

HUD Environmental Review

Tiered Reviews



TAKE PART
Opportunity Rising



Introductions: HRD Environmental Review Team

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Introductions: Who are you?

Entitlement Community/Local Unit of Government/Responsible Entity

- Community Development Professional
- Environmental Professional
- Certifying Officer

Environmental Consultant

Historic Consultant

Developer

Sub-Recipient/Sub-Grantee

Funder/Regulator

Tiered Review [§58.15]

- Begins as action plan developed
- **TWO STEP PROCESS**
 - Tier 1: area-wide review
 - Tier 2: site-specific review
- Target neighborhood identified, but specific addresses unknown
- Best suited for Categorically Excluded Subject To (CEST) projects such as scattered site single family rehab
- Tiered CEST projects **CANNOT** convert to exempt!
 - There will always be a publication/posting and need to obtain an Authority to Use Grant Funds (AUGF)!

Tiered Reviews

Tier I

- Area-wide (addresses unknown)
 - Neighborhood
 - Census tract
 - A **reasonable** geographic area
- Answers as many factors in the environmental review as feasible
- Where compliance cannot be determined, the broad-level review must define a protocol for how compliance will be achieved at the site-specific level.

Tier II

- Site-specific (addresses are now known)
- This is a separate Environmental Review Record (ERR). Each address should have its own Tier II review that complements the single Tier I review
- Tier II will cite the Tier I for all previously answered factors
- Will answer all remaining factors left unanswered in Tier I

Advantages of a Tiered Review

- Eliminates repetitive compliance considerations for a project that will be conducted at multiple addresses, such as single-family rehab program
- Focuses on issues ripe for decision at each level of review
- Can make environmental review more efficient –e.g., save time and money on public notices and RROFs
- A Tier I review can be good for up to five years
 - You must set up the review timeline from the start, otherwise it will default to one year
 - The Tier I review time frame cannot be extended past five years by adding additional grant years to the environmental review
 - Tier II reviews cannot be prepared beyond the five-year time from the initial Tier I review
 - Effective term for environmental review is not equal to the time allowed to spend the grant funds. New environmental reviews may be required for unspent funds

When not to use Tiered Reviews

- Should not be used to review an entire funding source or HUD program
- Not appropriate for projects where specific locations have been identified or site-specific review is feasible
- Should not be used if RE lacks capacity to maintain a complete ERR over prolonged period
- The City of Detroit does not always follow this guidance
- The City of Detroit does not allow the Detroit Housing Commission to use Tiered Reviews (because their housing locations are known)
- City of Detroit has dedicated staff to conduct Tier II Reviews

Public Notices of Tiered Reviews

- Tiered environmental reviews will ALWAYS require a publication and Request for Release of Funds (RROF)
- At minimum, publish the Notice of Intent to Request Release of Funds (NOI-RROF) per HUD guidelines
- Same publication timeline as non-tiered reviews: Seven (7) day comment period for published CEST level reviews
- The HUD Exchange has a template for the (NOI-RROF) for tiered projects on its Tiered Environmental Reviews page
- A NOI-RROF for a Tier I review notes which factors will be addressed on the Tier II review in the publication
- You will receive an AUGF for the Tier I that will be contingent on complete Tier II reviews being completed prior to action

Even with this AUGF, you may NOT enter into a contract agreement for address-specific work until the Tier II review is completed!

Tier II Reviews

- Do NOT re-publish/post for each specific address
- Do NOT re-submit RROF for each specific address
- No new AUGF for each specific address
- You spend **AFTER** the completion of the Tier II review and work is completed for each specific address
- During monitoring, the date of your Tier II review will be compared to the initial funding date in IDIS. The Tier II must be completed **PRIOR** to initial funding!

