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In the case of emergencies, many activities can be performed without completing an environmental review or with shortened comment periods. If a project is exempt under 24 CFR 58.34 or categorically excluded not subject to the related laws and authorities (CENST) under 24 CFR 58.35(b), the project file only needs to make a reference to the applicable exemption or CENST and document compliance with 24 CFR 58.6 requirements. Additionally, comment periods for projects that are not exempt or CENST may be combined during Presidentially declared disaster or local emergencies declared by the chief elected official for the responsible entity.

Exemptions and Categorically Excluded Not Subject to §58.5 Related Laws and Authorities

In the immediate aftermath of a disaster event, state and local governments can fund many activities without the need for an environmental review. These activities include the (1) purchase of tools and equipment (including generators that are not permanent fixtures); (2) supportive services for health care, housing, housing placement, day care, and short-term rent payment; (3) public services related to crime prevention and health; (4) inspections and testing for hazards; (5) engineering and design costs; and (6) assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety. Please note that assistance for temporary or permanent improvements must meet the requirements of the “Exemptions for Disasters and Imminent Threats” memorandum from Richard Broun, Director of the Office of Environment and Energy dated May 16, 2008.

The complete list of exempt and CENST activities are listed at 24 CFR 58.34(a) and 24 CFR 58.35(b), respectively.

Emergencies and Condensed Comment Periods

During Presidentially declared disaster or local emergencies declared by the chief elected official for the responsible entity, emergency activities that are not exempt or CENST can also receive expedited processing. Under 24 CFR 58.33(b), funding for actions that have an immediate public need to protect public safety can publish the combined Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF) simultaneously with the submission of the RROF. The notice must state that funds are needed on an emergency basis due to a declared disaster and that the comment periods have been combined. The notice must also invite commenters to submit their comments to both HUD and the responsible entity issuing the notice. By combining these comment periods, the comment period obligations of 24 CFR 58.45 and 24 CFR 58.74 can be met simultaneously over 15 days.

Exempt Activities and Categorically Excluded Activities Not Subject to the Related Federal Laws and Authorities

Exempt Activities (24 CFR 58.34)
(1) Environmental and other studies, resource identification and the development of plans and strategies;
(2) Information and financial services;
(3) Administrative and management activities;
(4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
(5) Inspections and testing of properties for hazards or defects;
(6) Purchase of insurance;
(7) Purchase of tools;
(8) Engineering or design costs;
(9) Technical assistance and training;
(10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
(11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
(12) Any of the categorical exclusions listed in § 58.35(a) provided that there are no circumstances which require compliance with any other Federal laws and authorities cited in § 58.5.

Categorically excluded activities not subject to § 58.5 (24 CFR 58.35(b))
(1) Tenant-based rental assistance;
(2) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services;
(3) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs;
(4) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations;
(5) Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction, including closing costs and down payment assistance, interest buydowns, and similar activities which result in transfer of title;
(6) Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact;
(7) Approval of supplemental assistance (including insurance or guarantee) to a project

Exempt Activities and Categorically Excluded Activities Not Subject to the Related Federal Laws and Authorities

previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental findings is not required under § 58.47.