



Environmental Issues – Best Practices

Multifamily West Industry Update
Denver, Colorado
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Multifamily West Region
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In General...

- When there are environmental issues that could injure people, residents, other living things slow doooooown. Please. Thank You!
- Ex: Floodplains, toxics, Radon, asbestos, LBP
- Slow down for all unresolved issues, generally.
- Be cognizant of holistic issues
- We are always learning new things -- HEROS
- HEROS has made us all “step-up”

Tips and Tricks to Work with HUD MF Production

- Early dialog with HUD, including ECO
- Fully disclose “Warts and All” ...
- Narrative should fully address each recommendation by 3rd Party Consultant – especially if not following a recommendation
- At firm stage, a Phase II should not be a condition – it should already be completed...
- Call us if you have a potential deal breaker!

Tips and Tricks to Work with HUD MF Production (HEROS)

- HEROS to address internal compliance findings
- HUD Production staff (not only VAL) now much more involved and informed than ever
- Input data directly into HEROS to expedite
- Send HEROS to Larry or Tim and confirm rcvd
- Lender should review HEROS prior to HUD
- Ensure that HEROS summary and “radio buttons” reflect issues and mitigants.

Asset Management



Asset Management Transactions

Preservation of Affordable Housing, Section 8 Subsidy with 20-Year Contract Renewals

Environmental Reviews must be completed for:

- Projects new to HUDs Inventory
- Projects with Ground Disturbance, Footprint Expansion, Change of Use, Significant Rehab.
- Projects Include:
 - 8bb transfers of Section 8 to another property.
 - Chapter 15 Capital Repairs Program

Asset Management HEROS review

- New Phase 1 Study – On Site/Off Site Risks
- Vapor Encroachment Screening
- Lead Based Paint Testing/O&M Plan (pre-1978)
- Radon Testing/Mitigation Plan
- Asbestos Testing/O&M Plan
- Flood Plain Management and Insurance
- Owner (User) Questionnaire – known or suspected contamination issues

Best Practices- 223f Refi's

- Complete Partner worksheets or enter info directly into HEROS system with supporting docs
 - Fully document/explain planned mitigants for issues found in HEROS documentation.
- **After FHA application submission, HEROS Environmental Review Must be Completed Prior to any Rehab – beyond “Maintenance” or “Exstensive Remodeling or Renovations”**

Best Practices -223f Refi's – Maintenance vs. Rehab

Per CPD Notice 16-02, Rehab includes:

- New Landscaping
- Replacing Walkways, Parking, Driveways
- Masonry Siding Sandblasting & High Pressure Washes
- New Siding, Windows, and Doors
- New Drywall, Ceiling Tiles, and Wood Flooring
- Complete Roof Replacement and New Solar Panels
- Substantial Kitchen and Bath remodels

Best Practices -- 221d4

Have 3rd Party Environmental Consultant Fully Complete Partner Worksheets. Even Better – in the HEROS system with necessary Reports Uploaded!

- Fully Outline Env. Issues and Mitigation Plans
- Hire only qualified reviewers with HUD D4 Experience
- Complete preliminary Phase 1 Prior to Concept Meeting
- Obtain all reports for Pre-App. Waiting until Firm is always a problem.

Eligible for D4?



SHPO/Historic Preservation San Francisco “Flavor”



Iconic Historic Haight Ashbury Building, San Francisco



SHPO & Tribal Clearance

- Don't touch the site after Concept Meeting...
AND...don't alter the site before Concept to avoid Section 106 Compliance problems...
- Don't demolish/alter old buildings without clearance.
 - Historic and Contamination issues.
- Cultural Resource Study may be required by SHPO or American Indian Tribes.
 - May require Historical Documentation by qualified consultant or construction monitoring.

Tribal Respect and Notification



SHPO/THPO



SHPO & Tribal Clearance - continued

- EC must completely prepare Sec 106 package.
- HUD reviews and makes determination of effect
- EC or HUD submits package to SHPO for concurrence
- California SHPO has an MOU with certain carve-outs that exclude certain types of refinancing/SR projects.
- SHPO/THPO can be Long-Lead Time items depending on issues – We **CAN** handle these – even the most complex ones – but they take some time... 😊

