

Floodplain Management (CEST and EA)

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988 Executive Order 13690 42 USC <u>4001-4128</u> 42 USC 5154a	24 CFR 55

Reference

<https://www.hudexchange.info/environmental-review/floodplain-management>

1. Does this project meet an exemption at [24 CFR 55.12](#) from compliance with HUD's floodplain management regulations in Part 55 or utilize the delayed compliance date for certain Office of Housing programs?

☐ Yes

Select the applicable citation at [24 CFR 55.12](#) and provide supporting documentation for the determination if applicable.

- a) ☐ HUD-assisted activities described in 24 CFR 58.34 and 58.35(b)
- b) ☐ HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19
- c) ☐ The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is place on the property's continued use for flood control, wetland projection, open space, or park land, but only if:
 - (1) The property is cleared of all existing buildings and walled structures; and
 - (2) The property is cleared of related improvements except those which:
 - (i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);
 - (ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and
 - (iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.
- d) ☐ An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance, or other HUD assistance
- e) ☐ Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions
- f) ☐ A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland;

- g) ☐ HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if:
- (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and
 - (2) the proposed project will not result in any new construction in or modifications of a wetland
- h) ☐ Issuance or use of Housing Vouchers or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies)
- i) ☐ Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

☐ Yes. Office of Housing programs utilizing the January 1, 2025 compliance date. These reviews must comply with the 2013 version of the Part 55 regulations. Continue to Worksheet Summary for 2013 version to upload supporting documentation.

☐ No. *Continue to Question 2.*

2. Does the project include a Critical Action?

☐ Yes. Describe the Critical Action. Examples of Critical Actions include projects involving hospitals, fire and police stations, nursing homes, hazardous chemical storage, storage of valuable records, and utility plants. Continue to Question 4.

☐ No. Continue to Question 3.

3. Determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination.

The extent of the FFRMS floodplain can be determined using a Climate Informed Science Approach (CISA), 0.2 percent flood approach (0.2 PFA), or freeboard value approach (FVA). For projects in areas without available CISA data or without FEMA Flood Insurance Rate Maps (FIRMs), Flood Insurance Studies (FISs) or Advisory Base Flood Elevations (ABFEs), use the best available information to determine flood elevation. Include documentation and an explanation of why this

is the best available information for the site. Note that newly constructed and substantially improved structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Select one of the following three options:

☐ CISA for non-critical actions. If using a local tool, data, or resources, ensure that the FFRMS elevation is higher than would have been determined using the 0.2 PFA or the FVA.

☐ 0.2-PFA. Where FEMA has defined the 0.2-percent-annual-chance floodplain, the FFRMS floodplain is the area that FEMA has designated as within the 0.2-percent-annual-chance floodplain.

☐ FVA. If neither CISA nor 0.2-PFA is available, for non-critical actions, the FFRMS floodplain is the area that results from adding two feet to the base flood elevation as established by the effective FIRM or FIS or—if available—a FEMA-provided preliminary or pending FIRM or FIS or advisory base flood elevations, whether regulatory or informational in nature. However, an interim or preliminary FEMA map cannot be used if it is lower than the current FIRM or FIS.

a. Does your project occur in the FFRMS floodplain?

☐ Yes, continue to part b.

☐ No. Review for floodplain management is complete.

b. Is your project located in any of the floodplain categories below? Select all that apply. If none apply, continue to question 7.

☐ Floodway: *Continue to Question 5. Floodways.*

☐ Coastal High Hazard Area (V Zone) or Limit of Moderate Wave Action (LiMWA): *Continue to Question 6. Coastal High Hazard Areas and LiMWAs.*

4. Determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination.

The extent of the FFRMS floodplain can be determined using a Climate Informed Science Approach (CISA), or the higher of the 0.2 percent flood approach (0.2 PFA), or freeboard value approach (FVA). For projects in areas without available CISA data or without FEMA Flood Insurance Rate Maps (FIRMs), Flood Insurance Studies (FISs) or Advisory Base Flood Elevations (ABFEs), use the best available information to determine flood elevation. Note that newly constructed and substantially improved structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Utilize CISA to determine the FFRMS floodplain for critical actions

☐ CISA for Critical Actions. If using a local tool, ensure that the FFRMS elevation provided is higher than the 0.2 PFA or 3' above the base flood elevation.

OR;

Choose the higher of 0.2 PFA or FVA elevations

☐ 0.2-PFA. Where FEMA has defined the 0.2-percent-annual-chance floodplain, the FFRMS floodplain is the area that FEMA has designated as within the 0.2-percent-annual-chance floodplain.

☐ FVA. For critical actions, the FFRMS floodplain is the area that results from adding three feet to the base flood elevation as established by the effective FEMA FIRM or FIS or—if available—a FEMA-provided preliminary or pending FIRM or FIS or advisory base flood elevations, whether regulatory or informational in nature. However, an interim or preliminary FEMA map cannot be used if it is lower than the current FIRM or FIS.

a. Does your project occur in the FFRMS floodplain?

☐ Yes, continue to part b.

☐ No. Review for floodplain management is complete.

b. Is your project located in any of the floodplain categories below? Select all that apply. If none apply, continue to question 7.

☐ Floodway: *Continue to Question 5. Floodways.*

☐ Coastal High Hazard Area (V Zone) or LiMWA: *Continue to Question 6. Coastal High Hazard Areas and LiMWAs.*

5. Floodways

Do the floodway exemptions at [55.8](#) or [55.21](#) apply?

☐ Yes

The 8-Step Process is required. Document mitigation measures necessary to meet the requirements in 55.8 or 55.21. Provide a completed 8-Step Process, including the early public notice and the final notice.

