

Environmental Provisions for National Housing Trust Funds

Cheat Sheet: How the Provisions Differ from Part 58 Environmental Review Requirements

Historic Preservation:

- **NOT subject to Section 106**
- If a project is NOT listed or eligible to be listed on the National Register of Historic Places (individually or as part of a district), there are no restrictions.
- If a project site IS listed or eligible to be listed on the National Register of Historic Places (individually or as part of a district), it must NOT involve demolition and it must MEET the Secretary of Interior's Standards for Rehabilitation (interior and exterior features should be considered).
 - Mitigation is not an option, meeting the Secretary for Interior Standards for Rehabilitation means there has been a finding of NO ADVERSE EFFECT.
 - **NO ADVERSE EFFECT requirement (for qualifying properties) is more stringent than Part 58**
- Archaeological review is not required
 - This requirement is **less stringent** than Part 58, but the Vermont Division for Historic Preservation should be notified if archaeological resources or human remains are discovered on the project site during construction

Farmland Protection:

- Project activities must NOT result in the conversion of unique, prime or statewide or locally significant agricultural properties to urban uses.
 - This requirement is **more stringent** than Part 58 (no consideration to incorporate mitigation).

Airport Clear Zones:

- Projects are NOT permitted within the Runway Protection Zones (RPZ) of civilian airports or the Accidental Potential Zones (APZ) of military airfields.
 - This requirement is **more stringent** than Part 58 (this is applicable to ALL projects, including those that qualify as minor rehab/improvements).

Floodplains:

- **Not subject to 8-Step Decision Making Process (not subject to EO 11988)**
- If the project is within the 100-year floodplain, document whether there is a practicable alternative. If practicable alternative exists, select a site outside the floodplain.
 - If there is no practicable alternative and the project is new construction or qualifies as substantial improvements, the structure must be elevated to at least the Base Flood Elevation (BFE) OR flood proofed to one foot above the BFE. Elevation and flood proofing must adhere to the National Flood Insurance Program standards.
 - Critical actions are NOT permitted in 100 or 500-year floodplain.
 - Only functionally dependent uses are permitted in the floodway.

Wetlands:

- No structures, or facilities can adversely impact a wetland or expand the structure's footprint into a wetland (this includes jurisdictional and non-jurisdictional wetlands).
 - This requirement is **more stringent** than Part 58 (no consideration to incorporate mitigation).

Noise:

- If the exterior noise level is between 65 dB and less than 75 dB, mitigation measures must be implemented to meet the interior noise level standards of no more than 45 dB.
 - This requirement is **more stringent** than Part 58 (this is applicable to ALL projects, including those that qualify as minor rehab/improvements).
- If there are exterior noise levels of 75 dB or greater, mitigation measures must be implemented to meet the interior noise level standards of no more than 45 dB AND there must be no outside noise sensitive uses involved in the project.

Safe Drinking Water Act:

- Projects with a potable water system must use only lead-free pipes, solder, and flux.
 - This requirement is **more stringent** than Part 58 (Part 58 does not consider the Safe Drinking Water Act).
- Potential documentation to satisfy this regulation: architectural plans, building specification, and certification by qualified professional

The Following Environmental Provisions are the Same:

- Man-made Hazards Thermal/Explosives
- Endangered Species
- Wild and Scenic Rivers
- Toxic Sites/Contamination (Please Note: The HUD Exchange cites this provision as being different from Part 58, this is because some HUD programs do not require a Phase I Environmental Site Assessment (ESA) for multi-family housing; the funds we work with (CDBG and HOME) do require a Phase I ESA for multi-family housing, and therefore, this regulation is not different)
- Coastal Barrier Resources System (N/A in VT)
- Coastal Zone Management (N/A in VT)
- Sole Source Aquifer (N/A in VT)

Other Differences to Note:

- No Level of Review
- No Public Comment Period
- No Request for Release of Funds and Certification (Certifying Officer does not need to sign-off on any documentation)
- No Environmental Justice

HUD Exchange Guidance: <https://www.hudexchange.info/programs/environmental-review/htf/>