

Did You Ever Know That You're My HEROS? And Other HUD Environmental Topics

EASTERN LENDERS ASSOCIATION ANNUAL CONFERENCE

MARCH 12, 2019

LOVE FUNDING

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Unacceptable Noise Levels



What are options when noise levels are over 75 dB?

- If the project involves new construction or conversion to residential use:
 - An Environmental Impact Statement (EIS) is required, or
 - An EIS waiver can be requested.
- If the project involves substantial rehabilitation:
 - HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels. Consider converting this property (or the impacted buildings) to a non-residential use compatible with high noise levels.
 - However, so long as the project is marketable, the interior noise levels will need to be demonstrated to be below 45 dB (through STC calculations).



EIS Waiver

- In order for a project to qualify for an EIS waiver, the following conditions must be met:
 - There can be no other unresolved environmental issues associated with the site (i.e. site contamination, wetlands, floodplain, etc.)
 - The interior noise levels must be below 45 dB (demonstrated through STC calculations)
 - No exterior amenities can have unmitigated noise levels above 65 dB
- Typical timing on the EIS waiver is at least 4 months.
 - This allows the Regional HUD office and CPD enough time to review the submittal for accuracy and compliance.





Alternative Ways to Measure Noise

- The parameters of any on-site measurements would need to be approved by HUD beforehand so that the data collected portrays what is needed. The Regional HUD Office will need to set these terms and may seek the advice of CPD.
- HUD may allow on-site measurements to better characterize the noise levels at a site; however, the HUD calculations will still define the acceptability category of the site.
- On-site measurements may be appropriate when a non-traditional noise source is present that is not able to be characterized with the typical HUD calculations (i.e. rail yard, vicinity racetrack, vicinity industrial facility).
- Noise levels would typically be measured for at least a 24-hour period utilizing a Level A Sound Meter. There may be multiple locations that require evaluation and several days may be required.



HUD Floodplain & Wetlands Regulations

HUD Floodplain & Wetlands Regulations



Lumberton, N.C.
September 2018

24 CFR Part 55 – Floodplain Management & Protection of Wetlands

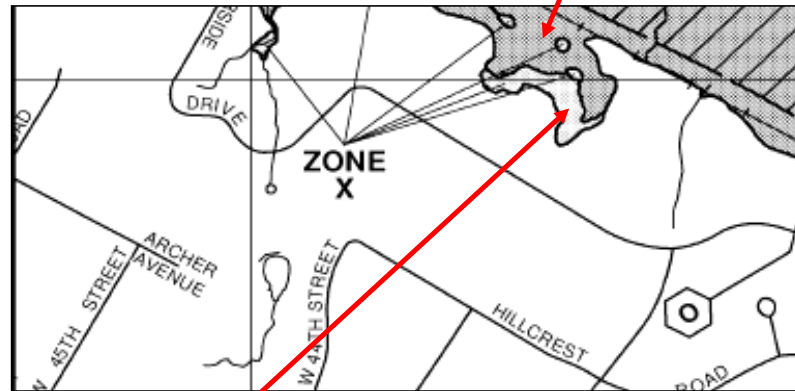
- Implements Executive Order 11988 for Floodplain Management
- Implements Executive Order 11990 for Protection of Wetlands

The Basics of Floodplain Regulations

100-year floodplain (§ 55.2(b)(9))

Areas with a 1% chance of flooding each year *if* maps are functioning perfectly

- 26% chance over a 30-year mortgage



500-year floodplain (§ 55.2(b)(4))

Areas with 0.2% annual chance of flooding (6% chance over a thirty-year mortgage)

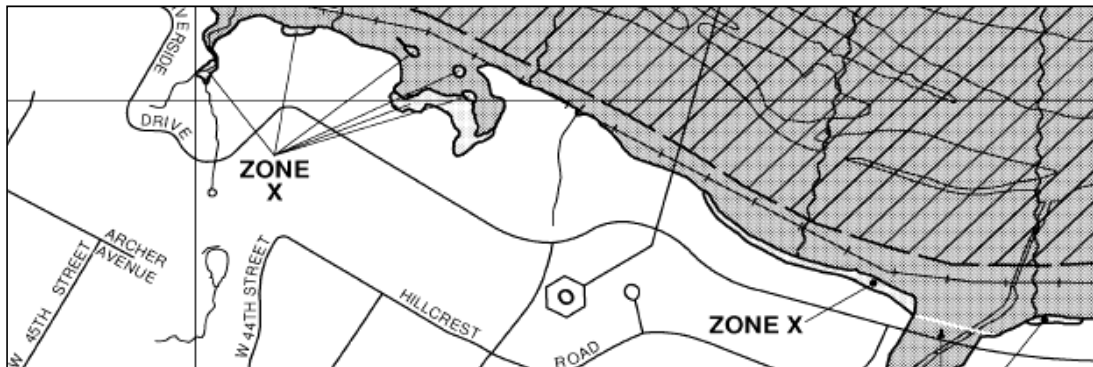
Floodway

Floodway (§ 55.2(b)(5))

- The portion of the floodplain which is effective in carrying flow, where the flood hazard is generally the greatest, and where water depths and velocities are the highest.

No HUD assistance may be approved for use in a floodway, except:

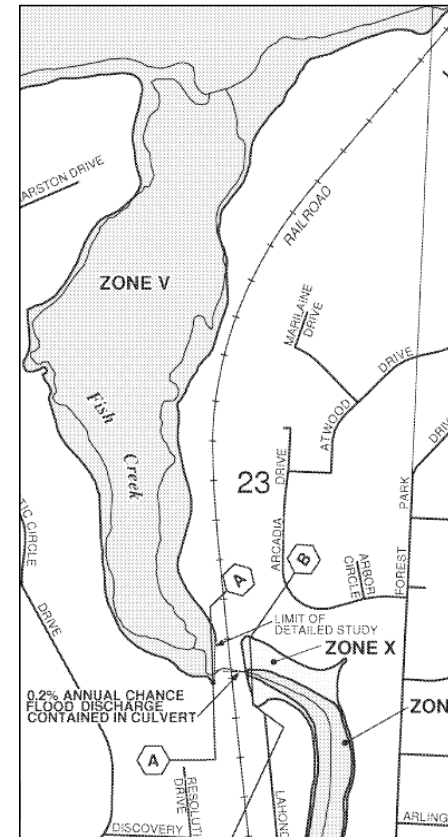
- Functionally dependent uses
 - Housing is NEVER a functionally dependent use



Coastal High Hazard Area

Coastal High Hazard Area (§ 55.2(b)(1))

- The area subject to high velocity waters, including hurricane wave wash and tsunamis
- FEMA designated as **Zone V**
- **STOP** - Critical Actions and New Construction are not allowed
- Any activities must be designed for location in a Coastal High Hazard Area under §55.1(c)(3)



Critical Actions

Critical Action (§ 55.2(b)(3))

- Any activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property
- Examples:
 - Utilities, **roadways** providing sole egress from flood-prone areas
 - **Hospitals, nursing homes, assisted living**
 - **All § 232 and § 242 projects**
 - *But Not* housing for independent living for the elderly

Critical actions **shall not** be approved in floodways or coastal high hazard areas

The Basics of Floodplain Regulations

A = AVOID

- Floodways
- Coastal high hazard areas



B = BEWARE

- 223(f) improvements + SFHA = Abbreviated 8-Step Process
- 221(d)(4) new construction + SFHA = 8-Step Process



The Basics of Floodplain Regulations

C = CAUTION

- Check for preliminary FEMA FIRMs
- Critical action sites require action in Flood Zone X, **SHADED**



D = DISCOURAGE

- New construction/major improvements in 100-year floodplain
- Projects with lowest floor, life support facilities or ingress/egress > 12" below BFE



Floodplain – Preliminary FIRMS

Effective (current) Flood Insurance Rate Map (FIRM)
Panel # 3604970379**F**



100-year floodplain



500-year floodplain



Preliminary Flood Insurance Rate Map (FIRM)
Panel # 3604970379**G**



Floodplain Regulations

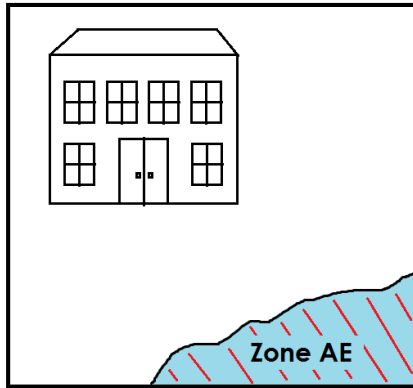
The Basics of Floodplain Regulations:

E = EXCEPTIONS

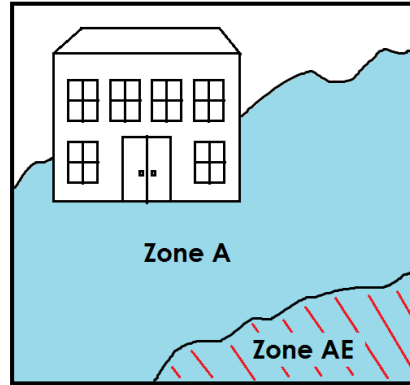
- Proposed activities do not occupy or modify the floodplain;
- Provisions are made for site drainage that would not have an adverse effect on any wetland; **and**
- A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland



