list?**
An internet site that may be helpful is www.epa.gov/superfund/sites/npl.
 No Yes
- **Is the property located near a toxic or solid-waste landfill site?**
An internet site that may be helpful is <http://www.epa.gov/emefdata/em4ef.home>. Maps, site inspections and documentation from the local planning department may also be useful in making your determination.
 No Yes
- **Are there any underground storage tanks (not including residential fuel tanks) on or near the property?**
For projects in Washington State, visit: www.ecy.wa.gov/programs/tcp/ust-lust/tanks.html.

For projects in Oregon, visit: <http://www.deq.state.or.us/lq/tanks/index.htm>

For projects in Idaho, visit <https://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks/leaking-underground-storage-tanks.aspx>

For projects in Alaska, visit: <http://www.dec.state.ak.us/spar/ipp/tanks.htm>

Consider past uses of the property when making your determination.

No Yes

- **Is the property known or suspected to be contaminated by toxic chemicals or radioactive materials?**

No Yes

HUD's "Choosing an Environmentally 'Safe' Site" provides guidance in considering potential environmental issues: <https://www.onecpd.info/resource/83/choosing-an-environmentally-safe-site/> In considering the site the guidance suggests that you:

- Make a visual inspection of the site for signs of distressed vegetation, vents or fill pipes, storage/oil tanks or questionable containers, pits, ponds or lagoons, stained soil or pavement, pungent, foul or noxious odors, dumped material or soil, mounds of dirt, rubble, fill etc.
- Research the past uses of the site and obtain a disclosure of past uses from the owner. Certain past and present uses such as the following signal concerns of possible contamination and require a more detailed review: gasoline stations, vehicle repair shops, car dealerships, garages, depots, warehouses, commercial printing facilities, industrial or commercial warehouses, dry cleaners, photo developing laboratories, hospitals, junkyard or landfills, waste treatment, storage disposal, processing or recycling facilities, agricultural/farming operations (including hog and poultry operations) and tanneries.
- Identify adjoining properties in the surrounding area for evidence of any facilities as described above.
- Research Federal, State and local records about possible toxins and hazards at the site.

Yes to any of the above questions: PROCEED to #4

No to all questions: The toxic chemicals and radioactive materials review is complete, unless there are other hazards that could affect the health and safety of occupants. Record your determination on the Statutory Worksheet and maintain appropriate documentation in the ERR.

4. Could nearby toxic, hazardous or radioactive substances affect the health and safety of project occupants or conflict with the intended utilization of the property?

Gather all pertinent information concerning any on-site and nearby toxic hazards. Consider, at a minimum, each of the areas identified in Question 3. Consider if your ASTM Phase 1 or equivalent analysis identifies any Recognized Environmental Conditions (RECs) or conditions that could impact the health or safety of the occupants. If appropriate and/or required, obtain independent professional reviews of the site (e.g., an ASTM Phase 2 or equivalent analysis). Contact appropriate Federal, State and Local resources for assistance in assessing exposure to health hazards.

Yes: PROCEED to #5.

No: The toxic chemicals and radioactive materials review is complete, unless there are other hazards that could affect the health and safety of occupants. Record your determination that there are no hazards that could affect the safety of occupants or impact the intended use of the project and maintain appropriate documentation in the ERR.

5. Can the adverse environmental condition be mitigated?

Yes: Mitigate according to the requirements of the appropriate Federal, State or local oversight agency. Record your determination that there are no hazards that could affect the safety of occupants or impact the intended use of the project and maintain appropriate documentation in the ERR. HUD assistance should be conditioned on completion of appropriate mitigation. Deny HUD assistance if, after mitigation, the property is still determined to be unsafe or unhealthy. For more details please refer to HUD's "Choosing an Environmentally 'Safe' Site."

No: Do not provide HUD assistance for the project at this site.

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Clear Zones (CZ) and Accident Potential Zones (APZ)

Checklist for HUD or Responsible Entity

General requirements	Legislation	Regulation
Promote compatible land uses around civil airports and military airfields	Section 2 of the Housing Act of 1949 as amended, 42 U.S.C 1331, affirmed by Section 2 of the Housing and Urban Development Act of 1969, P.L. No 90-448; Section 7(d) of the Dept HUD Act of 1965, 42 U.S.C. 3535 (d).	24 CFR Part 51 Subpart D 32 CFR Part 256

1. Does the project include new construction, major rehabilitation, or any other activity which significantly prolongs the physical or economic life of existing facilities?

No: STOP here. The project is not subject to the regulations. Record a description of your project and your determination.