Continue to Question 7. 8-Step Process.

☐ No

Federal assistance may not be used at this location. You must either choose an alternate site or cancel the project at this location.

6. Coastal High Hazard Area (V Zone) and LiMWAs

Do the exemptions at [55.8](#) or [55.21](#) apply?

☐ Yes

The 8-Step Process is required. Document mitigation measures necessary to meet the requirements in 55.8 or 55.21. Provide a completed 8-Step Process, including the early public notice and the final notice.

Continue to Question 7. 8-Step Process.

☐ No

Federal assistance may not be used at this location. You must either choose an alternate site or cancel the project at this location.

7. 8-Step Process.

Does the 8-Step Process apply? Select one of the following options:

☐ 8-Step Process is inapplicable per 55.13.

Select the applicable citation:

- ☐ (a) HUD's mortgage insurance actions and other financial assistance for the purchasing, mortgaging, or refinancing of existing one- to four-family properties in communities that are in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24), where the action is not a critical action and the property is not located in a floodway, coastal high hazard area, or LiMWA;
- ☐ (b) Financial assistance for minor repairs or improvements on one- to four-family properties that do not meet the thresholds for "substantial improvement" under § 55.2(b)(12);
- ☐ (c) HUD or a recipient's actions involving the disposition of individual HUD or recipient held, one- to four-family properties;
- ☐ (d) HUD guarantees under the Loan Guarantee Recovery Fund Program (24 CFR part 573), where any new construction or rehabilitation financed by the existing loan or mortgage has been completed prior to the filing of an application under the program, and the refinancing will not allow further construction or rehabilitation, nor result in any physical impacts or changes except for routine maintenance;
- ☐ (e) The approval of financial assistance to lease units within an existing structure located within the floodplain, but only if;
 - (1) The structure is located outside the floodway or coastal high hazard area, and is in a community that is in the Regular Program of the NFIP and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24); and
 - (2) The project is not a critical action; and
 - (3) The entire structure is or will be fully insured or insured to the maximum extent available under the NFIP for at least the term of the lease.
- ☐ (f) Special projects for the purpose of improving efficiency of utilities or installing renewable energy that involve the repair, rehabilitation, modernization, weatherization, or improvement of existing structures or infrastructure, do not meet the thresholds for "substantial improvement" under § 55.2(b)(12), and do not include the installation of equipment below the FFRMS floodplain elevation.

Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

☐ 5-Step Process is applicable per 55.14.

Provide documentation of 5-Step Process.

Select the applicable citation:

- ☐ (a) HUD actions involving the disposition of HUD-acquired multifamily housing projects or “bulk sales” of HUD-acquired one- to four-family properties in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24).
- ☐ (b) HUD's actions under the National Housing Act (12 U.S.C. 1701) for the purchase or refinancing of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, and intermediate care facilities, in communities that are in good standing under the NFIP.
- ☐ (c) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects, hospitals, nursing homes, assisted living facilities, board and care facilities, intermediate care facilities, and one- to four-family properties, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10), and the footprint of the structure and paved areas is not increased by more than 20 percent.
- ☐ (d) HUD's (or the recipient's) actions under any HUD program involving the repair, rehabilitation, modernization, weatherization, or improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the action does not meet the thresholds for “substantial improvement” under § 55.2(b)(10) and that the footprint of the structure and paved areas is not increased by more than 20 percent
- ☐ (e) HUD's or the recipient's actions under any HUD program involving the repair, rehabilitation, or replacement of existing nonstructural improvements including streets, curbs and gutters, where any increase of the total impervious surface area of the facility is de minimis. This provision does not include critical actions, levee systems, chemical storage facilities (including any tanks), wastewater facilities, or sewer lagoons.

Continue to Question 8. Mitigation.

- ☐ 8-Step Process applies.

Provide a completed 8-Step Process, including the early public notice and the final notice.

Continue to Question 8. Mitigation.

8. Mitigation

For the project to comply with this section, all adverse impacts must be mitigated. Explain in detail the measures that must be implemented to mitigate the impact or effect, including the

timeline for implementation. Note: newly constructed and substantially improved structures within the FFRMS floodplain must be elevated to the FFRMS floodplain elevation or floodproofed, if applicable.

Which of the following if any mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.

- ☐ Buyout and demolition or other supported clearance of floodplain structures
- ☐ Insurance purchased in excess of statutory requirement under the Flood Disaster Protection Act of 1973
- ☐ Permeable surfaces
- ☐ Natural landscape enhancements that maintain or restore natural hydrology
- ☐ Planting or restoring native plant species
- ☐ Bioswales
- ☐ Stormwater capture and reuse
- ☐ Green or vegetative roofs with drainage provisions
- ☐ Natural Resources Conservation Service conservation easements or similar easements
- ☐ Floodproofing of structures as allowable (e.g. non-residential floors)
- ☐ Elevating structures (including freeboard above the required base flood elevations)
- ☐ Levee or structural protection from flooding
- ☐ Channelizing or redefining the floodway or floodplain through a Letter of Map Revision (LOMR)

Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below.

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- FIRM panel numbers
- CISA data or maps
- Information on other data or tools used or accessed
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Include all documentation supporting your findings in your submission to HUD

Are formal compliance steps or mitigation required?

- ☐ Yes
- ☐ No

Worksheet Summary for 2013 Version
Compliance Determination

Attach 'Floodplain Management Partner Worksheet' (OMB No. 2506-0177), FIRM map indicating project location, and summary of 8-step or 5-step decision making process if applicable.

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Include all documentation supporting your findings in your submission to HUD

Are formal compliance steps or mitigation required?

- ☐ Yes
☐ No