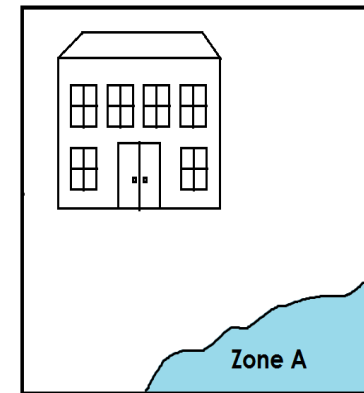
Incidental Portion of Floodplains



- Project may proceed **IF** all conditions in § 55.12(c)(7) are met

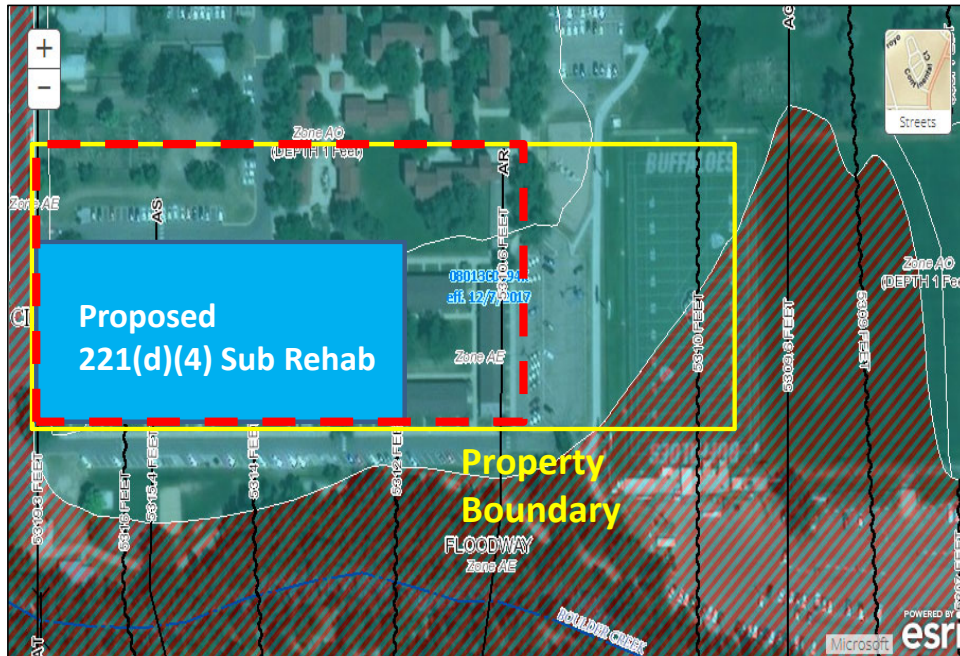


- Project cannot use the 8-Step Process and **will** be rejected

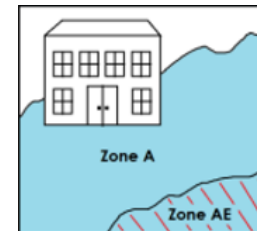


- Project may proceed either:
 - By meeting conditions in § 55.12(c)(7), OR
 - By completing Abbreviated 8-Step Process

Scenario: Incidental Portion?



**Project NOT
ALLOWED**



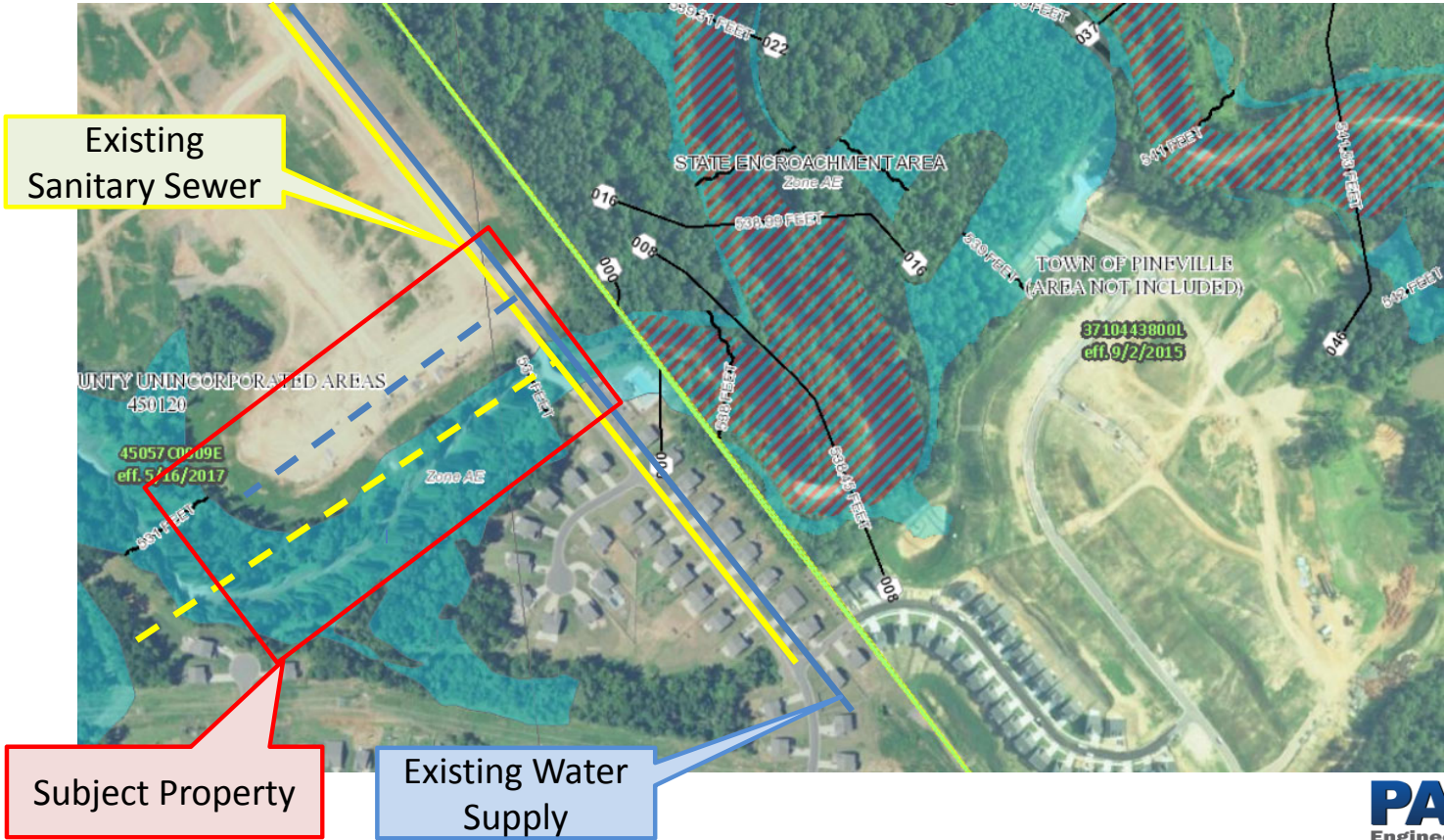
Property boundary includes Floodplain (SFHA),
and existing improvements (parking) in Floodway.

Part 55 Requirements

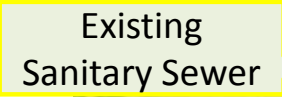
Projects located in a floodplain must be processed under §55.20 (“The 8-Step Process”) unless an exception applies to the project type

Type of proposed action (new reviewable action or an amendment) ¹	Type of proposed action			
	Floodways	Coastal high hazard areas	Wetlands or 100-year floodplain outside coastal high hazard area and floodways	Nonwetlands area outside of the 100-year and within the 500-year floodplain
Critical Actions as defined in §55.12(b)(2)	Critical actions not allowed.	Critical actions not allowed.	Allowed if the proposed critical action is processed under §55.20. ²	Allowed if the proposed critical action is processed under §55.20. ²
Noncritical actions not excluded under §55.12(b) or (c)	Allowed only if the proposed non-critical action is a functionally dependent use and processed under §55.20. ²	Allowed only if the proposed noncritical action is processed under §55.20 ² and is (1) a functionally dependent use, (2) existing construction (including improvements), or (3) reconstruction following destruction caused by a disaster. If the action is not a functionally dependent use, the action must be designed for location in a Coastal High Hazard Area under §55.1(c)(3)	Allowed if proposed noncritical action is processed under §55.20. ²	Any noncritical action is allowed without processing under this part.

Utilities



Utilities

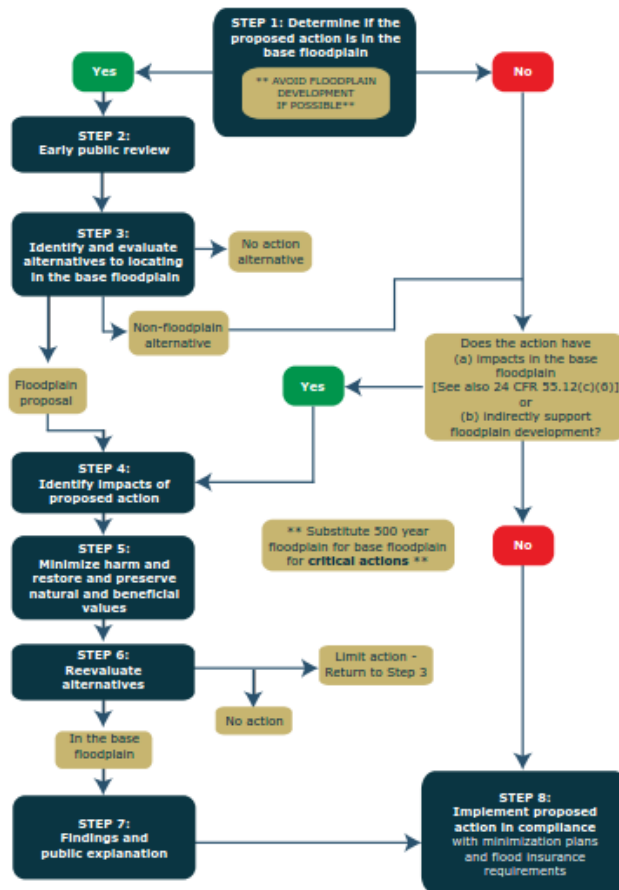


Subject Property

Existing Water Supply

Floodplain Regulations – 223f

8- Step Decision-Making Process for Executive Order 11988



“5-Step” does not include:

- Step 2
- Step 3
- Step 7



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Exceptions to Part 55



Broad Channel Queens, NY
February 2016

- §55.12(a) → activities that are not required to complete the **full** 8-Step Process, and may instead complete the **Modified 5-Step Process**
 - Steps 2, 3, and 7 do not apply to these activities
- §55.12(b) → activities that are not required to complete the 8-Step Process
- §55.12(c) → activities that are not required to comply with Part 55

CliffsNotes on FLOODPLAIN

Floodplain					
HUD Program	Requirements/Guidance	Action needed?	Concerns		Solutions*
			Floodplain	Floodways	
223f	MAP Guide, dated January 23, 2016, Section 3.5 (E) Executive Order 11368	No, if subject property is located within Flood Zone X, Shaded and Unshaded Yes, if subject property is located within Special Flood Hazard Area (SFHA) (Zone A, AE, AO, etc)	Do Capital Expenditures impact floodplain areas? Does a SFHA encroach on any onsite improvements? Yes SFHA: Are life support facilities or ingress/egress more than 12-inches below the 100-year floodplain (SHFA)?	Floodways within improvements - NOT ALLOWED Do floodways hinder ingress or egress (verify on and offsite)	No SFHAs: No action warranted Yes SFHAs, not within improvements: Incidental exception applies, no action warranted Yes SFHAs, within improvements: 5-Step Decision Process warranted
223f-Heavy					
221(d)(4) - Substantial Rehabilitation		No, if subject property is located within Flood Zone X, Shaded and Unshaded Yes, if subject property is located within Special Flood Hazard Area (SFHA) (Zone A, AE, AO, etc)	Does Scope of Work include ground disturbance, new construction that will impact floodplain areas? Does a SFHA encroach on any onsite improvements? Yes SFHA: Are life support facilities or ingress/egress more than 12-inches below the 100-year floodplain (SHFA)?	Floodways within improvements - NOT ALLOWED Do floodways hinder ingress or egress (verify on and offsite)	No SFHAs: No action warranted Yes SFHAs, not within improvements: Incidental exception applies, no action warranted Yes SFHAs, within improvements: 5-Step Decision-Making Process warranted or Yes SFHAs, within ground disturbance / new construction area: 8-Step Decision-Making Process warranted
221(d)(4) - New Construction					
LEAN	LEAN Guidelines , dated January 12, 2017 (Effective date January 13, 2017), Section 7.5	No, if subject property is located within Flood Zone X, Unshaded Yes, if subject property is located within Flood Zone X, Shaded and Special Flood Hazard Area (SFHA) (Zone A, AE, AO, etc)	Do Capital Expenditures impact floodplain areas? Does a SFHA encroach on any onsite improvements? Yes SFHA: Are life support facilities or ingress/egress more than 12-inches below the 100-year floodplain (SHFA)?	Floodways within improvements - NOT ALLOWED Do floodways hinder ingress or egress (verify on and offsite)	No SFHAs or Flood Zone X, Shaded: No action warranted Yes SFHAs and/or Flood Zone X, Shaded: Flood Determination warranted Yes SFHAs and/or Flood Zone X, Shaded, not within improvements: Flood Determination warranted and Incidental exception applies Yes SFHAs, within improvements: Flood Determination and 5-Step Decision-Making Process or Yes SFHAs, within ground disturbance / new construction area: 8-Step Decision-Making Process warranted

*Flood insurance warranted for any building within SFHA.

WETLANDS



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WETLANDS



U.S. Fish & Wildlife Service

National Wetlands Inventory

Wetlands are depicted on the subject property during the review of the NWI Online Map



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WETLANDS

Cowardin Wetland Definition

Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water.

Wetlands must have one or more of the following three attributes:

1. Land supports predominantly **hydrophytes**
2. Substrate is undrained **hydric soil**, and
3. Substrate is non-soil and is **saturated of with water or covered by shallow water at some time during the growing season each year**

Bonnet Carré Spillway, Jefferson Parish, LA

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WETLANDS

Suspect a wetland?

Contact a wetland professional to help navigate you through your responsibilities before discharging in a wetland

Wetland professional will:

- Conduct a wetland determination
- Conduct wetland delineation
- Assist with permitting and mitigation



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The Basics of Wetland Regulations

A = AVOID

- Long term/short term adverse impacts
- Direct or indirect impact



B = BEWARE

- 223(f) improvements + wetland = Restrictive Covenant
- 221(d)(4) new construction + wetland = 8-Step Process along with wetland survey



The Basics of Wetland Regulations

C = CAUTION

- Only in rare cases will rehab, purchase and refinancing be permitted to involve wetlands impacts.
- Functions and Values needed for 8-Step

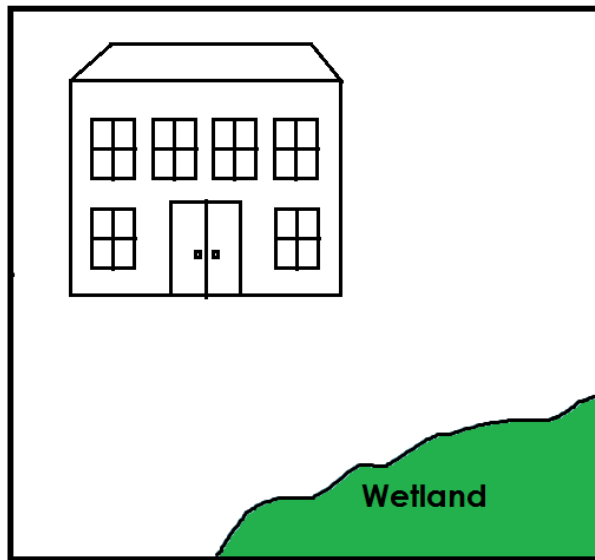


D = DISCOURAGE

- New construction/major improvements in wetland
- Compensatory mitigation may not be substitute for the requirement to avoid and minimize impact



Wetlands

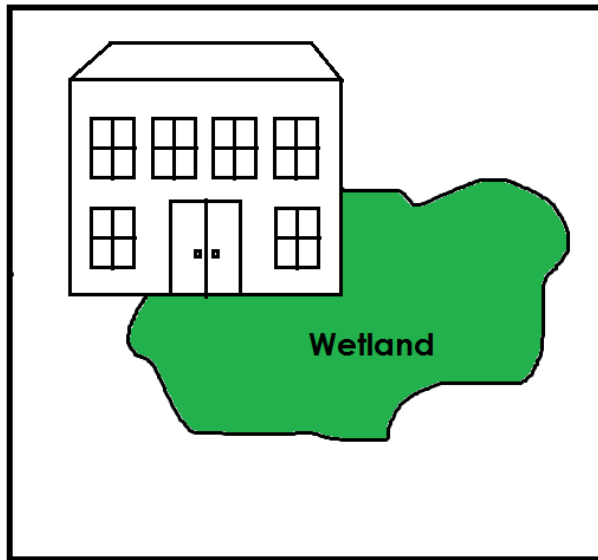


New Construction? **Yes**

New Construction in a wetland? **No**

- **Project may proceed w/out an 8-step if:**
 - no construction or landscaping activities in the wetland
 - appropriate provision made for site drainage that will not have an adverse effect on the wetland and
 - a permanent covenant or comparable restriction placed on property to preserve the wetland