Toxics/Contamination



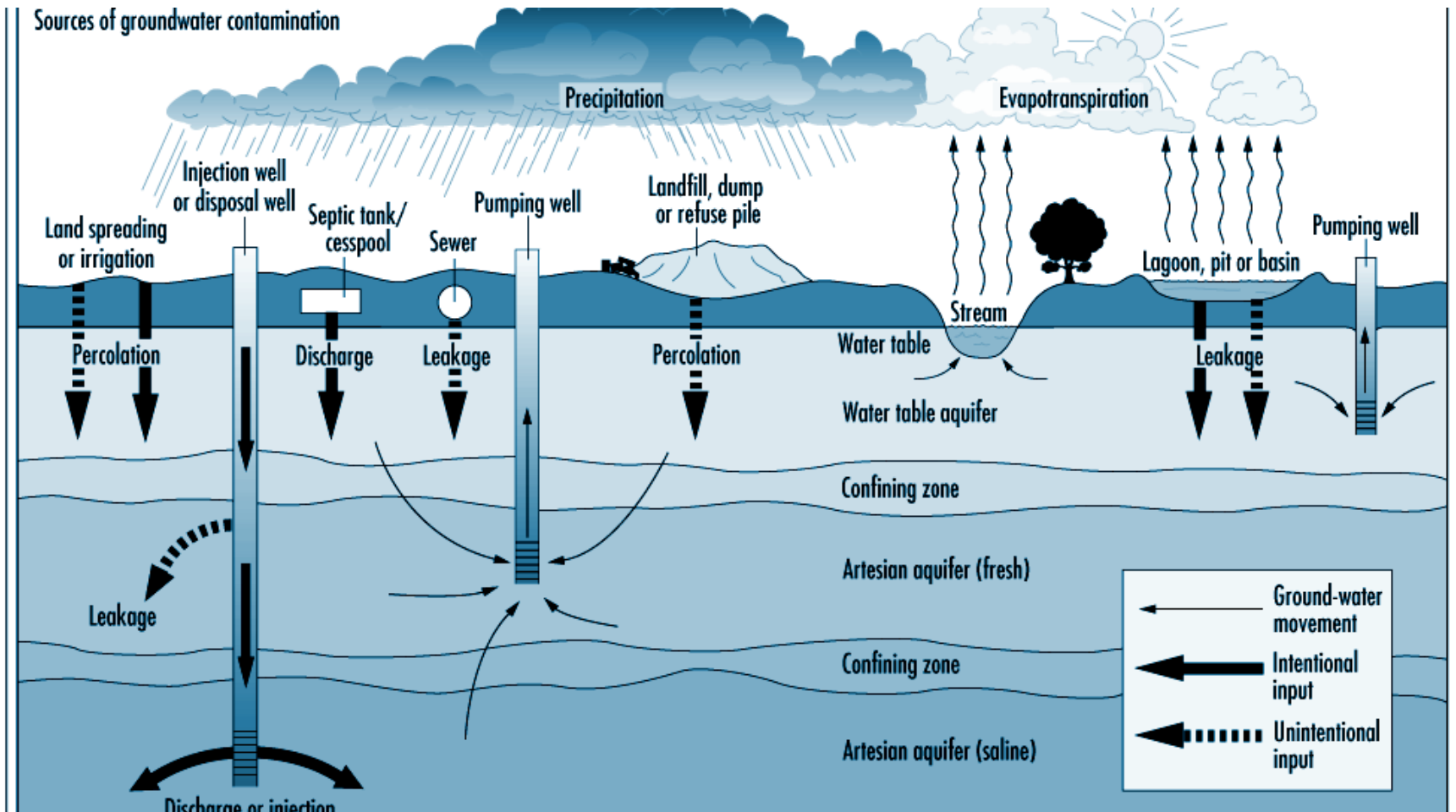
Contamination – Phase 1/2

- Previous Hazardous Use/spills,
- Previous Super Fund Site – MAP 9.3
- Must have Closure/No Further Action letter and indication “site safe for human habitation”
- PCBs, Underground Storage Tanks, Explosive tanks nearby, Asbestos, LBP, Radon
- Contaminated Fill Dumped on Site