Yes: PROCEED to #2

2. Is the Project located within 3000 feet of a civil airport or within 15,000 feet of a military airfield?

The regulations only apply to military and civil primary and commercial service airports. The Federal Aviation Administration updates the list of applicable airports annually:
http://www.faa.gov/airports_airtraffic/airports/planning_capacity/passenger_allcargo_stats/passenger

No: STOP here. The project is not within a Clear Zone (also known as Runway Protection Zone) or Accident Potential Zone. Maintain a list of airports considered and the distance from your project to the covered airport. Record your determination.

Yes: PROCEED to #3

3. Is the Project in the Clear Zone or Accident Potential Zone?

Contact the airport operator and obtain written documentation of the Clear Zone (also known as Runway Protection Zone) and for military airfields, the Accident Potential Zone, and a determination of whether your project is in the APZ or CZ.

No: STOP here. Maintain the written documentation from the airport operator. Identify the location of your project in relation to the clear zone. Record your determination that the project is not in a CZ or APZ.

Yes Project is in an Accident Potential Zone: PROCEED TO #4

Yes Project is in a Clear Zone: PROCEED TO #5

4. For Accident Potential Zones at Military Airfields, does the project change the use of a facility so that it becomes one which is no longer acceptable in accordance with Department of Defense standards (Please see 32 CFR Part 256 for *Land Use Compatibility Guidelines for Accident Potential Zones*), significantly increase the density or number of people at the site, or introduces explosive, flammable or toxic materials to the area?

No: STOP here. Record your determination that the project fits under the DoD Land Use Compatibility Guidelines. Include any correspondence with the Military Airfield.

Yes: **The project cannot be assisted with HUD funds. STOP HERE.**

5. For Airport Clear Zones, will the project frequently be used or occupied by people?

Yes: **The project cannot be assisted with HUD funds. STOP HERE.**

No: Obtain written assurance from the airport operator to the effect that there are no plans to purchase the land involved with the project as a portion of a Runway Clear Zone or Clear Zone acquisition program. Maintain copies of all of the documents you have used to make your determination

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**VALLEY DEVELOPMENT INITIATIVES
HOUSING REHABILITATION PROGRAM MANAGEMENT POLICIES**
(adopted by VDI Board on March 18, 2020)

INTRODUCTION

The Housing Rehabilitation Program, funded through Oregon Community Development Block Grants, was initiated as a response to community demand for assistance in general housing rehabilitation.

The goals of the Rehabilitation Loan Program are:

1. To alleviate health and safety problems and correct city code violations and structural deficiencies in homes.
2. To conserve and improve existing affordable housing stock.
3. To increase housing opportunities for low and moderate income households.
4. To enable lower income residents to remain in their homes, particularly those with disabilities.

SECTION 1: APPLICANT ELIGIBILITY

In order to be eligible for a Housing Rehabilitation Loan or Grant, an applicant must meet all of the following requirements:

1:1 Residency: For loans, the applicant must own and occupy the property to be rehabilitated. For grants, the applicant must own the structure to be rehabilitated. The applicant must occupy more than 50% of the floor space of the dwelling to be rehabilitated. The property must be located within the non-entitlement jurisdictions of Marion County that partner with Valley Development Initiatives for management of housing rehabilitation funds.

1:2 Income: Annual gross income of the applicant household must not exceed 80% of county median income limits established annually by HUD.

1:21. Current HUD guidelines are used to determine countable income. Total gross income includes, but is not limited to, the following: wages, salaries, tips, commissions, self-employment income, interest, net rental income (including room rentals or other income of adults living in the home), income from estates or trusts, dividends, social security benefits, pensions, annuity income, alimony, child support, welfare payments or other public assistance programs, veteran's benefits, disability benefits, stipends, or living allowances.

1:22. Annual income does not include the following:

- a. Income from employment of children (including foster children) under the age of 18 years.
- b. Payments received from the care of foster children.
- c. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, one-time IFA distributions and settlement for personal or property losses.

- d. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
- e. Income of a live-in aide.
- f. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the Government to a veteran for use in meeting the costs of tuition, fees, books, equipment, materials, supplies, transportation, and miscellaneous personal expenses of the student.
- g. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- h. Amounts received under training programs funded by HUD. Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
- i. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program.
- j. Temporary, nonrecurring or sporadic income (including gifts).
- k. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937.

1:23. For the purposes of this subsection, “Applicant” is the person(s) who own the property and any other persons sharing residency whose income and resources are available to meet the household’s needs and who are either related by blood, marriage or operation of law, or who evidenced a stable family relationship for the six months prior to signing the application.

Evidence of “stable family relationship” may include any of the following: birth certificates of the children, joint tax return, prior lease (held jointly), joint bank accounts, insurance policies, prior joint credit history, or equivalent documentation as determined by Program Staff.