Wetlands



New Construction? **Yes**

New Construction in wetland?
Yes

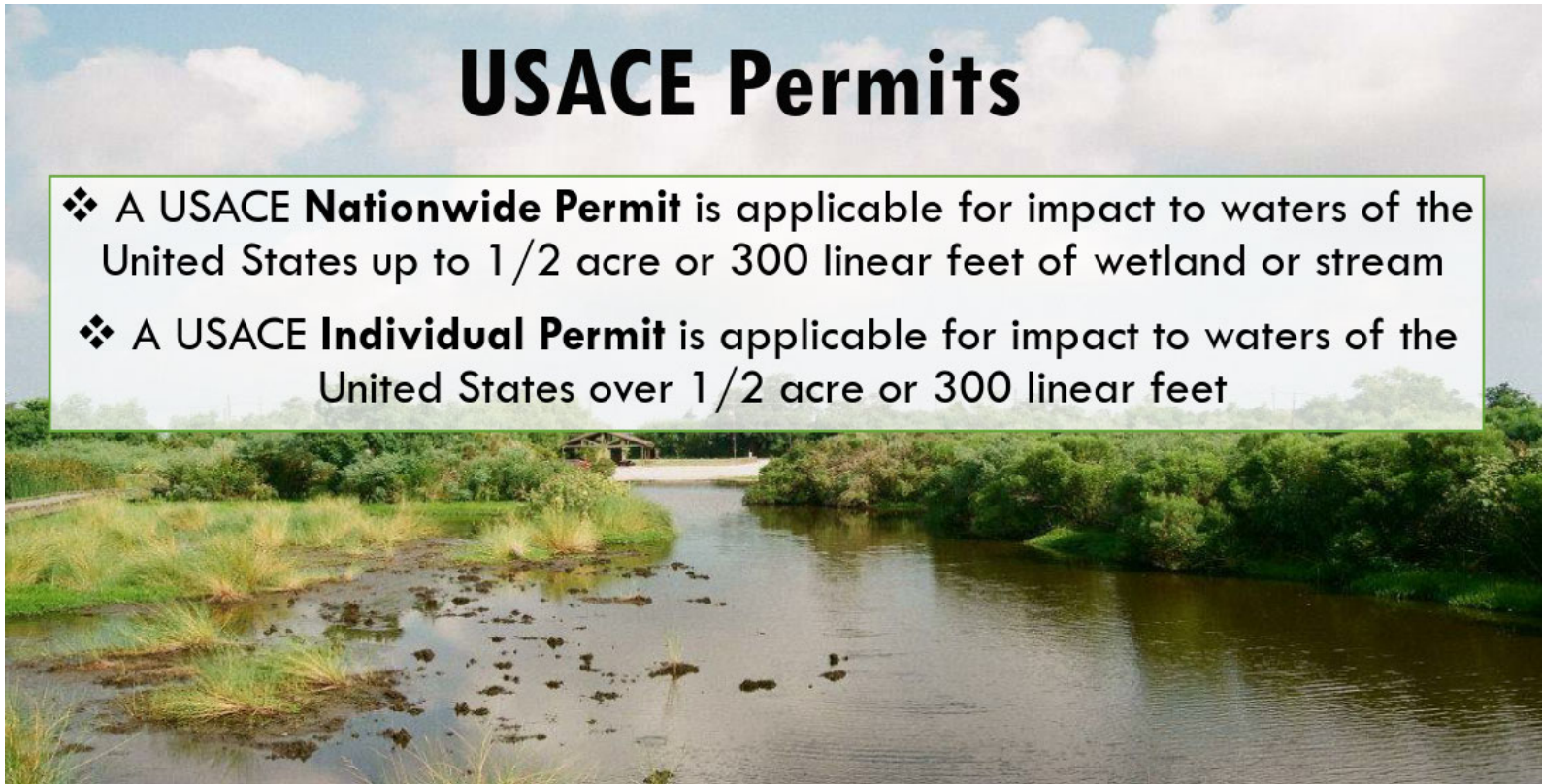
- Project may Proceed if:
 - Avoid wetland, or
 - HUD determines no practicable alternative via 8-step process *

* Individual 404 permit can replace steps 1-5 of 8-step but only if no construction in floodplain

Wetland

USACE Permits

- ❖ A USACE **Nationwide Permit** is applicable for impact to waters of the United States up to 1/2 acre or 300 linear feet of wetland or stream
- ❖ A USACE **Individual Permit** is applicable for impact to waters of the United States over 1/2 acre or 300 linear feet



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The Basics of Floodplain Regulations

E = Exception

- 8-step process for wetlands that are permitted, Individually-permitted 404 sites, the first 5 steps can be **eliminated** (24 CFR 55.28)



Utilities



Condition Approved	Condition Denied
<p data-bbox="331 441 1037 799">Wetland: completed 8-step analysis & decision requires Best Management Practices for soil erosion during construction.</p> <p data-bbox="331 896 1037 1101">Condition must be in FIRM agreement and construction documents.</p>	<p data-bbox="1062 441 1761 652">Wetland: 8-step will be conducted as condition of the FIRM.</p> <p data-bbox="1062 750 1761 1036">8-step is a decision-making process and must be complete prior to HUD issuing a FIRM.</p>

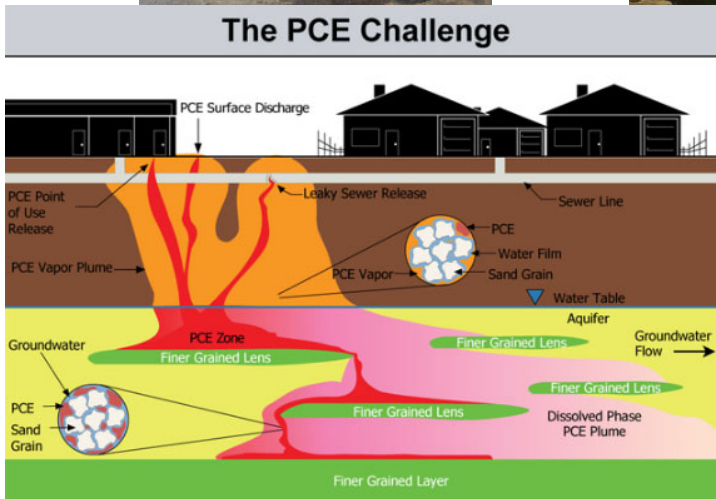
HUD's Take

- Q: When in the process will the Northeast Region evaluate/review my draft 8-step and/or draft notices for publication?
- A: HUD may provide consultation review on an 8-step process prior to the Lender's submission of the Pre- or Firm Application, if needed.
 - Email Stacey.L.Ashmore@hud.gov and copy Northeast.Production@hud.gov with your inquiry.
 - Be sure to attach the draft or final Phase I (10MB or less – may need to be a compressed file) and the draft 8-step documents in question.
- If the Pre Application or Firm Application has already been submitted to HUD, communicate directly with the HUD Environmental Reviewer (Consult the MAP Lender if needed).

CliffsNotes on WETLANDS

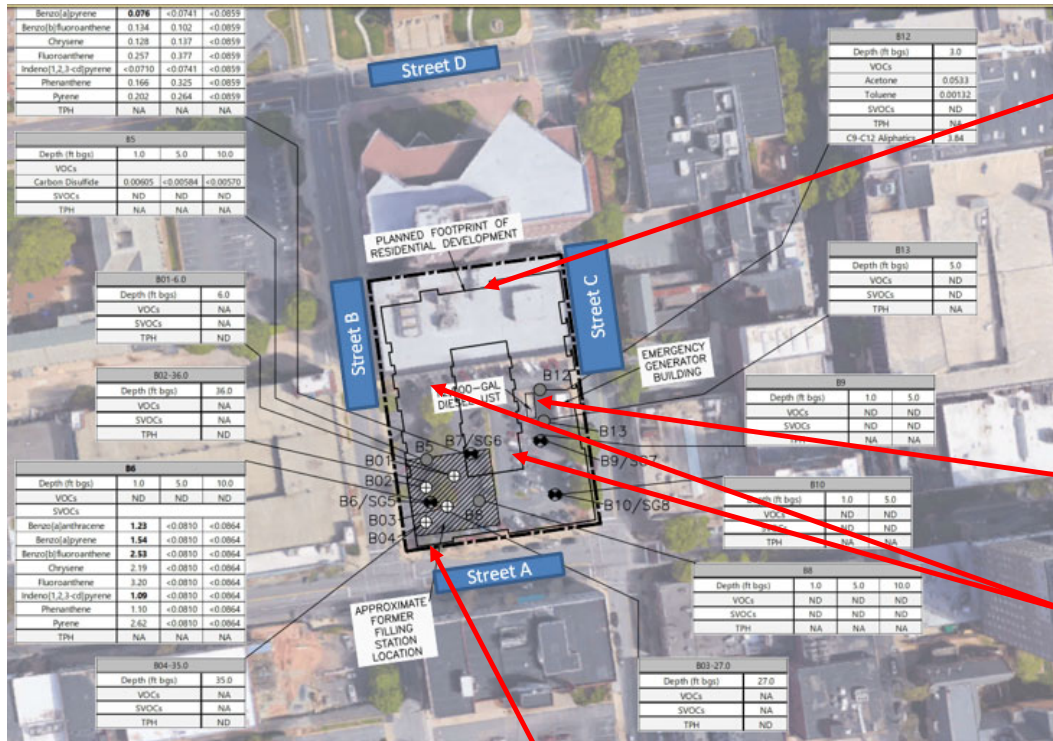
Wetland				
HUD Program	Requirements/Guidance	Is Survey Needed?	Concerns	Solutions
223f		No, if no wetland disturbance	Do Capital Expenditures impact wetland areas?	No wetland impact, no action warranted
223f-Heavy		No, if no wetland disturbance	Scope of Work may indicate impact to wetland areas	No wetland impact, no action warranted Yes wetland, no impact: If incidental exception applies, restrictive covenant warranted Yes wetland impact: - Wetland survey warranted to verify boundary; - Avoidance recommended; - 8-Step Decision-Making Process may be warranted; and/or - Restrictive covenant or comparable restriction for life of property
221(d)(4) - Substantial Rehabilitation		MAP Guide, dated January 29, 2016, Section 9.5 (F) Executive Order 11990 CFR, 24 CFR 50.4(b)(c), 5 and 8-Step Processes U.S. Fish & Wildlife Service, online mapper	No, if no wetland disturbance	Scope of Work may indicate impact to wetland areas
221(d)(4) - New Construction		No, if no wetland disturbance	Scope of Work may indicate impact to wetland areas	No wetland impact, no action warranted Yes wetland, no impact: If incidental exception applies, restrictive covenant warranted Yes wetland impact: - Wetland survey warranted to verify boundary; - Avoidance recommended; - 8-Step Decision-Making Process may be warranted; and/or - Restrictive covenant or comparable restriction for life of property
Wetland				
HUD Program	Requirements/Guidance	Is Survey Needed?	Concerns	Solutions
LEAN	LEAN Guidelines, dated January 12, 2017 (Effective date January 19, 2017), Section 7.5	No, if no wetland disturbance	Do Capital Expenditures impact wetland areas?	Same as 223f and 221(d)(4) if wetland identified; Wetlands present, regardless of impact, - Restrictive covenant or comparable restriction for life of property

Contamination Analysis



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Engineering and Science, Inc.

Contamination Analysis



No Information under or in building

Vapor can be addressed based on
(1) soil/groundwater analytical
results, (2) sub-slab vapor testing
or (3) interior testing

Subsurface Investigation in 2010

No Information

Is there a data gap?