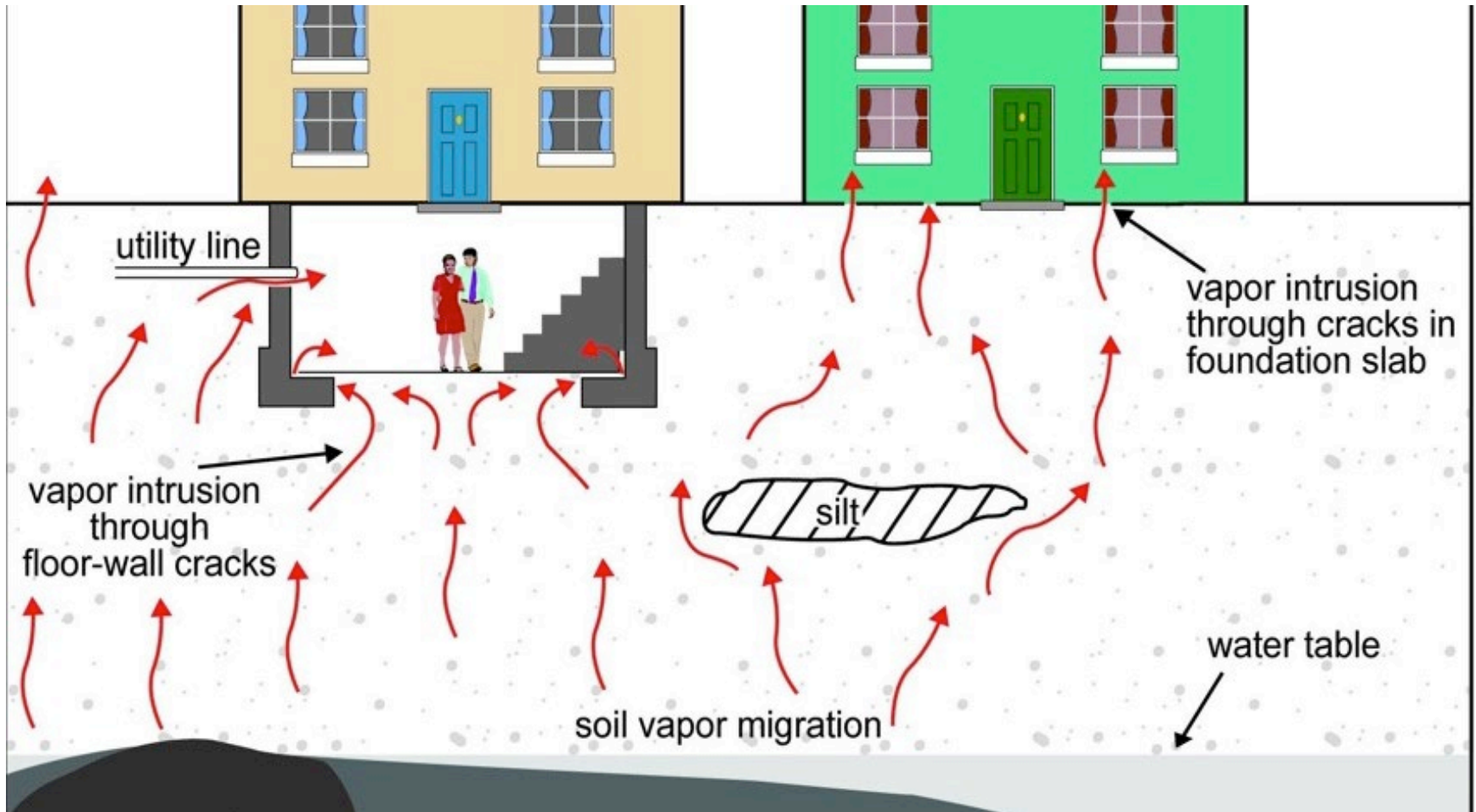
Contamination continued and Other Topics:

- Adjacent Property Uses/Contamination (dry cleaner, automotive, etc)
- High Pressure Pipelines
- High Voltage Transmission Lines/Transmitter Towers – Fall Zone - Engineer Study needed?

Toxics/Contamination



Toxics/Contamination



Toxics Reminders

- MAP 9.3 Superfund sites require a letter from Agency with jurisdiction (e.g. EPA) that site is safe for human habitation.
- Narrative must address this fully or delays may result
- Review reports and recommendations and accurately reflect
- Make hard decisions early on

Contamination “Case Study”

- HUD FHA MF deal. New Construction less than 200 units. Lender Narrative: toxics underground with “mitigation plan in place” (w/Spec Conds to Firm), and Phase 1 states “implementation of plan is not currently effective, but will be in two years” ...
- IS THIS SUFFICIENT FOR HUD TO ISSUE A FIRM COMMITMENT???. Why or why not? Was Ch. 9.3 fully addressed?
- What steps did HUD take internally???