Tier I Review for Single Family House Rehabilitation Services

- Lead Hazard Reduction and Healthy Homes Grant of \$7,750,000
- Tier I of the entire City of Detroit
 - We choose to put all this funding into one Tier I Review
 - This is a risk at the time of an audit if something is deficient in the Tier I Review
 - Many Tier II reviews will be completed under this Tier I in the next five-year performance period
- Outline the target area for work to be completed within
- Outline activities involved
- Length of time the Tier I Review covers (5-years)
- Maximum number of units to be addressed
 - Always give some room for more units to be covered
- Level of Review Determinations - CEST

Project Summary – Project Description

- A comprehensive project summary description sets the foundation of an environmental review. Grantees should consider the full range of anticipated activities, scope of the program, scale of the projects, and overall goals in the target area(s) when writing the project description.
- Elements of the project description must include:
 - Target area(s)
 - Max # of units to be enrolled, tested for lead/healthy homes hazards, and treated for and cleared of lead and/or healthy homes hazards
 - Type of dwelling units to be enrolled (i.e., single and/or multi-unit residential buildings)
 - Types of intervention work to be performed (i.e., component replacement, mold remediation, etc.)
 - Maximum amount of funds to be invested per unit and per building as well as average cost for both Lead Hazard Control and/or Healthy Homes intervention work or other work paid for with leveraged funds
 - *Timeline/Scale – OLHCHH recommends the maximum time a Tier I may be valid, 5 years (or an addition of no more than 20% of units to the current scale of the grant program, whichever comes first)
 - Any exceptions (i.e., excludes participation in floodplains)

Project Description/Summary

- The FY2024 Lead Hazard Reduction program will increase the number of lead-safe residential units in the City of Detroit for income eligible households with children under 6 or a pregnant woman through the abatement and/or interim control of lead-based paint hazards. The duration of the grant is from March 1, 2025 to March 1, 2029. The City will prioritize units where a child has an elevated blood lead level at 3.5 ug/dL or higher. City staff and partners will conduct outreach to Detroit residents, intake and application assistance. Staff will be responsible for determining eligibility, conducting an initial inspection, ordering a Lead Inspection Risk Assessment, conducting a Healthy Homes Assessment, Radon testing and mitigation, writing the scope of work, conducting a pre-construction conference, overseeing the work, processing payments, tracking budgets, completing necessary reports, and data entry.
- Eligible candidates must own or occupy a home built before 1978, must show clear ownership, be current on taxes or current on a payment plan, demonstrate the household is at or below 80% Area Median Income (AMI). Assistance may be provided to eligible owner-occupied, and renter occupied housing units. A three-year lien will be placed on owner-occupied units and a five-year lien on rental properties. The FY24 LHR program aims to assist 172 units with lead-based paint hazard reduction activities and up to 172 units with Healthy Homes Supplemental funding to address non-lead hazards in the homes.
- This review is valid for five-years.

Related Laws and Authorities Review

- Airport Hazards
- Coastal Barrier Resources
- **Flood Insurance – TIER II**
- Air Quality
- **Coastal Zone Management – Tier II**
- **Contamination and Toxic Substances - TIER II**
- Endangered Species
- Explosive and Flammable Hazards
- Farmlands Protection
- **Floodplain Management – TIER II**
- **Historic Preservation – Tier II**
- Noise Abatement and Control
- Sole Source Aquifers
- Wetlands Protection
- Wild and Scenic Rivers
- Environmental Justice

Tier II Review Written Strategy

- **Flood Insurance:** All site-specific reviews must include a FEMA FIRM map with the project site clearly marked. If the project structures are located in a FEMA Special Flood Hazard Area (SFHA), the project must provide proof of flood insurance. This may be either a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance.
- **Coastal Zone Management:** All site-specific reviews must include a Michigan Environment, Great Lakes, and Energy (EGLE) Coastal Zone Management Area (CZMA) map with the project site clearly marked. If the project structures are located in the CZMA, the project must provide a consistency certification from EGLE.