Subsurface Investigation in 2007

Is this a complete site
characterization?

Contamination Analysis

What to do about
offsite contamination?



G. Off-site Contamination.
If the Phase I and/or Phase II ESA determine that the existence of off-site contamination presents a risk to the site or the residents of the project and the sponsor has no control over the off-site locations of the contamination, the site is not acceptable unless such off-site contamination is subject to a RBCA meeting all of the requirements of Sections 9.3.C and E.

**Per Chapter 9 in the
MAP Guide,**

KEY:
Subject Property 

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Engineering and Science, Inc.

The Basics of Contamination Analysis

A = AVOID

- Site has no control over the off-site contamination
- Sites over formed solid waste landfill/dump or Superfund (National Priorities Listing)



B = BEWARE

- Make sure there are no data gaps in subsurface work
- The **total nature and distribution** of the identified contamination along with exposure pathways and potential receptors is warranted



The Basics of Contamination Analysis

C = CAUTION

- Phase II submitted with pre-application or Firm Commitment
- Elevated levels of contaminants confirmed then a complete site characterization required



D = DISCOURAGE

- Monitoring well for off-site contamination requires Engineering or Institutional Controls put in place
- Non-operating wells must be capped and closed



The Basics of Contamination Analysis

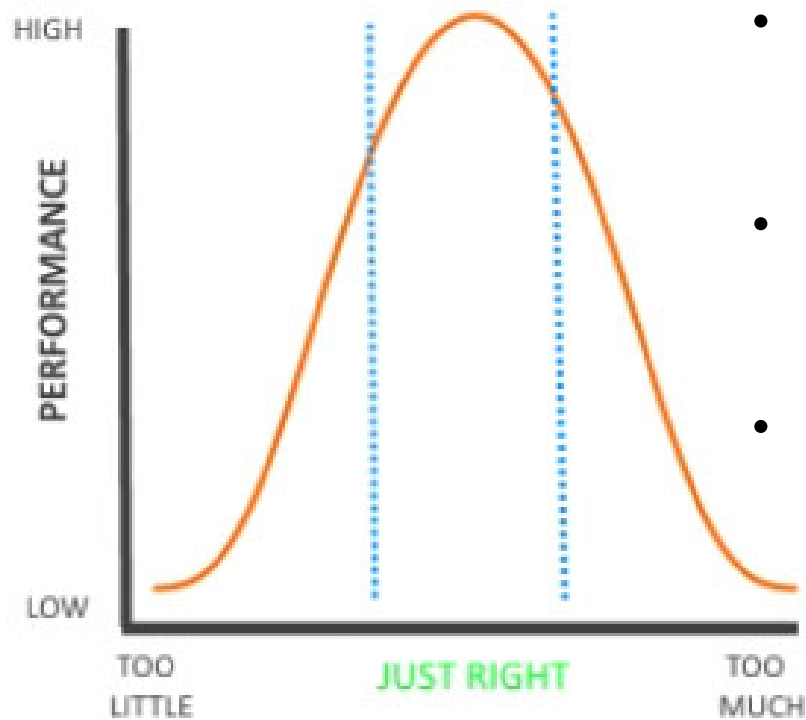
E is for....

- Escrow
- MAP Guide, Chapter 9.3, Section E, Incomplete Removal of Contamination



Condition Approved	Condition Denied
<p data-bbox="352 391 1043 732">Toxic Hazards: site remediation will take place during construction; remediation plan approved by the state.</p> <p data-bbox="352 824 1043 1019">HUD needs hard numbers on cost and an evaluation of <u>worst case</u> scenarios.</p>	<p data-bbox="1064 391 1728 586">Toxic Hazards: unapproved or incomplete remediation plans.</p> <p data-bbox="1064 678 1709 873">See MAP Chapter 9 or 232 Handbook Chapter 7.3 for more information.</p>

'Goldilocks Principle'



- Most, if not all, states offer some sort of liability protection and official closure for environmental issues
- It is sound policy for a regulating entity to offer completeness assurances and liability protections for environmental investigation and cleanups.
- An NFA, or its equivalent, represents a win-win for both the environment and progress



- Nomenclature, and associated acronyms, vary.
- Some states may not offer an official closure letter.
- The program within the agency can matter.
- Not all NFAs are equal.
- The available product may depend on the transactional party.



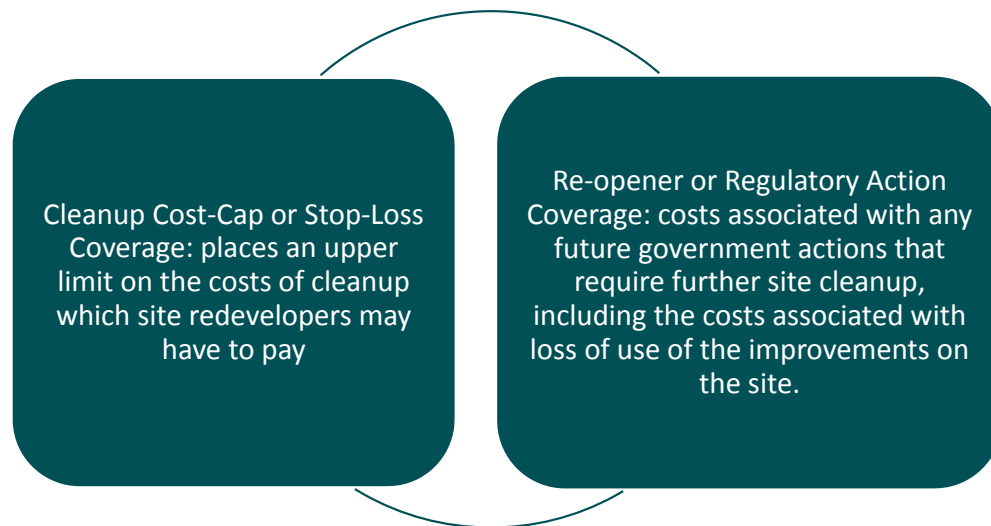
Rest assured, there is very likely a means to a liability protection end.

HUD's Take

- Q: What happens in situations in which a NFA cannot be obtained because the state does not issue NFA letters?
- A: No Further Action Letters: If a state does not issue a formal NFA letter, a state-issued clearance letter must be submitted for HUD's consideration.

HUD's Take

Q: I've noticed Firm Commitment for my deals involving contamination have a special condition requiring "cost cap and reopener insurance". What does this mean?



2016 MAP Guide Section 9.3.C.10:

Unless HUD determines otherwise, Remediation Contract Insurance shall be required to include cost cap and reopener insurance coverages and be included in the remediation plan.

HEROS

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HUD's Take: HEROS Preparation – Partner Worksheets



The Consultant compiles the HEROs Partner Worksheets and supporting maps and provides these to the Lender.

<https://www.hudexchange.info/resource/4707/environmental-review-record-related-federal-laws-and-authorities-worksheets/>



The Worksheets are submitted by the Lender as part of the overall FHA Pre Application (for two-stage processing) or Firm Application (for 1-stage processing) for review and use by HUD.

HUD's Take: HEROS Preparation – Partner Worksheets



1. The Consultant-created HEROs file is the preferred method of delivering HEROS data to HUD. It reduces the HEROs component of HUD's review time by at least half.



2. The Consultant will initiate the HEROs file by inputting all necessary data and attaching all supporting maps and exhibits.

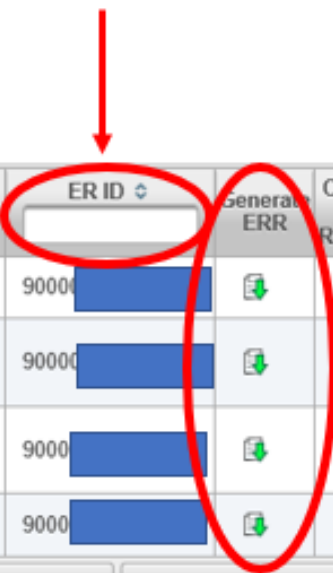






3. The Consultant will then generate the Word-document data extract for the Lender. This also notifies the Lender of the system-generated "ER-ID".



4. The Consultant shall then "Assign" the HEROs product to HUD at: Wendy.Santiago@hud.gov.

HUD's Take: ER ID and Generation of the ERR



	Name of Project ▾	City ▾	State ▾	Status ▾	Level of Review ▾	Last Updated ▾ MM/DD/YYYY	Assigned To ▾	ER ID ▾	Generate ERR	Cancel or Reopen	P
<input type="radio"/>	My Home Place	Germantown	MD	Completed	CEST	Thu Feb 07 11:43:37 EST 2019	Christina Garaffa	9000			Part
<input type="radio"/>	123 Terrace	Newark	NJ	Completed, conditioned on mitigation	CEST	Thu Aug 16 10:21:51 EDT 2018	Christina Garaffa	9000			Part
<input type="radio"/>	XYZ Houses	New York	NY	Completed, conditioned on mitigation	CEST	Fri Nov 04 18:18:15 EDT 2016	Christina Garaffa	9000			Part
<input type="radio"/>	ABC Homes	New York	NY	Completed	CEST	Wed Nov 02 18:55:32 EDT 2016	Christina Garaffa	9000			Part
<div>Edit selected environmental review Edit 7015.16 - Authority to Use Grant Funds View selected environmental review Assign Review View Assignment History</div>											



Environmental Review Reporting Process

- There is still no formal requirement to generate Environmental Reviews in the HEROS platform.
- Consultants should still be utilizing HEROS worksheets:
 - HEROS-compatible worksheets provide the full narrative view of the actual HEROS platform, where the HEROS Partner worksheets limit the narrative to Partner-specific fields
 - <https://www.hudexchange.info/resource/4707/environmental-review-record-related-federal-laws-and-authorities-worksheets/>
 - Utilizing the HEROS-compatible worksheets helps streamline the lender review once the Environmental Review is input into HEROS.