NOISE!!!



Some like it loud...



NOISE...



Keep the noise down...



Noise Impacts

Pollution

- **Physiological effects**
- **Psychological effects**
- **Loss of hearing**
- **Annoyance**
- **Health effects**
- **Interference with communication**
- **Working efficiency**



Noise Study

- 45db and 65db – achievable?
- 70-75db – 33STC attenuation needed
- Test assumptions:
 - Are NALs correct and sufficient on Site Plans?
 - Roads and Off ramp speeds accurate?
 - Set-backs for buildings correct?
 - Trucks vs. Cars Daily Volume?
 - Projected 10-years?
- Do Plans & Specs support mitigation?

NOISE ABATEMENT AND CONTROL

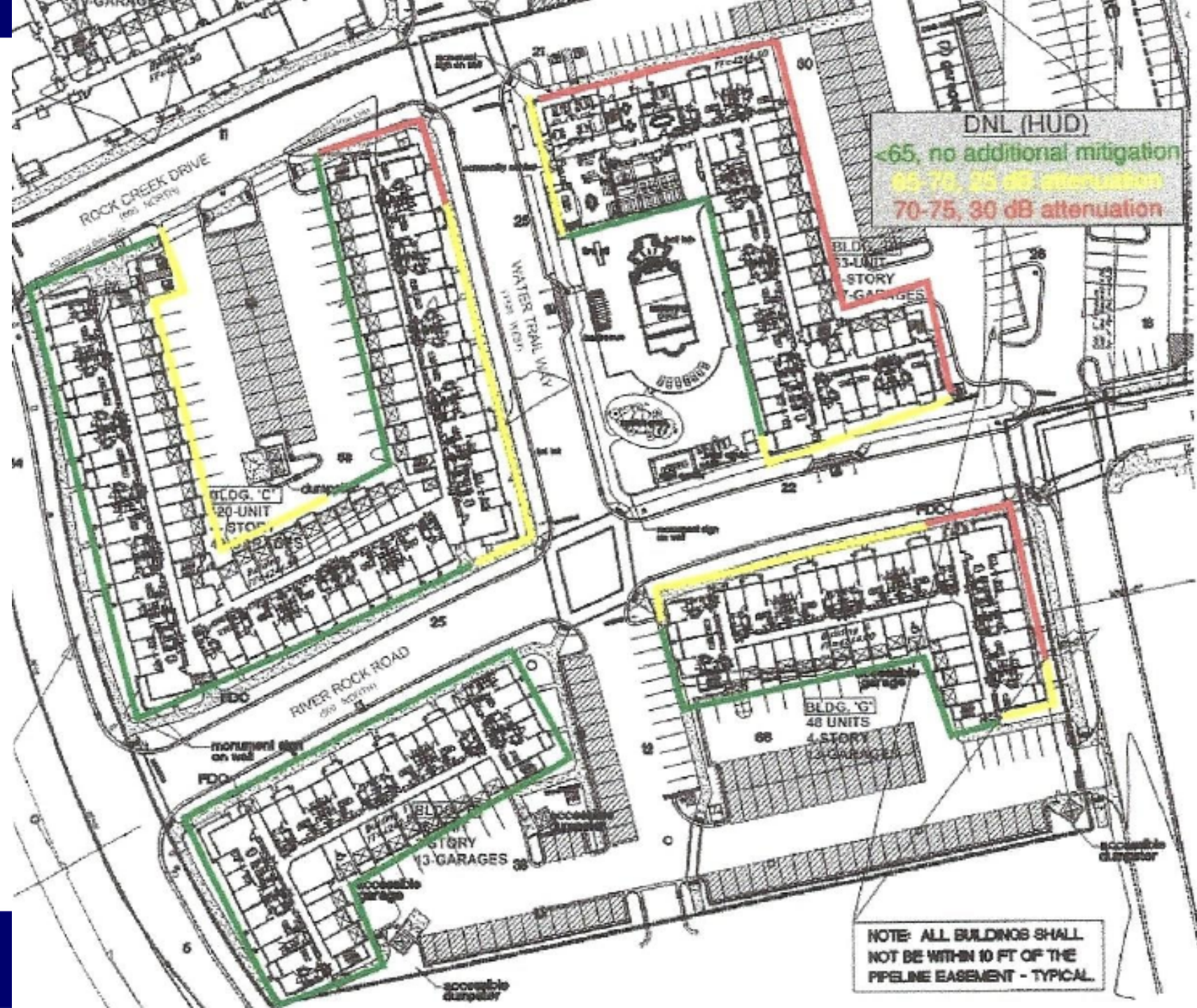


Best Practice:

- As with any environmental item where measurements are used to assess the effects of a hazard (i.e. Noise, Airport Hazards, ASD), visual support such as maps and data used in assessing the hazard should be included.
- A Noise Assessment Location (NAL) should be conducted where any proposed outdoor gathering areas is planned. If these areas exceed 65dB, mitigation will be required.
- Traffic data used to support the noise assessment from sources such as Railroads, Airports, and State Transportation Agencies must be included in the report. Only the most recent data at the time of the report should be considered.
- When the site is suspected to have 'normally unacceptable' or 'unacceptable' noise conditions, consultation with HUD should begin immediately to discuss alternatives, mitigation planning, and any additional requirements.

ADOT
Arizona Department of Transportation
Multimodal Planning
ADOT REPORT - 2017

LINE	ITEM	UNIT	QTY	UNIT PRICE	TOTAL PRICE	EST. QTY	EST. PRICE	EST. QTY	EST. PRICE	EST. QTY	EST. PRICE	EST. QTY	EST. PRICE	EST. QTY	EST. PRICE	EST. QTY	EST. PRICE
1000	CONCRETE	CU YD	100	100	10000	100	10000	100	10000	100	10000	100	10000	100	10000	100	10000
2000	STEEL	TON	50	200	10000	50	10000	50	10000	50	10000	50	10000	50	10000	50	10000
3000	PAVING	CU YD	200	50	10000	200	10000	200	10000	200	10000	200	10000	200	10000	200	10000
4000	LABOR	HOUR	1000	10	10000	1000	10000	1000	10000	1000	10000	1000	10000	1000	10000	1000	10000
5000	EQUIPMENT	HOUR	500	20	10000	500	10000	500	10000	500	10000	500	10000	500	10000	500	10000
6000	PERMITS	DAY	10	1000	10000	10	10000	10	10000	10	10000	10	10000	10	10000	10	10000
7000	INSURANCE	MONTH	12	833	10000	12	10000	12	10000	12	10000	12	10000	12	10000	12	10000
8000	UTILITIES	MONTH	12	833	10000	12	10000	12	10000	12	10000	12	10000	12	10000	12	10000
9000	MAINTENANCE	MONTH	12	833	10000	12	10000	12	10000	12	10000	12	10000	12	10000	12	10000
10000	TOTAL				100000		100000		100000		100000		100000		100000		100000



DNL (HUD)

- <65, no additional mitigation
- 65-70, 25 dB attenuation
- 70-75, 30 dB attenuation

BLDG. 'C'
20-UNIT
3-STORY

BLDG. 'H'
3-UNIT
3-STORY
7-GARAGES

BLDG. 'G'
48 UNITS
4-STORY
12-GARAGES

BLDG. 'E'
13-UNIT
3-STORY
13-GARAGES

NOTE: ALL BUILDINGS SHALL NOT BE WITHIN 10 FT OF THE PIPELINE EASEMENT - TYPICAL.



Flood issues



Floodways



Flood Aftermath



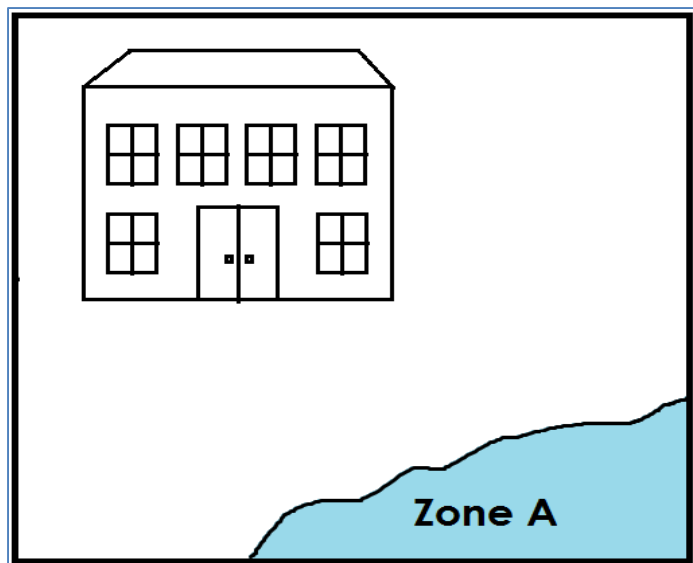
Floodplain (ingress/egress?)