1:24. To determine the applicant’s income for eligibility purposes, one of the following methods shall be used:

- a. Applicants with full-time employment will have income computed from the three months prior to the date of application, annualized year to date earnings, or their latest federal tax returns
- b. Applicants receiving Social Security, SSI, and Welfare, Pensions, Unemployment etc. will have their income computed from their most recent benefit letter or latest federal tax returns.
- c. Applicants with temporary, part-time or seasonal occupations will have their income computed from their latest federal income tax returns or from the twelve months prior to the date of application.

- d. Applicants with self-employment income will have income computed from their latest federal income tax returns or most recent quarterly income statement.

Income will be verified by one of the following methods:

- (1) Third party written.
- (2) Third party oral.
- (3) Computer generated reports.
- (4) Review of documents.
- (5) Self-certification or declaration.

- 1:25. Income and employment information submitted by applicants will be subject to verification:
 - a. Applicants with full-time employment or who receive social security or welfare benefits must provide a copy of the check(s) for the month(s) prior to application.
 - b. Applicants employed in temporary, part-time or seasonal occupations or self-employed persons must provide copies of federal income tax return(s).

SECTION 2: REHABILITATION LOAN TERMS AND CONDITIONS

Federalized loan and grant funds shall be subject to the terms and conditions of the applicable award with the State of Oregon.

De-federalized loans will be offered at a 4% per year simple interest rate (calculated on principal only) for the first five years and then 0% interest for remainder of loan. Program does not accept payments towards loan. All payments are deferred until sale or transfer of ownership by the last surviving borrower, or when the property is no longer the primary residence of the borrower. Loans may be paid in full, with accrued interest, at any time.

Applicants will be encouraged to use other private or public resources where possible to provide additional rehabilitation assistance.

2:1. Loan Amounts, Conditions and Terms: The maximum rehabilitation loan(s) will be the lesser of the following:

- 2:11. \$25,000; or the applicant's equity in the subject property based upon 85% of the County assessor's current real market value; or, an appraisal valuation of the subject property (completed within 12 months of application).
- 2:12. Loans funded with federalized Community Development Block Grant funds will not exceed 50% of the real market value of the structure before rehabilitation, based upon County assessor's real market value or appraised value.
- 2:13. Actual cost of approved rehabilitation work and fees, including applicable recording fees, title insurance, and other miscellaneous fees required for loan closing.
- 2:14. The applicant's equity in subject property as determined by subtracting all liens and/or judgments of record from county assessed value, or appraised value as determined by a certified appraiser (completed within 12 months of application).

Dwellings with a reverse mortgage lien are ineligible due to the negative amortization (i.e. increasing loan balance over time) attributed to accruing interest, fees and potential future payments to the homeowner(s). An applicant may apply for subsequent loans as long as they have not exceeded the maximum loan amount and they continue to qualify for the program at the time of each loan application.

- 2:15. Loans that exceed the limit allowed under 2:1 must be approved by the Valley Development Initiatives (VDI) Board of Directors taking into consideration the following factors:
- a. The work items for which the additional funds are needed are due to safety or health issues, energy conservation, accessibility or overcrowding issues, or code violations. Only necessary work items will be permitted.
 - b. The credit worthiness of the applicant(s) as evidenced by a credit report. Generally, applicant(s) with a good credit report will receive more favorable consideration, however, the VDI Board will carefully examine the circumstances regarding negative credit information such as illness/disability, job loss or divorce.
 - c. The applicant(s) ability to finance some of the rehabilitation work. The applicant(s) will be evaluated based upon the percentage of income devoted to housing costs, the percentage of income devoted to total installment debt, the credit worthiness of the applicant(s) and the suitability of the house for financing.
 - d. The amount that the requested loan exceeds the limit allowed in 2:1.

- 2:16. Loans made under the Housing Rehabilitation Program shall not be subordinated to any subsequent liens made against the property under ordinary circumstances. Extraordinary circumstances will be examined by the VDI Board on a case-by-case basis for subordination only when 1) the homeowner receives material financial benefit from a refinance that requires a subordination, 2) sufficient equity remains in the property to satisfactorily protect the interests of the Program, and 3) the homeowner provides a signed request explaining benefits received from a potential subordination.

Prior to requesting subordination, loan recipient(s) must 1) demonstrate they cannot pay off the current housing rehabilitation loan through the refinance, 2) they continue to income qualify for the program, and 3) allow housing rehabilitation specialist to inspect property to verify the home meets Housing Quality Standards (HQS). Subordination requests shall be subject to a processing fee, as included with the current fee schedule, to be paid with the subordination request whether the subordination is approved or denied. All recording costs are at applicant's expense, including but not limited to an updated title report, updating applicable title insurance, and/or updated trust deeds.

