



**Environmental Review Information Sheet:
Categorical Exclusions Not Subject to Sec. 58.5 [24 CFR 58.35 (b)]**

Explanation

Categorical exclusion refers to a category of activities for which no environmental impact statement or environmental assessment and finding of no significant impact under the National Environmental Policy Act (NEPA) is required. Categorical exclusions are subdivided into those which are subject to the Federal environmental laws and authorities listed at 24 CFR 58.5, and those which are not. Categorical exclusion projects **not** subject to Section 58.5 are activities that do not alter environmental conditions that would require a review or compliance determination under the Federal laws and authorities cited in Sec. 58.5. While these activities do not trigger compliance with Sec. 58.5, they remain subject to the requirements listed at Sec. 58.6 (Flood Disaster Protection Act; Coastal Barriers Resources Act; and the U.S. Department of Housing and Urban Development's (HUD) requirement for disclosure of properties located in airport runway clear zones).

Activities

Categorical exclusions not subject to Sec. 58.5 are listed at **24 CFR 58.35 (b)**:

(b). Categorically excluded activities not subject to § 58.5. The Department has determined that the following categorically excluded activities would not alter any conditions that would require a review or compliance determination under the Federal laws and authorities cited in § 58.5. When the following kinds of activities are undertaken, the responsible entity does not have to publish a NOI/RROF, except in circumstances described in paragraph (c) of this section. *The responsible entity must, however, execute a certification and forward it to the State.* The recipient remains responsible for carrying out any applicable requirements under § 58.6.

- (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 that result in the 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.

Publication Requirements

There are no public notice requirements associated with Categorical Exclusions not subject to Sec. 58.5.

Release of Funds Procedures

To obtain a Release of Funds for a Categorical Exclusion not subject to Sec. 58.5 activity, grantees must submit a **Certification of Categorical Exclusion Project Not Subject to Sec. 58.5** form to the Ohio Department of Development Office of Housing and Community Partnerships (OHCP). There are no public comment periods associated with Categorical Exclusions not subject to Sec. 58.5.

Flowchart