D3G's Environmental Review Reporting Process

- D3G provides the Environmental Review outside of the HEROS platform, prior to HUD submittal, utilizing HEROS-compatible worksheets.
 - Most lenders still do not have HEROS access, so operating in HEROS during initial reporting creates limitations.
 - This allows lenders and consultants to work through project-specific issues in the traditional reporting format, rather than being locked down to HEROS functionality.
 - Utilizing HEROS-compatible worksheets should help streamline the lender review once the Environmental Review is input into HEROS.



HUD's Take

Q: Is there any update on getting lenders access to HEROS?

A: Lender Access to HEROS:

- There is no firm timetable on when the Lender Access glitch will be addressed.
- When Lenders are granted access, it will be “read only.” Lenders would be able to “Assign” a review to a Consultant and HUD Staff only.



D3G's Environmental Review Reporting Process

- Prior to HUD submission, the lender advises D3G to input the Environmental Review into HEROS, which requires a few additional data points:

- FHA Number

★ HUD Funding Source:
Include *only* funding sources for which this review will fulfill HUD's environmental review requirements. Do not include funding sources that will require a separate environmental review (e.g. if this project receives funding from both Part 50 and Part 58 programs).

Grant/Project Identification Number	HUD Program	Program Name
<input type="text"/>	Select Program ▼	Select Program

Add Another Funding Source

- Lender Point of Contact

★ Applicant/Grant Recipient Information

☐ Search ☒ Other

Name of Organization:

Name of Point of Contact:

- HUD Preparer (ie, Appraiser, Underwriter, etc.) Information

★ HUD Preparer Information

Name:



HEROS Input Process

- HUD created “Using HEROS as an FHA Partner” as a guidance document for the HEROS input process:
 - <https://www.hudexchange.info/course-content/using-heros-for-multifamily-fha-partners/Using-HEROS-as-an-FHA-Partner.pdf>

Using HEROS as an FHA Partner

The purpose of this document is to provide instructions to consultants and lenders assisting with environmental reviews for Multifamily FHA-insured projects. Consultants will have full access to HEROS. Lenders will have read-only access.

Getting Started

For basic information on using HEROS, including instructional videos and frequently asked questions, go to <https://www.hudexchange.info/environmental-review/heros/>. Technical questions about HEROS should go to Ask A Question at <https://www.hudexchange.info/get-assistance/my-question/>. Project-specific or environmental review questions should go to the assigned underwriter or appraiser. If not known, contact the Technical Branch Chief or the Housing Program Environmental Specialist (PES) for the office or region where your project is located.

Note that the partner’s portion of the environmental review should be in HEROS and assigned to HUD by the FIRM application submission. For lenders that use the pre-application process for new construction or substantial rehabilitation proposals, HUD requires the environmental review to be in HEROS and assigned to HUD at pre-application, unless otherwise indicated.





HEROS Input Process

Homes & Communities
U.S. Department of Housing
and Urban Development

**HUD Environmental
Review Online
System (HEROS)**
• HEROS Home
• User Guide

USA.gov
Government Made Easy

Community Planning & Development

HEROS Login

Enter your Username (C*****, B***** or H*****) and Password:

Username:

Password:

By using this U.S. Government information system you understand and consent to the following:

- The information system Rules of Behavior (RoB) provides the rules that govern the appropriate use of the information system for all government, contract personnel and other federally funded users. The RoB is intended to enhance and further define the specific rules each user must follow while accessing the information system and enforcing user understanding of:
 - HUD's policy requiring a separation of duties between the requestor and approver for financial transactions;
 - Prohibition from misusing the information system, i.e., exceeding their authority;

☐ I agree to the Terms of Service

If your account is locked, call the HITS National Help Desk at **1-888-297-8689**, option 3, for a password reset.

Seal of the U.S. Department of Housing and Urban Development

[FOIA](#) [Privacy](#) [Web Policies and Important Links](#) [Home](#)

U.S. Department of Housing and Urban Development
451 7th Street S.W., Washington, DC 20410
Telephone: (202) 708-1112 TTY: (202) 708-1455
[Find the address of a HUD office near you](#)



HEROS Input Process

- Once logged in, and the Environmental Review is initially created, the following tabs will define the remainder of the HEROS input process:
 - Initial Screen

Note “Yes” triggers ECO involvement

1105 – Initial Screen (50/58 - Non-Tiered)

Environmental Review Record created on February 25, 2019 by Keith Bayer.

* Indicates that field is required

* Project Name:

* HUD Funding Source:
Include only funding sources for which this review will fulfill HUD's environmental review requirements. Do not include funding sources that will require a separate environmental review (e.g. if this project receives funding from both Part 50 and Part 58 programs).

Grant/Project Identification Number	HUD Program	Program Name
<input type="text"/>	Select Program	Select Program

Add Another Funding Source

* Estimated Total HUD Funded, Assisted, or Insured Amount(\$):

* Estimated Total Project Cost: \$
This may be the same as the total HUD-funded, assisted, or insured amount.

* Does this project anticipate the use of funds or assistance from another Federal agency in addition to HUD?
☐ No
☐ Yes

* Does this project involve over 200 lots, dwelling units, or beds?
☐ No
☐ Yes (Consult early with the Environmental Clearance Officer (ECO), who is required to sign off on this project if it requires an Environmental Assessment).

* Applicant/Grant Recipient Information
☐ Search ☒ Other

Name of Organization:
Name of Point of Contact:

* HUD Preparer Information
Name:

Consultant Information
Complete this section only if you represent a consultant firm or other contractor assisting with the environmental review.
Name of Consulting Firm:
Name of Point of Contact:

Cancel Save and Continue



HEROS Input Process

- Project Summary

Helps define the Level
of Review

★ What activities are involved in the project? (Check all that apply.)

- ☐ Acquisition (including refinance) of real property
- ☐ Leasing ⓘ
- ☐ Maintenance ⓘ
- ☐ Repair/Improvement/Rehabilitation
- ☐ New construction/Reconstruction
- ☐ Demolition
- ☐ Disposition
- ☐ Removal of architectural barriers
- ☐ Soft Costs ⓘ or other non-physical activities (e.g. planning, services, administration, predevelopment costs)

★ Will the project require or lead to a change in land use of the affected property (e.g. from non-residential to residential, commercial to industrial, or from one industrial use to another)?

☐ Yes
☐ No

★ What is the planned use of the affected property (after completion of the project)?

- ☐ Vacant land
- ☐ Public facility
- ☐ Nonresidential building(s)
- ☒ Residential building(s) ⓘ

Save and Go Back Save and Continue Save



HEROS Input Process

- Level of Review

Substantial Rehabilitation
Thresholds

Refinance

New Construction
Substantial Rehabilitation

☐ **Categorical exclusion subject to the Federal laws and authorities cited in 24 CFR 50.4 (CEST)**
Select appropriate citation(s) from [24 CFR 50.20\(a\)](#): (Check all that apply)

☐ Special projects directed to the removal of material and architectural barriers that restrict the mobility of accessibility to elderly and persons with disabilities. 24 CFR 50.20(a)(1)

☐ Rehabilitation of buildings and improvements when the following conditions are met:

☐ In the case of a building for residential use (with one to four units), the density is not increased beyond four units, the land use is not changed, and the footprint of the building is not increased in a floodplain or in a wetland. 24 CFR 50.20(a)(2)(i)

☐ In the case of multifamily residential buildings: (A) Unit density is not changed more than 20 percent; (B) The project does not involve a change in land use from residential to non-residential; and (C) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation. 24 CFR 50.20(a)(2)(ii)

☐ In the case of non-residential structures, including commercial, industrial, and public buildings: (A) The facilities and improvements are in place and will not be changed in size nor 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. 24 CFR 50.20(a)(2)(iii)

☐ An individual action (not including rehabilitation) on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between. 24 CFR 50.20(a)(3)(i)

☐ An individual action (not including rehabilitation) on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site. 24 CFR 50.20(a)(3)(ii)

☐ Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use. 24 CFR 50.20(a)(4)

☐ Purchased or refinanced housing and medical facilities under section 223(f) of the National Housing Act (12 U.S.C. 1715n). 24 CFR 50.20(a)(5)

☐ Mortgage prepayments or plans of action (including incentives) under 24 CFR part 248. 24 CFR 50.20(a)(6)

☐ **Environmental Assessment (EA)**
This activity requires an EA if no categorical exclusions or exemptions apply. An EA may also be required if extraordinary circumstances apply.

☐ If project has been elevated to an EA due to extraordinary circumstances, check here

☐ **Environmental Impact Statement (EIS)**

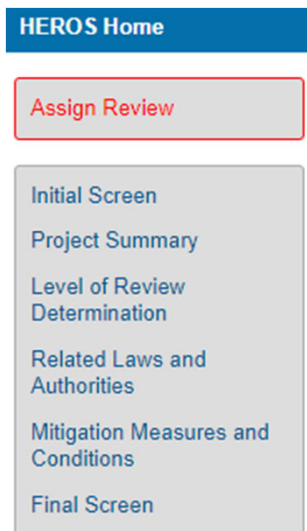
☐ If project has been elevated to an EIS due to extraordinary circumstances, check here



HEROS Input Process

- The remaining HEROS screens will be generated, depending on the Level of Review assigned to the Environmental Review:

CEST



EA



It is very important to setup the Level of Review accurately. If adjustments in Level of Review are required, any data input in the subsequent screens will be erased.