- 2:17. Loan repayment shall be deferred until property transfer or until the loan is found to be in default of the terms and conditions of the Note and Trust Deed.

2:2. Grant Amounts, Conditions and Terms:

- 2:21 \$10,000, unless approved by the VDI Board in compliance with 2:24.

- 2:22 Grants funded with federalized CDBG funds will not exceed 50% of the real market value of the structure before rehabilitation, based upon County assessor's real market value or appraised value.
- 2:23 Actual cost of approved rehabilitation work and fees, including applicable recording fees, title insurance, and other miscellaneous fees required as a condition of grant eligibility closing.
- 2:24 Grants that exceed the limit allowed under 2:21 must be approved by the Valley Development Initiatives (VDI) Board of Directors taking into consideration the following factors:
 - a. The work items for which the additional funds are needed are due to safety or health issues, energy conservation, accessibility or overcrowding issues, or code violations. Only necessary work items will be permitted.

2:3. Eligible Rehabilitation Costs: Rehabilitation loan or grant may be used to pay for all the work necessary to achieve the rehabilitation standards of the Program as determined by the Program Staff. The minimum standard will be the HUD Section 8 Housing Quality Standard. The preferred standard will be the HUD Minimum Design Standard for Rehabilitation for Residential Properties and other improvements and repairs not required by this standard but determined to be necessary to reduce maintenance and operating costs by the Program Staff.

- 2:31. Removal of architectural barriers to meet the special needs of elderly and handicapped persons will be considered an eligible rehabilitation cost.
- 2:32. Recording fees, title insurance, credit reports and other miscellaneous fees are eligible rehabilitation costs.
- 2:33. Additions that are necessary due to overcrowding are eligible rehabilitation costs. Guidelines used by the local housing authority and the rehabilitation standards of the program will be used to determine whether overcrowding exists. Federalized CDBG funding may not be eligible for expansion of footprint, without funding agency review and approval.
- 2:34. Federalized loans and grants must be lent for projects that meet the CDBG low and moderate income direct national objective CFR 570.483(b)(3).
- 2:35. Conditions which endanger the health, safety, property, or welfare of the occupants.
- 2:36. Work which should be done to prevent deterioration and preserve the structure.
- 2:37. Conservation of energy, improve weatherization, restore or maintain architectural integrity, or decrease maintenance and/or operating expense.
- 2:38. General improvements to the property which are usually classified as remodeling or upgrading of the structure.
- 2:39. Testing for lead paint, asbestos, or other potential hazardous materials and subsequent removal or abatement.

2:4. Ineligible Rehabilitation Costs:

- 2:41. New construction, expansion, or addition or the finishing of unfinished spaces, such as attic or basement. Exceptions to this policy are: dwellings which do not meet guidelines used by the local housing authority and the rehabilitation standards of the

program or improvements needed to improve accessibility by or remove a safety or health hazard to persons with disabilities.

- 2:42. Materials, fixtures, or equipment of a type or quality which exceeds that customarily used in properties of the same general type or value as the property being rehabilitated.
- 2:43. Purchase, installation or repair of furnishings, with the exception of fixtures such as water heaters, heating units or furnaces and other associated fixtures.
- 2:44. The applicant's labor or the labor of a member of the applicant's family or household.

2:5. Ineligible Structures: The existence of the following conditions will disqualify a structure for a Housing Rehabilitation Loan or Grant:

- 2:51. The structure has deteriorated to the extent where rehabilitation is not economically feasible.
- 2:52. The structure and/or use is in substantial nonconformity with the zoning regulations and/or the comprehensive land use plan of the city or county in which it is located.
- 2:53. Significant code violations exist which would be extremely difficult and/or economically unfeasible to correct.
- 2:54. The proposed expenditure would not increase the value of the property sufficiently to protect the owner's existing equity.
- 2:55. The cost of the repairs required to bring the dwelling up to minimum property standards will exceed the program's loan limit.
- 2:56. The applicant does not own the land on which the structure is located.
- 2:57. Acquisition of existing housing, acquisition of land for development, or acquisition or undeveloped land is prohibited.
- 2:58. Conversion of land use/zoning is prohibited.
- 2:59. Hazardous tree removal and/or landscaping are not eligible under the states CDBG program due to HUD Environmental Standards. Hazardous tree removal and/or landscaping may be eligible for de-federalized funds from previous housing rehabilitation revolving loan fund awards.
- 2:60. HUD prohibits the use of CDBG funds to repair or rehabilitate any manufactured home made before June 15, 1976. While replacement or substantial reconstruction of a pre-1977 mobile home is allowed by regulation, it will not be allowed as an eligible activity under the state's CDBG program due to the cost prohibitive nature and complexity of the program. De-federalized funds from previous housing rehabilitation revolving loan fund awards may be used for this purpose.

