

Final Notice and Public Explanation of a Proposed Activity in a Federal Flood Risk Management Standard (FFRMS) Designated Floodplain and Wetland

To: All interested Federal, State, and Local Agencies (FEMA, U.S. EPA Region 6, U.S. Army Corps of Engineers, Harris County Flood Control District, City of Houston Floodplain Administrator's Office, and the U.S. Department of Housing and Urban Development (HUD)) as well as the Public at Large.

This is to give notice that the City of Houston's Housing and Community Development Department ("HCD"), pursuant to federal environmental regulations found at 24 CFR 58, has conducted an evaluation as required by Executive Order 11988 and 11990 (as amended by EO 13690 and 14030, respectively), in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. The purpose of the evaluation is to determine the potential effect that this activity in the floodplain will have on the human environment for Community Development Block Grant Disaster Recovery (CDBG-DR) funding for the 2021 Winter Storm Home Repair Program, which covers single family rehabilitation, reimbursement and reconstruction activity, along with the potential of new construction of homes on vacant lots to replace storm-damaged homes, funded with funds including B-21-MF-48-0002 and any other applicable future funds under the Program yet to be designated. This review has been undertaken to evaluate activities the 2021 Winter Storm Home Repair Program might take if it were to expand its operations to all eligible activities in the 2021 Winter Storm Action Plan, since the current Program Guidelines do not include floodplain development.

This review is a five (5) year tiered (broad) review. Site-specific review, including identification of the FFRMS Floodplain, will be performed at the site-specific level. For each site-specific review, it will be determined whether Climate Informed Science Approach (CISA) mapping tools are available for the project site and use it to determine the FFRMS Floodplain whenever available. If it is not available for the site, the "No Data Exists" will be used to document that CISA data is unavailable for the project site. For such sites, FEMA FIRM maps will be used to identify the boundaries of the FFRMS Floodplain, which under the 0.2% Annual Chance Floodplain Approach covers both the 100-year and the 500-year floodplain. HCD will also make use of internal GIS data to buttress and complement this approach (which will include documentation of elevation) and will ensure that the entire project area is marked in site-specific reviews. Floodplain and elevation information will be gathered this way in order to determine appropriate applicable mitigation and minimization techniques for each site in the FFRMS floodplain, including elevation requirements for substantial improvement and reconstruction projects. Please note that this notice is part of the 8-step process required by 24 CFR 55.20, which will apply primarily to substantial improvement and reconstruction projects. Rehabilitation-only projects will be assessed on an individualized basis, but are generally expected to fall into exceptions to the 8-step process. Any new construction on vacant lots will be assessed individually once selected to confirm that no other lots are available, and to confirm that they follow HUD as well as local requirements for development in the floodplain – local standards are generally more stringent than those of HUD, as Chapter 19 of the City of Houston Code of Ordinances, which governs floodplain development, defines the "Houston Special Flood Hazard Area (HSFHA)" to include the entirety of the FFRMS Floodplain, or the 500 and 100-year floodplain alike.

The City of Houston has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial functions and intrinsic values of the existing floodplain/wetland:

- A. (Option Selected) Perform home repair in the FFRMS floodplain (100-year floodplain and the 500-year floodplain) but not the floodway (assuming**

expansion of Program activities to cover all eligible activities under the 2021 Winter Storm Action Plan).

Alternative A has been selected since it allows the maximum number of homes selected under 24 CFR 55 possible—it leaves out only the under 30,000 acres (28,756.75) in the floodway and allows the remaining 115,437.40 acres to be a potential zone of selection for home repair, reconstruction, and reimbursement under the 2021 Winter Storm Recovery Program. In addition, this option aligns with the Department's goals of alleviating threats to health, life, and safety as well as safety hazards resulting from substandard conditions by providing assistance to as many residents as possible.

B. (Alternative) All homes to be selected will be outside the 100-year floodplain (assuming expansion of Program activities to cover some eligible activities under the 2021 Winter Storm Action Plan).

Alternative B was not selected since it would entail unnecessary restrictions on single family home sites selected and limitations on options for HUD-funded community redevelopment under the Winter Storm Recovery Program. This option does not best promote the Department's goals of alleviating threats to health, life, and safety as well as safety hazards resulting from substandard conditions as it prevents assistance to vulnerable areas of the City. This option would not even fully avoid any additional actions required by the 8-step process in light of the new rule.