HEROS Input Process

- If the consultant utilized HEROS-compatible worksheets, the HEROS input process should be a true data transfer from the worksheets into the corresponding HEROS Related Federal Laws and Authorities screens, which will feed the Compliance Determinations:
- Consultants are not allowed to mark whether formal compliance steps or mitigation are required:

Are formal compliance steps or mitigation required?

Only Responsible Entity (for Part 58) or HUD (for Part 50) Users may respond to this question. Ensure that this question is complete before finalizing the review.

☐ Yes
☐ No

- Completed as part of HUD's review process

2005 - Related Federal Laws and Authorities Summary (50/58) Project Name: TBD

Directions: Click on the Compliance Factor links in the first column in the chart below. The links will take you to a separate screen to answer questions and provide documentation on the specific Compliance Factor. After completing each Compliance Factor screen you will automatically return to this screen to continue.

Compliance Factors	Are formal compliance steps or mitigation required?	Compliance Determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.6		
Airport Hazards [Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D]	<input type="radio"/> Yes <input type="radio"/> No	
Coastal Barrier Resources [Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]]	<input type="radio"/> Yes <input type="radio"/> No	
Flood Insurance [Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]]	<input type="radio"/> Yes <input type="radio"/> No	
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Air Quality [Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93]	<input type="radio"/> Yes <input type="radio"/> No	
Coastal Zone Management [Coastal Zone Management Act, sections 307(c) & (d)]	<input type="radio"/> Yes <input type="radio"/> No	
Contamination and Toxic Substances - Multifamily and Nonresidential Properties [24 CFR 50.3(i) & 58.5(i)(2)] [HUD Standard]	<input type="radio"/> Yes <input type="radio"/> No	
Endangered Species [Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402]	<input type="radio"/> Yes <input type="radio"/> No	
Explosive and Flammable Hazards [Above-Ground Tanks][24 CFR Part 51 Subpart C]	<input type="radio"/> Yes <input type="radio"/> No	
Farmlands Protection [Farmland Protection Policy Act of 1981, particularly sections 1504(b) & 1541; 7 CFR Part 658]	<input type="radio"/> Yes <input type="radio"/> No	
Floodplain Management [Executive Order 11988, particularly section 2(a); 24 CFR Part 55]	<input type="radio"/> Yes <input type="radio"/> No	
Historic Preservation [National Historic Preservation Act of 1966, particularly sections 106 & 110; 36 CFR Part 800]	<input type="radio"/> Yes <input type="radio"/> No	
Noise Abatement and Control [Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B]	<input type="radio"/> Yes <input type="radio"/> No	
Sole Source Aquifers [Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149]	<input type="radio"/> Yes <input type="radio"/> No	
Wetlands Protection [Executive Order 11990, particularly sections 2 & 5]	<input type="radio"/> Yes <input type="radio"/> No	
Wild and Scenic Rivers [Wild and Scenic Rivers Act of 1968, particularly section 7(b) & (c)]	<input type="radio"/> Yes <input type="radio"/> No	
HUD HOUSING ENVIRONMENTAL STANDARDS		
Housing Requirements [MAP Guide - Chapter 9: Lead-based paint, Radon, and Asbestos]	<input type="radio"/> Yes <input type="radio"/> No	
ENVIRONMENTAL JUSTICE		
Environmental Justice [Executive Order 12896]	<input type="radio"/> Yes <input type="radio"/> No	

Cancel Review Save and Continue



HEROS Input Process

- Although consultants are not allowed to mark whether formal compliance steps or mitigation are required, they can provide suggestive formal compliance steps and/or mitigation measures, which will be generated in the Mitigation Measures and Conditions screen:

5000 - Mitigation Measures and Conditions (50/58) Project Name: TBD

Before proceeding with this screen, review to ensure that you have completed all preceding screens. The mitigation measures and conditions below are generated from information provided in the Law and Authority and EA Factor screens, so it is important that all previous screens be finalized before continuing.

Review the mitigation measures and conditions required of this project below.

Law, Authority, or Factor	Mitigation Measure or Condition
No records found.	

[Add Mitigation Measure or Condition Factor](#)

To insert additional mitigation measures or conditions not listed here, click the "Add Mitigation Measure or Condition" button above. If no mitigation measures are required, you may continue to the next page [here](#). Otherwise, describe the Mitigation Plan below.

Mitigation Plan

Explain how the above mitigation measures and conditions will be carried out and monitored. Clearly identify both the persons responsible for implementing and monitoring mitigation measures and the timeframe in which they will be completed. These measures and conditions must be incorporated into project contracts, development agreements and other relevant documents. (40 CFR 1505.2(c))

Attach the mitigation plan here: [Upload\(Optional\)](#)

[Save and Go Back](#) [Save](#) [Save and Continue](#)



HEROS Input Process

- Once the HEROS input process is complete, a read-only HEROS-generated Word output can be produced via the Final HEROS Screen, which should be submitted to the lender:

6205 – Preparer Notification Screen (50/58)

Project Name: TBD

As a Partner User, you cannot proceed past this point in the environmental review. Please assign this review to the Responsible Entity (if Part 58) or HUD (if Part 50) Preparer to complete this review.

Before assigning the review, you are encouraged to preview the environmental review record and ensure that you have completed all required steps. Generate and review the preview of the environmental review record, using the button below, taking special care to ensure that all questions have complete and accurate responses and all supporting documentation. If necessary, use the menu on the left side of this screen to navigate through and edit the previous screens.

Generate Preview of Environmental Review Record

When you are satisfied with the review up to this point, reassign the environmental review to the Responsible Entity or HUD preparer by selecting Assign Review in the side menu. You are strongly encouraged to call the RE or HUD staff person to ensure availability and awareness of the environmental review record.

Go Back

Save and Exit



HEROS Input Process

- Once the HUD Preparer (ie, Appraiser, Underwriter, etc.) information is known, the consultant should utilize the Assign Review feature to assign the Environmental Review to HUD:
- Once assigned, HEROS will generate an email to the consultant and HUD Preparer

From: HEROS-no-reply@hud.gov <HEROS-no-reply@hud.gov>

Sent: Tuesday, March 12, 2019 9:15 AM

To: Keith Bayer <k.bayer@d3g.com>; HUD Preparer <h.preparer@hud.gov>

Subject: Environmental review is assigned to you

An environmental review, Multifamily-Apartments-, has been assigned to HUD Preparer in HEROS by Keith Bayer in City, State. If you are the assigned user, you may now edit this review, and it will now appear on your Environmental Reviews Dashboard. Go to [Dashboard](#), and make sure to view the Dashboard with "Show reviews assigned to me" selected.

Assign Review

Project Name: TBD

After you assign this review to another user, you will no longer be able to edit it unless it is assigned back to you. Be sure you are done editing this review before assign it to another user.

First Name

Last Name

Search

Reset

Cancel

(1 of 1)

10

Last Name	First Name	Role	Organization	E-Mail	City	State
No records found.						

Other users who have previously been assigned to this review:

(1 of 1)

10

Last Name	First Name	Role	Organization	E-Mail	City	State
Bayer	Keith	Partner	D3G	k.bayer@d3g.com	Mithlothian	VA

Enter any comments you have for the next assigned user here:

Assign

Cancel

HUD Review Process

- Lender Submits Application to HUD, with “ER ID” noted on the Application’s “Cover Sheet” and also within the “Environmental” section of the Lender’s Narrative.
- HUD conducts Intake Review.
- HUD Underwriter is assigned. Technical staff may also be assigned.
- The HEROs file will be re-assigned to the HUD Reviewer.
 - Single Underwriter Model: HUD Underwriter reviews Environmental Reports and preliminarily approves HEROS.
 - Technical assistance: HUD Appraiser reviews Environmental Reports and preliminarily approves HEROs.
- HEROs is escalated for final ECO and/or Housing supervisory approval.
- The HUD Underwriter generates the ERR for the audit file. Remediation or mitigation requirements are noted on the Special Conditions to the Firm Commitment or the Firm Invitation Letter.
- HUD notes compliance with remediation or mitigation requirements in HEROs once complete.



HEROS Common Mistakes

- Most mistakes with Environmental Reviews in HEROS consist of insufficient or lack of supporting documentation.
 - FEMA FIRM provided w/o property boundaries delineated:



- In addition, HUD will want to also see a survey depicting floodplain areas.



HEROS Common Mistakes

- Only on-site wetland impacts identified, when off-site impacts also need to be evaluated.
 - Site plans should include off-site impacts from connecting utilities, stormwater management features, etc.
- Noise survey defaults to nearby traffic studies, estimating percentages, rather than obtaining more accurate counts.
 - Contact the municipality to obtain more accurate counts, as opposed to simply utilizing readily available online information.
- Noise surveys not providing appropriate projections.
 - For example, if the nearby interstate is expanding, which should be completed within 12 years, HUD will want to see projects further out than 10 years.
- In addition to the regulatory requirements outlined in HEROS, the MAP Guide requires HUD to substantively evaluate the risk associated with proximity to hazardous facilities for projects to be purchased or refinanced.
 - This requirement is not included on the Explosive and Flammable Hazards HEROS screen, but must be evaluated.

HUD's Take: Areas for Improvement

- Fully-detailed description in the “Impact Evaluation” column of the “Environmental Assessment Factors” screen, such as:
 - Approximate distances between the Subject and amenities (Schools, parks, hospitals) rather than simply stating “nearby”.
 - Approximate response time for emergency providers to the Subject site.
 - Level of medical facilities (Specialized trauma centers, Urgent Cares, General hospital care).
 - Well water / Septic / private trash disposal vs municipal services.