Tier II Review Written Strategy

- **Contamination and Toxic Substances:** Site-specific reviews must include a review of evidence of contamination on or near the site to assure the proposed occupants are not impacted by any of these hazards. For each proposed site, the environmental review preparer will provide a report of nearby toxic sites and releases using EPA's NEPAAssist and EGLE RIDE Mapper or a similar resource provided by the tribal, environmental, or planning agency/department. This information will be used to determine whether there is evidence of toxics or contamination. These steps may involve mitigation, further evaluation, or rejection of the project.
- **Floodplain Management:** Site-specific environmental review preparer will provide a Flood Insurance Rate Map (FIRM), if available, with the project site clearly marked for each proposed project site. If the project site is located in a floodplain, the property owner will be required to provide proof of flood insurance coverage or be rejected from the program.

Tier II Review Written Strategy

- **Historic Preservation:** Site specific reviews must consider whether the action will affect historic resources. The City of Detroit Housing & Revitalization Department (HRD) executed a Programmatic Agreement (PA) with the Michigan State Historic Preservation Office for the City to ensure that HUD grant expenditures that fall under Stipulation I are administered following the PA to satisfy the City's Section 106 responsibilities. For each proposed site, the City of Detroit (HRD) qualified staff, with concurrence with the Detroit Historic Designation Advisory Board, will determine National Register of Historic Places listing eligibility following Stipulation III (B) and conduct design review as necessary following the process outlined in Stipulations IV and V.

Example portions of Tier II Review Template



Housing and Revitalization
Department

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 908
Detroit, Michigan 48226

Phone: 313.224.6380
Fax: 313.224.1629
www.detroitmi.gov

TIER II ENVIRONMENTAL REVIEW

of Activities or Projects Seeking Financial Assistance from a Funding Program Administered by the
U.S. Department of Housing and Urban Development Department, Subject to 24 CFR 58

PROJECT INFORMATION

Project Name

FY24 Lead Hazard Reduction

Project Location

Detroit, Michigan

COMPLIANCE WITH 24 CFR 58.5

Coastal Zone Management Act

Pursuant to the Coastal Zone Management Act, Sections 307(c) & (d), the City of Detroit reviewed the proposed project. Based on review of the Michigan Environment, Great Lakes, and Energy (EGLE) Coastal Management Area map, the project is not located within the coastal zone management area (CZMA) and is therefore in compliance. See attached EGLE CZMA map.

OR Based on review of the Michigan Environment, Great Lakes, and Energy (EGLE) Coastal Management Area map, the project is located within the coastal zone management area. A certification request was submitted to EGLE for review. A consistency letter dated [Click here to enter a date.](#) is attached and is therefore in compliance. See attached EGLE Coastal Management Area map.

Historic Preservation

Pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), Executive Order 11593 (36 FR 8921), and 36 CFR 800, the City of Detroit reviewed the proposed project. The City of Detroit Housing and Revitalization (HRD) Preservation Specialist [Choose an item.](#) See the attached determination letter.



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CERTIFICATION

I hereby certify that all information contained herein is complete and accurate to the best of my knowledge. I submit this document to satisfy requirements for the Tier II Environmental Review of a Categorically Excluded project, subject to 24 CFR 58.5, 58.6 and 58.15, per 24 CFR 58.35(a).

Preparer Name

Title, Agency

Preparer Signature

Date

Environmental Officer Name

Title, Agency

Environmental Officer Signature

Date



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Tier II Review

- A site-specific review must be completed prior to committing HUD funds.
- It is not necessary to get HUD approval on each site-specific review.
- Concentrate on the issues that were not resolved in the broad-level Tier I review
- When a site-specific activity does not conform to the limits established in the Tier I broad-level review, the Tier I review cannot be used. These will require a new environmental review, separate from the tiered review
 - Sites that are outside the defined geographic boundaries
 - Sites that do not fit within the defined protocols for a particular law or authority
 - Sites that involve activities that are not part of the project description for the Tier I review

Post AUGF Follow Up

- The Site-Specific Tier II Reviews must be uploaded into the Tiered Review HEROS entry
- Bidding, contracting, and construction work can begin after the Tier II is fully documented with a dated signature.
- Administration of the tiered review process requires proper record keeping. The Responsible Entity must complete and maintain records for Tier II activities.

Questions?



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