C. (Alternative) All homes to be selected will be outside the entire FFRMS (100-year floodplain AND the 500-year) floodplain.

Alternative C was not selected since it would entail needless restrictions on damaged single family home sites selected for winter storm recovery (if it were deemed necessary to serve additional homeowners), and significant limitations on options for HUD-funded community redevelopment. This option does not best promote the Department's goals of alleviating threats to health, life, and safety as well as safety hazards resulting from substandard conditions as it prevents assistance to vulnerable areas of the City.

D. (Alternative) "No Action." Perform no project at all.

Alternative D was not selected since it was deemed feasible to perform the project and not to reject it, since a viable option (Alternative A) was determined to be available. This option does not promote the Department's goals of alleviating threats to health, life, and safety as well as safety hazards resulting from substandard conditions as it prevents assistance to vulnerable areas of the City.

For any substantial rehabilitation and reconstruction projects in the FFRMS Floodplain, structures will be required to have the lowest floor and all utilities elevated to at least the height of the 500-year floodplain. Where elevation data is not available from FEMA, elevation must be performed to two (2) feet above the base flood elevation (BFE) for FFRMS Floodplain sites. These sites will also be subject to the zero net fill standard. For sites in the 100-year floodplain and the 500-year floodplain, the requirements of the City's Chapter 19 code of ordinances (local floodplain ordinance) is more conservative than the HUD rule, since it requires elevation of all sites within its boundaries to the 500-year floodplain plus two (2) feet. The more conservative elevation

requirement will always apply. Flood insurance will be required to be maintained for properties in the 100-year floodplain (same as before even under the new rule). All required mitigation and minimization methods will be employed at a site-specific level, on a case-by-case basis, in order to best address and minimize potential adverse impacts stemming from floodplain alterations at that particular site. For substantial rehabilitation, reimbursement, and reconstruction projects, proper elevation must be documented on an Elevation or Floodproofing Certificate. The same is true for any new construction on vacant land in the FFRMS Floodplain. Best management practices (BMPs) for soil erosion and stormwater management will be applied through Home Repair Program minimum construction standards. Any and all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values to the floodplain and will be determined as each individual site is reviewed as applicable. Each applicant, occupant, or homeowner located within the Federal Flood Risk Management Standard (FFRMS) floodplain will be required to sign an Emergency Management Disaster Acknowledgment form acknowledging that they have: 1. Read and understood the Emergency Management Disaster Preparedness Statement and HCD's obligations; 2. Received the pamphlet Hurricane and Disaster Preparedness Guide; 3. Registered with the Emergency Notification System (ENS); and 4. Registered (Individual Resident or Facility) with the State of Texas Emergency Assistance Registry (STEAR) online or called 2-1-1. All sites will be screened and evaluated for wetlands, and as a rule wetlands will be avoided unless otherwise approved by the HCD management or by Council action. In instances where expansion is possible, steps will be taken to avoid any wetland in development as well as impact to wetland through drainage. BMPs for safeguarding of wetlands, soil erosion prevention, and stormwater management are incorporated and implemented through standard operating procedures for Rehabilitation, Reconstruction, and New Construction for Single Family Residences.

The City of Houston has reevaluated alternatives to building in the floodplain (and where applicable, wetland) and has determined that should the 2021 Winter Storm Home Repair Program expand its operations to all eligible activities in the 2021 Winter Storm Action Plan, which includes floodplains/wetlands it has no practicable alternative to floodplain/wetland development. Environmental files documenting compliance with Executive Order 11988, as amended by Executive Order 13690, and/or Executive Order 11990, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplain/wetland and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplain/wetland can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplain/wetland, it must inform those who may be put at greater or continued risk.

Written comments for this public notice must be received by the **City of Houston Housing and Community Development Dept. (HCD) on or before the close of business February 24, 2025 at 2100 Travis, 9th Floor, Houston, Texas, Attention: HCD Environmental Team.** Comments may also be submitted via phone at (832) 394-6319 or via email at hcdenvironmental@houstontx.gov. A full description of the program and/or the ERR may be reviewed from 8:00 AM to 5:00 PM at the address provided above.

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