2:6. Consent from Holders of Prior Financing: Written consent from all holders of prior financing with recorded liens must be secured prior to loan closing if required under prior financing agreements. Prior financing includes but is not limited to prior mortgages, trust deeds and land sales contracts.

- 2:7. Prior Financing Balloon Payment Provisions:** The Program staff must approve prior financing containing balloon payment provisions. Some of the factors that will be considered are:
- 2:71. The amount of the balloon payment.
 - 2:72. The present equity and projected equity when the balloon payment is due.
 - 2:73. An assessment of the applicant's ability to refinance or pay the balloon payment.
- 2:8. Judgments/Federal Tax Liens:** All judgments must be paid before loan closing if judgments, property taxes, existing liens and the rehabilitation loan exceed 80% of assessed or appraised value. All Federal tax liens must be satisfied prior to loan closing.
- 2:9. Property Taxes:** All real property taxes that are due and payable beyond the current and immediate past year at the date of loan and grant closing must be paid before closing.
- 2:10. Fire Insurance:** Applicants are required to have fire insurance equal to the amount of existing liens and the rehabilitation loan at the time of loan closing and to maintain the insurance during the term of the loan. All premiums for fire insurance coverage that are due and payable at the date of loan closing must be paid before loan closing.
- 2:11. Timely Manner:** Applicant shall be required to complete all work within six (6) months of notice to proceed from Valley Development Initiatives, exclusive of an extension by program staff. Following 6 months of the notice to proceed, the loan shall be considered closed and all project related liens recorded with the property.

SECTION 3: APPLICATION PROCESSING

- 3:1. Application Verification:** All verification documentation except consent(s) from holder(s) of prior financing, must be submitted within 60 days of the applicant(s) signing of the application. If the required documentation is not received within 60 days of signing of the application, the next eligible applicant may be considered for a loan.
- 3:2. Property Inspection:** The Program Staff must inspect all dwellings to determine needed repairs and improvements. Input and participation by the homeowner is encouraged in determining needed repairs and improvements.
- 3:3. Inspection Report/Bid Form:** After the Property Inspection, the Program Staff will prepare a written report based on the Property Inspection that describes the substandard conditions of the house and recommended corrections. The homeowner must agree to carry out the repairs described in the report. Contractors interested in submitting bids for rehabilitation projects, must use the Inspection Report/Bid Form for their proposal and cost estimate. The Program Staff will prepare a cost estimate for the file to evaluate cost reasonableness of bids provided by contractors.
- 3:4. Procurement of Bids:** It is the responsibility of the applicant to procure a minimum of (1) acceptable bid for the rehabilitation work within 30 days unless the applicant authorizes the Program Staff to procure the bids. Applicants are encouraged to obtain at least three bids, however, one bid can be accepted if it is less than the cost estimate prepared by the Program Staff. If the Program Staff procures the bids, at least three bids will be obtained. Contractors who have a record of poor performance with prior rehabilitation projects funded through the Rehabilitation Program will not be awarded contracts and will be removed from the list of

approved contractors provided to homeowners for a period of six months. Some of the factors that will be considered as evidence of poor performance are:

- 3:41. The quantity and severity of complaints from homeowners: Complaints will be documented from the Evaluation form provided to the homeowner and complaints filed with the Construction Contractors Board. Complaints will be evaluated based upon records and findings made by the Program Staff and Program Staff and the Construction Contractors Board. Homeowner complaints that are not sustained by the Program Staff and Program Staff and/or the Construction Contractors Board will not be considered evidence of poor performance.
 - 3:42. Failure to pay subcontractors and suppliers when payment is due: Failure to pay a disputed claim may or may not be evidence of poor performance. The Program Staff and Program Staff will issue decisions on disputed claims in accordance with the Construction Contractor. However, if the contractor fails to pay undisputed bills to subcontractors and suppliers when due, this may be considered as evidence of unsatisfactory performance.
 - 3:43. Failure to complete work in a timely manner: Both the frequency and the magnitude of time will be evaluated and compared with the records of other contractors participating in the program.
 - 3:44. Other material violations of previous contracts awarded through the Rehabilitation Program: Contractors may appeal the decision to have their name removed from the list to the Housing Policy Advisory Committee.
- 3:5. Loan and Grant Approval:** The VDI Board of Directors shall approve all federalized CDBG rehabilitation loans and grants. Applicants approved for a rehabilitation loan or grant will be notified in writing. Applications will be approved in the order they are completed. All loans will be secured by a recorded trust deed. Title insurance is required on all loans and can be included in the total loan award.
- 3:6. Other Rehabilitation Assistance:** Program staff may assist homeowners in applying for weatherization grants/loans, bank loans for rehabilitation and/or refinancing and other assistance as appropriate. All other rehabilitation assistance and bank loans for rehabilitation and/or refinancing must be committed, in writing, prior to loan closing. Weatherization grants/loans may be committed after loan closing.
- 3:7. Special Disability Assistance:** Program staff may also consult with subconsultants, case workers, or staff from Northwest Senior and Disability Services to determine the extent to which a disability requires home modification and for client referral to other services for applicants with disabilities.

