



## **Chapter 9 Exclusions Updates within the 2016 MAP Guide**

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### **Chapter 9 Exclusions**

- Section 9.1.A.4: Projects to be refinanced or purchased under Section 223(f) and some substantial rehabilitation projects are categorically excluded from National Environmental Policy Act (NEPA) compliance. Therefore, only Part A of the Form HUD-4128 is required. Projects must still comply with Contamination Analysis and with Lead, Asbestos, and Radon requirements. Nuisances and hazards such as pipelines, fall hazards, and oil and gas wells must also still be evaluated.
- Section 9.1.A.5: “Refinancing of HUD-insured mortgages that will not allow new construction or rehab, nor result in any physical impacts or changes except for *routine maintenance*” is categorically excluded from the Environmental Assessment requirements of the NEPA and does not require compliance with the Federal laws and authorities specified at 24 CFR 50.4, other than flood insurance requirements.

### **What is Routine Maintenance?**

- Per a HUD Memo dated February 8, 2016, titled “Guidance for Categorizing an Activity as Maintenance for Compliance with HUD’s Environmental Regulations, 24 CFR Parts 50 and 58,” (which superseded the March 28, 2006, Memo) “maintenance activities slow or halt deterioration of a building and do not materially add to its value or adapt it to new uses. Maintenance of a building feature or system requires periodic replacement of individual component parts that are subject to normal wear and tear.” General examples of maintenance activities for environmental review purposes:
  - Cleaning activities;
  - Protective or preventative measures to keep a building, its systems, and its grounds in working order;
  - Replacement of appliances that are not permanently affixed to the building;
  - Periodic replacement of a limited number of component parts of a building feature or system that is subject to normal wear and tear; and,

- Replacement of a damaged or malfunctioning component part of a building feature or system. Note: Replacement of all or most parts or an entire system is not maintenance.

### **Examples from Notice CPD 16-02**

#### **Maintenance Activities**

- Lawn care, trimming trees
- Cleaning and fixing gutters
- In-kind replacement of loose or missing shingles
- Replacing a damaged window
- Replacement of stoves, refrigerators, and microwaves
- Replacing a malfunctioning part of a HVAC system

#### **Rehabilitation Activities**

- New landscaping throughout an area
- Applying new exterior siding
- Complete replacement of roof
- Replacement of windows
- Complete or substantial kitchen remodel
- Installation of central air conditioning