Floodplains & Floodways

- How will your project run-off affect Floodways and Wetlands?
 - "Incidental" portion of the site?
 - Access Roads, Parking, Common Areas in 100-year floodplain – not incidental.
 - Excessive fill used on site – soils study needed?
 - Might need 8-step review – alternate site considered?
 - Do plans include use of Pervious surfaces, plantings, retention ponds?

Incidental Floodplains



Site contains 100-year floodplain

Floodplain is incidental

Project may proceed either:
By meeting conditions in
§ 55.12(c)(7), OR

By completing 8-Step
Process

8 Step vs. 5 Step?

- 8 Step used for New Construction
 - notify the public and consider alternate sites..
- 5 Step used for Rehabs..
 - Can't move the site but can you mitigate effects of run-off through rehab construction changes?

Wetlands and Housing



Wetlands and Housing



Coastal Waters



Coastal Waters

- Endangered Species
- Does your project pass NOAA requirements?
 - If yes, might satisfy HUD standards.
 - Oregon/WA have special requirements as posted on the HUD CPD Website
 - Note on Salmon: Live both upstream and in ocean, therefore, Fish and Wildlife and NOAA consultation may be needed and documented.

Endangered Species Preservation



Endangered Species

- Are any species affected?
- Success Story of American Bald Eagle:

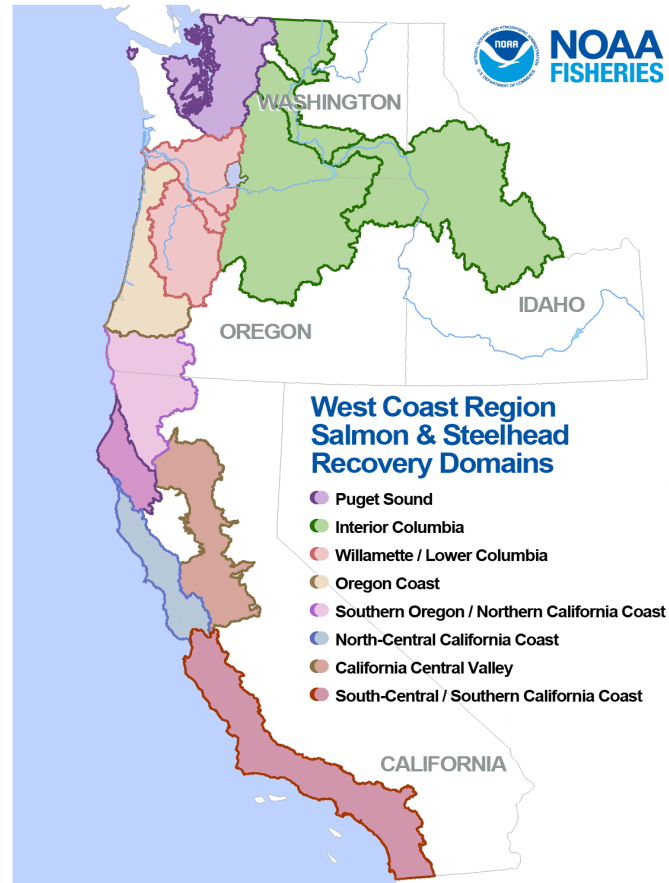
American Bald Eagle



Bald Eagle Fishing Salmon...

