

## Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain

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 Housing & Community Development Department**, pursuant to **federal environmental regulations found at 24 CFR 58**, has conducted an evaluation as required by **Executive Order 11988 and 11990**, 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 its activity in the floodplain will have on the human environment for **CDBG single family rehabilitation and reconstruction activity, B-19-MC-48-0018**.

The proposed project(s) will be located in the following areas, at addresses to be selected:

The **City of Houston Housing & Community Development Department (HCDD) Home Repair Program (HRP)** will carry out the following housing programs: **Rehabilitation and Reconstruction**.

The goal in the HRP is to address repairs necessary to alleviate threats to health, life, and safety as well as safety hazards resulting from substandard conditions. The program will target homes owned and occupied by households earning no more than 80% of Area Median Family Income.

The program not only prioritizes low and moderate income elderly (62 or older) and disabled homeowners, but also gives priority to homes of employed applicants with minors, and unemployed applicants providing full-time care to disabled household members.

A homeowner seeking assistance must meet three basic qualifications: 1) they must be the recorded owner and occupy the home as their primary residence; 2) their property taxes must be current or on an approved payment plan in good standing; and 3) they must meet certain income qualifications. If a homeowner qualifies, upon the completion of an application, their home will be inspected to determine the level of repairs their residence is eligible to receive (additional documents may be required).

The HRP will provide two tiers of assistance to homeowners:

1. Tier II - Rehabilitation
  - a. Moderate Repairs – Those costing \$20,000.00 to \$40,000.00
  - b. Substantial Repairs – Those costing \$40,000.00 to \$80,000.00
2. Tier III – Reconstruction – Repairs exceeding \$80,000.00

HCDD will perform outreach activities City-wide including the Complete Communities targeted areas.

Each applicant, occupant, or homeowner located within the 100-year floodplain will be required to sign an Emergency Management Disaster Acknowledgment form acknowledging that they have:

- Read and understood the Emergency Management Disaster Preparedness Statement and HCDD's obligations;
- Received the pamphlet Hurricane and Disaster Preparedness Guide;
- Registered with the Emergency Notification System (ENS);
- Registered (Individual Resident or Facility) with the State of Texas Emergency Assistance Registry (STEAR) online or called 2-1-1, and that Relationship Manager/Intake Counselor has informed the applicant/occupant/homeowner (client) about HCDD's obligations and client(s) is/are aware of their associated responsibilities.

The proposed project(s) will be located in the following areas, at addresses to be selected:

The Service Area is City-Wide – Harris County – City of Houston; Montgomery County – City of Houston; Fort Bend County – City of Houston. Since the Service Area is City-Wide, some selected sites may be in the 100-year floodplain.

Acres of land in the floodplain (and wetland) for the City of Houston is as follows:

Floodway: 29,597.61

100 Year Floodplain: 78,587.31

500 Year Floodplain: 53,069.96

Wetland: 2,015,234.56

There will be approximately and/or average of 5 moderate Rehabilitation, 2 Substantial Rehabilitation, and 25 Reconstruction projects.

This activity is justified to provide relief for those people impacted by flood disasters while addressing recognized impediments to affirmatively furthering fair housing as required under the Fair Housing Act for single family homeowner assistance.

City of Houston Housing & Community Development Department has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

(i) All of the reasons why the action must take place in a floodplain,

The main intent of this program is to assist homeowners and residents throughout the City of Houston with home repairs and reconstruction where requested, and some homeowners/residents in the Houston City limits do reside in neighborhoods and communities located in the 100-year floodplain. HCDD seeks to serve as much of the eligible City resident population as possible under this program.

(ii) alternatives considered and reasons for non-selection,

- A. **(Option Selected) Perform home repair in the 100-year floodplain and the 500-year floodplain but not the floodway.**  
 This option appears to be the best option for selection since it allows the maximum number of homes to be selected under 24 CFR 55 possible. This option leaves out only the under 30,000 acres (29,597.61) in the floodway and allows the remaining 131,657.27 acres to be a potential zone of selection for home repair activities. 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.**  
 This option, while it allows the City to avoid any questions regarding the 100-year floodplain, does not allow the maximum number of homeowners/residents to be served by the Home Repair Program (HRP). Furthermore, this approach would deny aid to willing homeowners/residents to receive repairs, and deny opportunities provide assistance for actions that help preserve neighborhoods by preserving the quality and property value of homes. Over 75,000 acres (78,587.31) would be off limits as far as houses from which to select. In addition, this 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.
- C. **(Alternative) All homes to be selected will be outside the 100-year floodplain AND the 500-year floodplain.**  
 This option would face the same problems as Alternative B, except to a larger degree. This could limit the number of eligible homeowners/residents able to benefit from single family home repair, and their neighborhoods, severely, since over 130,000 acres (131,657.27) would be off limits as far as houses from which to select. In addition, this 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 a large portion of vulnerable areas of the City.
- D. **(Alternative) "No Action." Perform no project at all.**  
 Alternative D is not a reasonable course of action to take since there are possible alternatives to consider besides performing no project at all. Alternatives B and C would serve fewer homeowners than federal regulations would allow and would not promote the Department's goal of alleviating threats to health, life, and safety as well as safety hazards resulting from substandard conditions. Alternative A is viable, and B and C would comply with regulations even if they are not ideal. There is simply no reason from a floodplain compliance perspective to avoid doing any project. Such an alternative would pass up an opportunity to serve homeowners, neighborhoods, and community residents using HUD dollars and would run contrary to HUD's mission of community development.