SECTION 4: THE CONSTRUCTION CONTRACT

The parties to the contract are the homeowner and contractor. All Construction Contracts and related documents must be completed on forms supplied by the Program Staff. The Program Staff must approve all Construction Contracts. The Program Staff is authorized to interpret and enforce the provisions of and satisfactory performance of the Construction Contract.

- **Contractor Eligibility Requirements:** All contractors and subcontractors awarded contracts through the Rehabilitation Loan Program must be licensed in Oregon, registered with the Construction Contractor's Board (CCB), possess the required registration classifications and must have \$100,000 liability insurance and Workmen's Compensation Insurance if required.

Proof of Workers Compensation Insurance on contractor's employees must be provided with bids submitted and must be maintained throughout work on the project. In the event that a contractor does not have employees at the time of bid submission, but hires employees to help with the work, proof of Workers Compensation Insurance must be provided prior to contractor's employees beginning work.

- Contractors with a record of poor performance pursuant to paragraph 3:4 will not be eligible for rehabilitation contracts.
- Homeowners are encouraged to hire local contractors whenever possible.

4:1. Owner/Contractor: The owner may act as the general contractor for the rehabilitation work. The owner will be responsible for coordinating the work of the subcontractors and will be required to submit billings from subcontractors in order to receive payment. The owner is also responsible for ensuring that all subcontractors are registered with the Construction Contractors Board.

4:2. Work Performed by Homeowner: Homeowners will be encouraged to do some or all of the work when, in the estimation of the Program Staff, they are able to do so. The owner and members of the owner's household cannot receive any payment for their labor. The homeowner will be required to submit invoices for materials purchased in order to receive reimbursement.

4:3. Contract Completion Time: All work must be completed within 90 days from the date of the Notice to Proceed. The contract may be terminated by the Program Staff if work has not begun within 45 days or less than 30% of the work is completed within 60 days of the Notice to Proceed. Time extensions may be approved due to weather and other reasons in accordance with the Construction Contract. Completion dates of less than 90 days may be required in order to complete the Rehabilitation Loan Program in a timely manner.

4:4. Contract Payments: Progress payments can be made for up to 90% of the value of acceptable work completed as determined by the Program Staff. Payments will be made in accordance with the Accounts Payable Schedule for the Rehabilitation Loan Program. Before final payment can be authorized:

4:41. All contract work must be completed to the homeowner's satisfaction.

4:42. Work must pass inspection of the Rehabilitation Program Staff and the City or County Building Department.

4:43. The borrower must sign the Owner's Certification and Acceptance of Improvements.

4:44. The contractor must sign the Contractor's Warranty and Lien Waiver.

4:5. Contract Payments Withheld: The Program Staff may withhold or, on account of subsequently discovered evidence, nullify the whole or a part of the Contract Sum owing to Contractor as may be necessary to protect the Owner and/or Grantee from loss on account of:

4:51. Defective work not remedied.

4:52. Claims filed or reasonable evidence indicating probable filing of claims.

4:53. Failure of Contractor to make payments properly to subcontractors or for material or labor.

4:54. A reasonable doubt that the contract can be completed for the balance then unpaid.

- 4:55. Damage to another Contractor.
- 4:56. Failure of Contractor to complete work within the time limits set forth in the Construction Contract.
- 4:57. Work not authorized under the Construction Contractor or approved Contract Change Order.

As the above grounds are removed, payment can be made for amounts withheld because of them.

- 4:6. Contract Change Order:** Any modification of the Construction Contract must be approved, in writing by the Program Staff, which approval shall not be unreasonably withheld. Modifications to previously approved federalized loan amounts must be submitted to the VDI Board for approval.

SECTION 5: CONFLICT OF INTEREST

No employee of the Grantee, its agents, members and families of the VDI Board, and other ‘covered persons’ pursuant to 24CFR 570.489(h) who exercise any functions or responsibilities in connection with administration of the Housing Rehabilitation Program shall be eligible for a Housing Rehabilitation loan, nor shall such a person have any interest, direct or indirect, in the proceeds of such a loan unless a waiver is granted in accordance with 24CFR 570.489(h).