4010 - EA Factors – Summary (50/58) Project Name:

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 1508.27]

For more information:
<https://www.onecpd.info/environmental-review/environmental-assessments>

Impact Codes: Choose from the following impact codes to document the impact for each factor. An impact code from the following list

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor adverse impact – may require mitigation.
- (4) Significant or potentially significant impact requiring avoidance or modification and may require EIS

Directions:
The following chart is for the analysis of Environmental Assessment Factors.

- Information for the Environmental Assessment Factor can be found on the Office of Environment and Energy Website, which is I
- The Impact Evaluation column is for impact analysis; for ALL Impact Codes record the qualitative and quantitative significance o
- applicable permits of approvals have been obtained or noted. Provide citations, including dates/names/titles of contacts, as appr
- Use the Mitigation column to explain in detail the exact measures that must be implemented to mitigate for the impact or /effect,
- At the bottom of the screen upload verifiable source documentation as referenced and described in support of each determinatio

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans /		
Compatible Land Use and Zoning /	(2) <input type="button" value="v"/>	
Scale and Urban Design		

HUD's Take: Areas for Improvement

- Clear understanding of whether ground disturbance will be present due to nature of repairs on a 223(f) transaction.
 - Wetlands and Floodplain impact.
 - Information given to Historic / Coastal Zone authorities must clearly outline this nature to the repair, as the State's determination may change.
- 2nd stage processing applications are missing Environmental reports.
 - Although the reports from the Pre-Application stage may still be applicable at the Firm Submission, the documents should be re-submitted to ensure a complete Firm Application file.



HEROS Process Issues/Fixes

- Consultants are providing Environmental Reviews in a variety of reporting formats, since there is no formal requirement to generate Environmental Reviews in the HEROS platform.
 - In the meantime, consultants are completing the input to HEROS as requested by the lender.
 - This has created some issues at application submission, due to the lack of notification as to whether the consultant will handle the input to HEROS.
 - In some cases, HUD has completed the input to HEROS, only to find out that the consultant already started and/or completed the input.
 - HUD is working on providing SPOC's for each region, rather than waiting for the HUD Preparer (ie, Appraiser, Underwriter, etc.) to be assigned.
 - Lenders should provide a statement in the Lender Narrative specifically stating that the HEROS input will be completed by the consultant once the HUD Preparer is assigned.
- HUD is working on a fix to the lender HEROS access issue.
 - In the meantime, lender access is limited to a read-only HEROS-generated Word output with hyperlinks to supporting documentation throughout, which requires lenders to at least have HEROS access codes.

Environmental Updates



Proposed ASD Rule

- HUD released the proposed rule “Conforming the Acceptable Separation Distance (ASD) Standards for Residential Propane Tanks to Industry” in December 2018.
 - The main takeaway is that the rule would allow HUD-assisted projects near stationary propane ASTs with a capacity of 250 gallons or less.
 - Heavy reliance on National Fire Protection Association (NFPA) Code 58 (Liquefied Petroleum Gas Code) (2017):
 - A voluntary consensus standard for public safety that establishes standards used by the propane industry and operators regarding storage, handling, transportation, and use of propane.
 - The comment period closed on February 8, 2019



Proposed ASD Rule

- HUD recognizes that mitigation measures can be costly and limit choices for siting HUD-assisted projects.
 - Tank Burial:
 - Costly design, permitting, registration, and construction fees, especially in urban areas
 - Blast Wall:
 - Similarly, this route can be cost-prohibitive.
 - Typically very burdensome due to most propane ASTs being located off-site, greatly hindering the likelihood of an agreement between property owners.
- The comment period closed on February 8, 2019



Questions?

THANK YOU TO ALL OF TODAY'S PANELISTS!

LOVE FUNDING



CLIFFS NOTES

MAP AND LEAN

for

Floodplain & Wetlands

Wetland				
HUD Program	Requirements/Guidance	Action Needed?	Recommendations	Concerns
223f	MAP Guide, dated January 29, 2016, Section 9.5 (F) Executive Order 11990	Yes	Yes wetland, no impact: If incidental exception applies, restrictive covenant warranted Yes wetland impact: - Wetland survey warranted to verify boundary; - Avoidance recommended; - 8-Step Decision-Making Process may be warranted; and/or - Restrictive covenant or comparable restriction for life of property	Do Capital Expenditures impact wetland areas?
		No	No wetland impact, no action warranted	
223f-Heavy	CFR, 24 CFR 50.4(b)(c), 5 and 8-Step Processes U.S. Fish & Wildlife Service, online mapper	Yes	Yes wetland, no impact: If incidental exception applies, restrictive covenant warranted Yes wetland impact: - Wetland survey warranted to verify boundary; - Avoidance recommended; - 8-Step Decision-Making Process may be warranted; and/or - Restrictive covenant or comparable restriction for life of property	Scope of Work may indicate impact to wetland areas
		No	No wetland impact, no action warranted	
221(d)(4) - Substantial Rehabilitation	MAP Guide, dated January 29, 2016, Section 9.5 (F) Executive Order 11990	Yes	Yes wetland, no impact: If incidental exception applies, restrictive covenant warranted Yes wetland impact: - Wetland survey warranted to verify boundary; - Avoidance recommended; - 8-Step Decision-Making Process may be warranted; and/or - Restrictive covenant or comparable restriction for life of property	Scope of Work may indicate impact to wetland areas
		No	No wetland impact, no action warranted	
221(d)(4) - New Construction	CFR, 24 CFR 50.4(b)(c), 5 and 8-Step Processes U.S. Fish & Wildlife Service, online mapper	Yes	Yes wetland, no impact: If incidental exception applies, restrictive covenant warranted Yes wetland impact: - Wetland survey warranted to verify boundary; - Avoidance recommended; - 8-Step Decision-Making Process may be warranted; and/or - Restrictive covenant or comparable restriction for life of property	Scope of Work may indicate impact to wetland areas
		No	No wetland impact, no action warranted	

Wetland				
HUD Program	Requirements/Guidance	Action Needed?	Recommendations	Concerns
LEAN	LEAN Guidelines, dated January 12, 2017 (Effective date January 19, 2017), Section 7.5	Yes	Regardless of impact, - Restrictive covenant or comparable restriction for life of property	Do Capital Expenditures impact wetland areas?
		No	No wetland impact, no action warranted	

Floodplain					
HUD Program	Requirements/Guidance	Action needed?	Concerns		Solutions*
			Floodplain	Floodways	
223f	MAP Guide, dated January 29, 2016, Section 9.5 (E)	No, if subject property is located within Flood Zone X, Shaded and Unshaded Yes, if subject property is located within Special Flood Hazard Area (SFHA) (Zone A, AE, AO, etc)	Do Capital Expenditures impact floodplain areas?	Floodways within improvements - NOT ALLOWED Do floodways hinder ingress or egress (verify on and offsite)	No SFHAs: No action warranted Yes SFHAs, not within improvements: Incidental exception applies, no action warranted Yes SFHAs, within improvements: 5-Step Decision Process warranted Yes SFHAs, Flood Insurance warranted for buildings
223f-Heavy			Does a SFHA encroach on any onsite improvements? Yes SFHA: Are life support facilities or ingress/egress more than 12-inches below the 100-year floodplain (SHFA)?		
221(d)(4) - Substantial Rehabilitation	CFR, 24 CFR 50.4(b)(c), 5 and 8-Step Processes Federal Emergency Management Agency (FEMA), FEMA Flood Map Service Center	No, if subject property is located within Flood Zone X, Shaded and Unshaded Yes, if subject property is located within Special Flood Hazard Area (SFHA) (Zone A, AE, AO, etc)	Does Scope of Work include ground disturbance, new construction that will impact floodplain areas?	Floodways within improvements - NOT ALLOWED Do floodways hinder ingress or egress (verify on and offsite)	No SFHAs: No action warranted Yes SFHAs, not within improvements: Incidental exception applies, no action warranted Yes SFHAs, within improvements: 5-Step Decision-Making Process warranted or Yes SFHAs, within ground disturbance / new construction area: 8-Step Decision-Making Process warranted
221(d)(4) - New Construction			Does a SFHA encroach on any onsite improvements? Yes SFHA: Are life support facilities or ingress/egress more than 12-inches below the 100-year floodplain (SHFA)?		

Floodplain					
HUD Program	Requirements/Guidance	Action needed?	Concerns		Solutions*
			Floodplain	Floodways	
LEAN	LEAN Guidelines, dated January 12, 2017 (Effective date January 19, 2017), Section 7.5	<p>No, if subject property is located within Flood Zone X Unshaded</p> <p>Yes, if subject property is located within Flood Zone X, Shaded and Special Flood Hazard Area (SFHA) (Zone A, AE, AO, etc)</p>	<p>Do Capital Expenditures impact floodplain areas?</p> <p>Does a SFHA encroach on any onsite improvements?</p> <p>Yes SFHA: Are life support facilities or ingress/egress more than 12-inches below the 100-year floodplain (SFHA)?</p>	<p>Floodways within improvements - NOT ALLOWED</p> <p>Do floodways hinder ingress or egress (verify on and offsite)</p>	<p>warranted</p> <p>Yes SFHAs and/or Flood Zone X, Shaded: Flood Determination warranted</p> <p>Yes SFHAs and/or Flood Zone X, Shaded, not within improvements: Flood Determination warranted and Incidental exception applies</p> <p>Yes, SFHAs, Flood Insurance warranted</p> <p>Yes SFHAs, within improvements: Flood Determination and 5-Step Decision-Making Process or</p> <p>Yes SFHAs, within ground disturbance / new construction area: 8-Step Decision-Making Process warranted</p>