**(iii) all mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values**

Work to be performed, while it will occur in the 100-year floodplain and the 500-year floodplain, will not take place in the floodway, since single family home repair activities and reconstruction, even for flood damage repair purposes, are not a functionally dependent use (i.e. a dam, marina, waterfront park, or other structure or activity that that directly depended on water) per 24 CFR 55.

Please note that the following requirements will be applicable if any of the following activities are undertaken:

Elevation standards for new construction, repair of substantial damage, or substantial improvement. The City of Houston, Texas, Ordinance No. 2018-258, Chapter 19 (local floodplain ordinance) elevation standards apply to new construction, repair of substantial damage, or substantial improvement of structures located in an area delineated as a special flood hazard area or land located within the 100-year floodplain. Substantial improvements to residential homes and reconstruction activities within the 100-year flood plain must be elevated with the lowest floor at least two feet above the 500-year floodplain base flood elevation (BFE) depth specified on the effective FIRM, or at least three feet above the highest adjacent grade where the depth number is not specified. HRP activities in the 100- and 500-year floodplain will adhere to the Floodplain Ordinance's design standards and mitigation requirements. Applicable State, federal, local, and tribal codes and standards for floodplain management that exceed these requirements, including elevation, setbacks, and cumulative substantial damage requirements, will be followed.

In addition to local floodplain ordinance, all state, federal, and local requirements will be followed in the course of the single family home repair and reconstruction work to be performed.

Impacts to the floodplain will be limited due to the HRP activities occurring on previously disturbed/developed land. Best management practices (BMPs) for soil erosion and stormwater management will be applied through HRP minimum construction standards.

**Final and conditional LOMR's or LOMA's from FEMA will be acknowledged as applicable on a case by case basis once sites are selected, if they have been issued for any of the subject properties.**

**Single-Family Home Repair program activities including rehabilitation and reconstruction are being evaluated through a tiered environmental review. The broad-level review will be a multi-year tiered review which will be valid for five (5) program years after the issuance of the Authority to Use Grant Funds (AUGF), barring any major changes in the program and/or in environmental conditions.**

The "Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain" for this project ran on October 3, 2019 in the Houston Chronicle. The City of Houston Housing & Community Development Department has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988 and/or 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. This activity will have no significant impact on the environment for the following reasons:

**The City of Houston has determined that there is no significant impact foreseen on area 100-year floodplains because the work to be performed will be solely for existing homes and will not involve occupying undeveloped areas of the floodplain with new construction or otherwise expanding the development footprint, plus mitigation measures will be implemented as applicable on a site-specific basis as each individual project is reviewed.**

The SFHR will therefore ensure that any housing sites are not situated within the floodplain without required mitigation and that flood insurance is carried on the residential property in accordance with E.O. 11988, as interpreted in 24 CFR Part 55 and the City's Floodplain Ordinance. Furthermore, mitigation measures may be required to protect nearby wetlands from construction activities. Work on this project will entail rehabilitation and reconstruction of single-family homes that are located on existing lots within established neighborhoods and hence will not result in undeveloped land (inside or outside the floodplain) being permanently displaced for the purpose of new construction.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains 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 about floodplains can facilitate and enhance Federal efforts to reduce the risks 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 floodplains, it must inform those who may be put at greater or continued risk.

This notice is required by Section 2(a)(4) of Executive Order 11988 for the Protection of Floodplains, as well as Section 2(b) of Executive Order 11990 for the Protection of Wetlands, and is implemented by HUD Regulations found at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Protection of Wetlands. The 8-Step Decision Making Process includes public notices and the examination of practicable alternatives to building in the floodplain and wetland. Additional project information, including maps of floodplains and wetlands for the project area and its census tracts, is contained in the Environmental Review Record (ERR) on file at the City of Houston Housing & Community Development Department, 2100 Travis, 9th Floor, Houston, Harris County, Texas 77002, and may be examined or copied weekdays 8am to 5pm.

Written comments for this public notice must be received by **the City of Houston Housing & Community Development Dept. (HCDD)** at the following address on or before the close of business **November 13, 2019. 2100 Travis, 9<sup>th</sup> Floor, Houston, Harris County, Texas**, Attention: **HCDD Environmental Team**. A full description of the project may also be reviewed from **8:00 AM to 5:00 PM** at the address provided above. Comments may also be submitted via phone at (832) 394-6018 or via email at [matthew.jenkins@houstontx.gov](mailto:matthew.jenkins@houstontx.gov) and [julia.thorp@houstontx.gov](mailto:julia.thorp@houstontx.gov).

**Date of Publication: November 6, 2019**