SECTION 6: PROGRAM EVALUATION, POLICY EXCEPTIONS AND CHANGES

- 6:1.** VDI shall form a “Housing Policy Advisory Committee” composed of an invited representative from each housing rehabilitation grantee city participating in the program and a staff member designated by the VDI Board. The Committee shall invite Committee members to a meeting annually. Members may request an additional special meeting at any time. The Committee shall carry out the following responsibilities:
 - a. Annually review the housing program performance and financial status.
 - b. Consider and approve or reject any changes in policies and rules prior to such changes being considered by the VDI Board of Directors.
- 6:2.** The VDI Board of Directors in specific cases only may waive non- statutory program policies when, in the opinion of the Board, such a waiver is necessary to accomplish the goals of the Program or meet unanticipated local needs. Such exceptions or waivers must be first proposed by staff and then approved by the representative on the Housing Policy Committee from the affected city.
- 6:3.** Any future changes in these Housing Rehabilitation Program Management Policies must first be approved by the Housing Policy Committee and then by the VDI Board of Directors. Such future policy changes must also be consistent with federal and state regulations applicable at the time.

SECTION 7: GRIEVANCE PROCEDURE/REASONABLE ACCOMMODATION

- 7:1.** In the event of a conflict between the homeowner and the contractor, the following procedure will be followed:

- 7:11. Prior to the beginning of work, both the homeowner and the contractor will have a clear and precise understanding to the work to be done. There may be times, however, when the understanding of the two parties may be different. In this event, the Program Staff will immediately attempt to mediate the problem. If the Program Staff is not able to mediate the problem to the mutual satisfaction of the homeowner and the contractor, then the contractor or homeowner can request the Program Director to review the case. Within 30 days of the request for review, the Program Director will issue a written decision. The decision of the Program Director may be appealed through the Construction Contractor's Board.
- 7:12. 7.12 VDI shall work to ensure that no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs, services or activities under the VDI Housing Rehabilitation program. VDI and VDI subcontractors are required to ensure that the programs and services are readily accessible to and usable by persons with disabilities to the maximum extent feasible. This includes meeting at the homeowner's residence as requested, or otherwise accommodating requests on a case-by-case basis. VDI is committed to complying with the requirements under Title II of the Americans with Disabilities ACT (ADA) and Section 504, by providing reasonable accommodation on its housing rehabilitation program and services.

SECTION 8: PROGRAM INCOME

Program income shall be managed in accordance with requirements of Title 1 of the federal Housing and Community Development Act of 1984 as amended including, but not limited to, requirements for eligible costs compliance with national objectives, environmental review, labor standards, procurement, equal employment opportunity, affirmatively furthering fair housing, nondiscrimination against persons with disabilities, and relocation and real property acquisition. The Grantee shall rely primarily on guidance from the State of Oregon in complying with these requirements, since the state is responsible for monitoring the local use of program income earned from Oregon Community Development Block Grant projects.

Program income earned as a result of this program shall be used for continuation of the rehabilitation loan program as described in these Rehabilitation Program Policies and other activities as allowed by state and federal regulations.

**VALLEY DEVELOPMENT INITIATIVES
REHABILITATION LOAN/GRANT PROCESSING
PROCEDURES**

ADDRESSED TO	STEP	PROCEDURE
Applicant	1	Contacts Program Staff to request information about rehabilitation program.
Program Staff	2	Prescreens applicant over phone. Confirms applicant is homeowner. Checks household size and income; occupancy status; location in target area; assessed value and amount owed; and other applicable eligibility requirements.
Program Staff	3	If applicant meets requirements based upon prescreening, appointment is made for phone or home interview.
Program Staff	4	Sends applicant document checklist letter identifying documents required to verify program eligibility and notice of availability of reasonable accommodation.
Program Staff	5	Obtains income, asset and liability verification; verification of housing value and amount of debt owed on house; completes application. Pre-1977 Manufactured homes are not eligible for
Program Staff	6	Call for list pack to identify liens. If applicable: verifies liens on title report with application (see section 2:6 for requirement). Prepares Lien Consent and forward to lien holders for signature.
Program Staff	7	Reviews application to determine eligibility. Verify available funds with Finance. Finance to assign loan number. If eligible, prepare eligibility letter/notice of award and loan qualification form. Notify the City or County of pending grant/loan. If funds are not available, pursue approval from Community Development Director to borrow from another potential VDI housing fund. If applicant is not eligible, decision letter sent to applicant giving reason for ineligibility.
Program Staff	8	Inspects building, completes Housing Quality Standards (HQS), prepares Inspection Report/Bid Form listing deficiencies and repairs needed to meet program standards. Sends four copies to homeowner. Prepares cost estimate for file. Assists applicant in obtaining bids, if requested. Lead paint and asbestos tests order, if applicable.
Applicant	9	Obtains bids from contractors for work listed on Inspection Report. Forwards bids to Rehabilitation Program Staff for review.
Program Staff	10	Review bids. One bid is acceptable if it is lower than cost estimate. Checks builder's registration and bonding.
Program Staff	11	Prepares loan/grant package and eligibility criteria to document that household income eligibility, ownership, and collateral requirements have been met and proposed work is eligible under program rules. Orders and reviews title report, from OR-FNTG-CPF-PortlandOrderDesk@fnf.com If any proposed work is ineligible under program rules, homeowner is notified.
VDI Board/Program Staff	12	Federalized funds require VDI Board approval of loan/grant package and eligibility criteria. De-federalized funds require Program Staff approval.

