



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

MEMORANDUM FOR: Marion M. McFadden, Principal Deputy Assistant Secretary
Office of Community Planning and Development

FROM: Jemine A. Bryon, Deputy Assistant Secretary
Office of Special Needs, DN

SUBJECT: Environmental Assessment and Finding of No Significant Impact
under the National Environmental Policy Act (NEPA) – Allocation
Formula, Applicable Requirements, and Waivers and Suspension of
Requirements for Rapid Unsheltered Survivor Housing (RUSH)
(FR-6315-N-01)

It is the finding of this office that the Allocation Formula, Applicable Requirements, and Waivers and Suspension of Requirements for Rapid Unsheltered Survivor Housing (RUSH) (FR-6315-N-01) (Notice) does not constitute a major Federal action having an individually or cumulatively significant effect on the human environment, and therefore, does not require the preparation of an environmental impact statement.

This Notice describes a new form of relief that HUD can provide under the Emergency Solutions Grants (ESG) program – special ESG grants that HUD designates as RUSH grants for areas that are identified as eligible for FEMA Individual Assistance when a “major disaster” is declared under the Stafford Act (declared disaster areas). As authorized by section 231 of the Department of Housing and Urban Development Appropriations Act of 2020 (42 U.S.C. 11364a), HUD may make these grants to States or local governments to address the needs of individuals and families who must: (1) be “homeless” or “at-risk of homelessness” as those terms are defined at 24 CFR 576.2 or meet the new criteria in section 103(b) of the McKinney-Vento Homeless Assistance Act; (2) have been residing in a declared disaster area; and (3) have needs that will not be served or fully met by the TSA Program (42 U.S.C. 5170b), NCS, or other existing Federal disaster relief programs. The Notice explains HUD’s plan for allocating and administering RUSH grants including the funding methodology and applicable requirements for awards.

Unless this Notice or a subsequent HUD notice, waiver, or rule specifically provides otherwise, RUSH grant funds will be governed by the same Federal requirements that apply to ESG grant funds authorized under subtitle B of the McKinney-Vento Homeless Assistance Act.

The following requirements are suspended for RUSH grants as authorized by Section 231(c)(2) of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a (c)(2)):

1. *Suspending Match Requirements.* HUD is suspending the ESG match requirements in section 416(a) of the McKinney-Vento Act and 24 CFR 576.201 for both allocations of RUSH

funding. In addition, because this suspension prevents costs paid with program income from counting toward match as provided by 24 CFR 576.201(f) and 576.407(c)(1), HUD is providing prior approval for program income to be used as provided by 2 CFR 200.307(e)(2). Accordingly, program income may be treated as an addition to the Recipient's grant (or the subrecipient's subgrant, if the income is generated by the subrecipient's activities), provided that the program income is used in accordance with the purposes and conditions of that grant or subgrant. Otherwise, program income, as defined under 24 CFR 576.2, must be deducted from allowable costs as provided by 2 CFR 200.307(e)(1).

2. *Limited and Conditional Suspension of Consultation Requirements.* CoC consultation requirements in section 413(b) of the McKinney-Vento Act and 24 CFR 576.400(a):
 - a. Initial allocation of RUSH funds: suspended provided that the recipient publishes how it will use its allocation, at a minimum, on the Internet at the appropriate government website or through electronic media. See Section IV for the specific requirements related to this publication as well as notification and communication methods.
 - b. Second allocation of RUSH funds: required.
3. *Limited and Conditional Suspension of Citizen Participation Requirements.* Consultation and citizen participations requirements under sections 105(e) and 107 of the Cranston-Gonzalez National Affordable Housing Act and 24 CFR 91.110, and 91.115:
 - a. Initial allocation of RUSH funds: suspended, provided that the recipient publishes how it will use its allocation, at a minimum, on the Internet at the appropriate government website or through electronic media. See Section IV for the specific requirements related to this publication as well as notification and communication methods.
 - b. Second allocation of RUSH funds: In person or remote consultation is required; citizen participation is required with a 5-day public comment period, reduced from the otherwise applicable 30-day public comment period. The public hearing may be in person or remote.

The following requirements are modified by the Notice:

1. The requirements at 24 CFR 576.200, shall apply to the amendment review process for RUSH funds allocated as described in this Notice, except that:
 - a. For the initial allocation described in this Notice, the State or local government must: prepare and submit within 30 days of the initial award announcement an amendment to its most recently approved Action Plan provided under 24 CFR Part 91 to include the new RUSH amount and other information described above in section II of this Notice.
 - b. For the second RUSH allocation described in this Notice, the State or local government must: prepare and submit within 60 days of the second allocation award announcement an amendment to its most recently approved Action Plan provided under 24 CFR Part 91

to include the new RUSH amount and other information described above in section II of this Notice.

Each amendment submitted to HUD to receive the RUSH funds described in this Notice will be subject to the review process set forth in 24 CFR 91.500, except that HUD will expedite its review. HUD may allow the State or local government to submit a single amendment covering both allocations depending on the timing of the allocations and extenuating circumstances.

HUD's environmental review regulations in 24 CFR Part 58 include two provisions that may be relevant to environmental review procedures for activities relating to disaster response and recovery:

1. The first is 24 CFR 58.34(a)(10), which provides an exemption for certain activities undertaken to control or arrest the effects from disasters or imminent threats to public safety. Emergency activities for temporary or permanent improvements that do not alter environmental conditions and that are limited to protection, repair, or restoration activities necessary only to control or arrest the effects of the disaster or imminent threats to public safety, including those resulting from physical deterioration, may be considered exempt from the environmental review process (24 CFR 58.34(a)(10)). Responsible entities must document the determination in the environmental review record and should contact their HUD Regional Environmental Officer or Field Environmental Officer for guidance on applicability of the 58.34(a)(10) exemption, if needed.
2. The second is 24 CFR 58.33(b), which allows for the combined Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOI/RROF) to be disseminated and/or published simultaneously with the submission of the RROF. This streamlined approach applies when funds are needed on an emergency basis and adherence to separate comment periods would prevent the provision of assistance to address the immediate threat to public health and safety. The FONSI/NOI-RROF must state that: a) funds are needed on an emergency basis due to a Presidentially declared disaster or local emergency that has been declared by the chief elected official of the responsible entity; b) the public comment and objection periods have been combined into one 15-day comment period; and c) all comments should be submitted to both HUD and the RE issuing the notice.

Before committing to use RUSH funds to reimburse each pre-award cost, a recipient must either make a written determination that the pre-award cost is for an activity that is exempt from environmental review or categorically excluded and not subject to review under related environmental laws and authorities under 24 CFR Part 58 or verify that the applicable environmental review has been completed and a Request for Release of Funds has been approved in accordance with 24 CFR Part 58, if applicable.

This office finds that issuance of the Notice will not have a significant effect on the human environment because, prior to any recipient's commitment of funds for any activities that would have an environmental impact or limit the choice of reasonable alternatives, an environmental

review of these activities under NEPA, HUD’s environmental review regulations at 24 CFR Part 58, and the related laws and authorities will be done. Thus, the environmental effects of activities assisted under this Notice will be taken into account at the appropriate time and environmental impacts will be assessed in the local setting in which they will occur.

Concurrences:

Omri Gross
Environmental Clearance Officer
Office of Community Planning and Development

Date

Christopher Hartenau
Environmental Clearance Officer
Office of General Counsel

Date

Kristen Fontenot
Director
Office of Environmental and Energy

Date

Approval:

Marion M. McFadden
Principal Deputy Assistant Secretary
Office of Community Planning and Development

Date