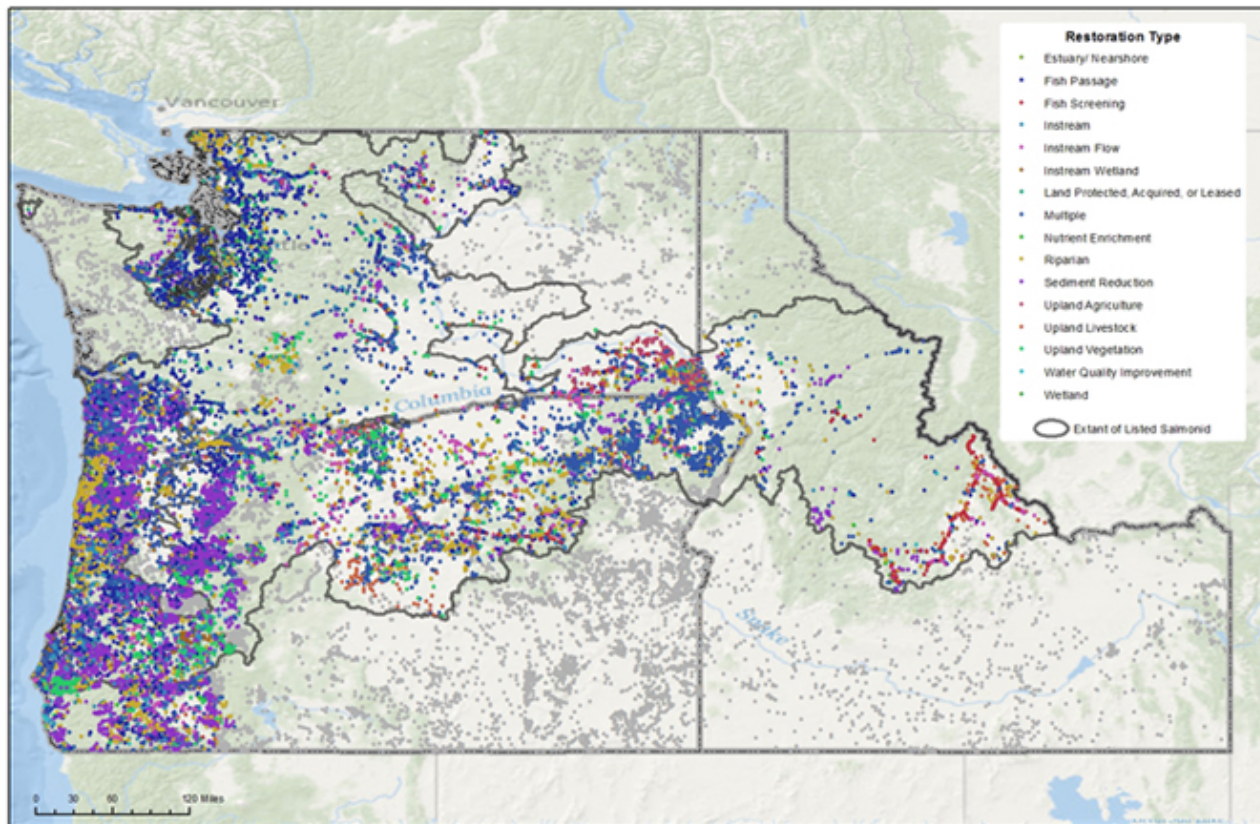


Endangered Salmon (migrating species)



Pacific NW Salmon Habitat

Pacific Northwest Salmon Habitat Project Database



Map prepared July 2015
NOAA Northwest Fisheries Science Center
Monica Diaz
Basemap by ESRI

Endangered Salmon Status

BELOW GOAL (ENDANGERED SPECIES ACT-LISTED SALMON IN WASHINGTON)			NEAR GOAL
Getting Worse	Not Making Progress	Showing Signs of Progress	Approaching Goal
<p>Puget Sound Chinook</p> <p>Puget Sound steelhead</p> <p>Upper Columbia River spring Chinook</p>	<p>Upper Columbia River steelhead</p> <p>Lower Columbia River chum</p> <p>Lower Columbia River fall Chinook</p> <p>Lower Columbia River spring Chinook</p>	<p>Middle Columbia River steelhead</p> <p>Lake Ozette sockeye</p> <p>Lower Columbia River coho</p> <p>Lower Columbia River steelhead</p> <p>Snake River spring and summer Chinook</p> <p>Snake River steelhead</p>	<p>Hood Canal summer chum</p> <p>Snake River fall Chinook</p>

HUD ECO Consultation

- NC Projects over 200 units
- NC Projects with noise levels above 65db
- Complicated Environmental Issues and cases where questions are not resolved definitively (Toxics, Floods, Wetlands, SHPO, Endangered Species, and unique situations).
- ECO provides “Comments” and advice to MF
- Early project Guidance/questions welcomed 😊

For more information and always changing:

MAP Guide 2016, soon to be revised

24 CFR Parts 50, 55

HEROS system, including checklists

HUD Noise Guidebook, Ch 4

CA SHPO Agreement with HUD

CPD Environmental Website

CPD Training in Portland! (Sept 11-13)

For more information:

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