
Commonwealth of Massachusetts

**EXECUTIVE OFFICE OF
HOUSING & LIVABLE COMMUNITIES**

Maura T. Healey, Governor  Kimberley Driscoll, Lieutenant Governor

**MA BoS CoC ENVIRONMENTAL REVIEW POLICY**

**Overview**

The **MA BoS CoC** receives federal grant funds from the U.S. Department of Housing and Urban Development (HUD) to provide assistance to individuals and families households, provide homeless services, and improve our community.

The primary objectives of the HUD environmental review are to identify specific environmental factors that may be encountered at potential project sites and to develop procedures to ensure compliance with regulations pertaining to these factors. Because the **MA BoS CoC** programs vary in terms of applicant type, scope of program activities, and geography, a standard set of review documents and procedures have been designed to produce a consistent programmatic environmental review that provides for the greatest protection and accountability across all HUD related activities.

**Environmental Review Summary**

An environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it meets federal, state, and local environmental standards. Environmental review requirements are specified in the CoC Program Interim Rule at 24 CFR 578.31. The environmental review process is required for all HUD-assisted projects to ensure that the proposed project does not negatively impact the surrounding environment and that the property site itself will not have an adverse environmental or health effect on end users. Not every project is subject to a full environmental review (i.e., every project's environmental impact must be examined, but the extent of this examination varies), but every project must be in compliance with the National Environmental Policy Act (NEPA), and other related Federal and state environmental laws.

**CoC Program Funding Requirements**

An environmental review must be conducted for all projects for which CoC Program funds are being requested before those funds are committed to the project. This review will be conducted after the project has been conditionally selected by HUD and prior to execution of the grant agreement.

**Definitions**

Responsible Entity: Under 24 CFR Part 58, the term “responsible entity” (RE) means the grantee receiving CoC assistance. The responsible entity must complete the environmental review process. The RE is responsible for ensuring compliance with NEPA and the Federal laws and authorities has been achieved, for issuing the public notification, for submitting the request for release of funds and certification, when required, and for ensuring the Environmental Review Record (ERR) is complete.

Certifying Officer: The responsible entity must designate a Certifying Officer -- the “responsible Federal official” -- to ensure compliance with the National Environmental Policy Act (NEPA) and the Federal laws and authorities cited at section 58.5 has been achieved**.** The certifying officer must have the authority to assume legal responsibility for certifying that all environmental requirements have been followed.

**Part 50 and Part 58 Determination**

The first step in the environmental review process is determining whether the HUD assistance falls under a Part 50 or Part 58 environmental review. This is usually specified in the Notice of Funding Availability, program regulations, or legislation. Part 58 and Part 50 are the sections of HUD regulations that implement the National Environmental Policy Act (NEPA). Part 50 applies to programs where HUD performs the environmental reviews, and Part 58 applies to programs that allow a responsible entity to perform the environmental reviews. All MA BoS CoC projects will fall under Part 58; thus, this Policy and procedure will focus solely on this section.

**MA BoS CoC Focus - Part 58**

Part 58 reviews is subject to the requirements of 24 CFR 58.5, environmental assessment factors, and the analysis under the National Environmental Policy Act. EOHLC allows the subrecipient to assume authority for the performance of the environmental reviews. The subrecipient is responsible for the scope and content of the review and making the finding. EOHLC is the certifying officer responsible for approving the review and takes full responsibility for the accuracy of the review.

Project Description: A complete and clear project description is the foundation of the environmental review process. The project description should provide location specific information and geographic boundaries, as well as a delineation of all activities included in the overall scope of the project. If the project or environmental review contains information that can be considered sensitive, such as the location of a domestic violence shelter, sacred site, or endangered species habitat, HUD allows the omission of that information from the publicly reviewable environmental review record.

The two levels of review for MA BoS CoC Program projects:

1. Exempt or Categorically Excluded Not Subject to 58.5 (CENST) – For projects without any new environmental risks or impacts, including:
* tenant-based rental assistance,
* tenant-based leasing,
* supportive services, and
* administrative costs, including leasing office or emergency shelter space.
1. Categorically Excluded Subject to 58.5 (CEST) – For projects with minor new risks and impacts, including project-based rental assistance and minor rehab.