Program Staff	13	The applicant is notified of program approval and the Site Specific Environmental Review Form is signed by the Certifying Officer.
Program Staff	14	Prepares documentation as applicable: Note, Trust Deed, Truth in Lending, Right of Recision, and Statement of Non-Collusion/Notice to Proceed, and obtain approvals
Program Staff	15	Notifies successful and unsuccessful bidders by phone or email.
Program Staff	16	Sends Fire Insurance Verification form to Insurance Agent. If applicable: Schedules loan closing. Obtains required signatures on loan documents and Construction Contract and related documents.
Program Staff	17	Records Trust Deed, and sets up account for disbursement of loan funds if applicable.
Program Staff	18	Prepares documentation as applicable: Construction Contract, Statement of Non-Collusion/Notice to Proceed, Construction Lien, Notice of Procedure, Consumer Protection Notice. Get approvals and provides copies to applicant and Contractor.
Program Staff	19	Conducts periodic inspections of work and recommends progress payments in accordance with Construction Contract. Records permit and local building official inspection information on Payment Request Voucher. Prepares Contract Changes as required. Provides technical assistance to contractors and homeowners as required.
Program Staff	20	Performs final inspection and obtains owners signature on Certificate of Acceptance and Contractors signature on Lien Waiver and Evaluation form. Provides homeowner with sample thank you letter to submit to city/county (voluntary for homeowner completion).
Program Staff	21	Drafts progress payments. Approves Contract Change Order(s) within loan amounts authorized by VDI Board prior to final payment. Reviews loan file for completeness and prepares reconciliation of project payments to the note(s) amount(s).
Program Staff/VDI Board	22	Federalized funds require VDI Board member signature on progress payments, final payments, and reimbursements associated with approved loans/grants. De-federalized funds require Program Staff signature on progress payments, final payments, and reimbursements associated with loans/grants.
Program Staff	23	Loan Payoffs: Sends payoff letter to lender or title company. After receipt of funds, sends original Trust Deed, Note and Deed of Reconveyance to lender or title company (any applicable reconveyance costs are at applicant expenses). Records loan repayment in grant program income account. Send letter to insurance company to remove VDI as a loss payee on homeowner's policy

SECTION 9: COMPENSATION

For all Housing Rehabilitation program implementation and grant administration services that take place after the CDBG grant has been drawn down and closed out, VDI shall be compensated on a transaction fee basis as described in Section 9 of this Agreement.

- 9:1. All costs will be charged to the program funds. There will be no direct charges to City/County general fund budgets, Valley Development Initiative, or the Mid-Willamette Valley Council of Governments general budget funds.
- 9:2. Valley Development Initiatives will collect a flat fee of 20% of the loan/grant amount from program funds at the closing of each loan, or \$3,000, whichever is greater.
- 9:3. For additional services, such as subordination requests, foreclosures, bankruptcies, or requests for information, the Valley Development Initiatives Board may approve additional fees or compensation as appropriate to the services rendered via a separate fee schedule.

Adopted by the Valley Development Initiatives Board on ____ day of _____, 2020.

Signed: _____
Kevin Joyce, Chairman

HOUSING REHABILITATION PROGRAM FEE SCHEDULE

Subordination Request	\$500.00 processing fee paid in advance, regardless of whether the subordination is approved or denied.
Foreclosure/Bankruptcy	VDI may charge actual legal costs related to a city's request to protect the interest of a loan at the VDI contracted rate.
Hourly Services/Requests for Information	VDI may charge actual costs/time at the VDI contracted rate for a housing rehabilitation specialist and/or staff support assistance.

HOUSING REHABILITATION PROGRAM FEE SCHEDULE

Subordination Request	\$500.00 processing fee paid in advance, regardless of whether the subordination is approved or denied.
Foreclosure/Bankruptcy	VDI may charge actual legal costs related to a city's request to protect the interest of a loan at the VDI contracted rate.
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