



**Housing Finance
Agency**

OHFA Part 58 - Environmental Review Standards

**HOME and Other Funding Subject to
Review under 24 CFR Part 58**

Office of Multifamily Housing | February 1, 2026

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OHFA Environmental Review Standards for Projects Subject to Review Under 24 CFR Part 58

Section 1: Overview

The standard environmental review procedures for projects receiving funding originating from the U.S. Department of Housing and Urban Development (HUD) are found in 24 CFR Part 58. These procedures apply to all HUD funds except where Congress or HUD creates a funding-specific review procedure. Funds subject to Part 58 review and distributed through OHFA include HOME Investment Partnerships Program (HOME) funds, Community Development Block Grant (CDBG) funds of any type, multifamily lending program (MLP) loans funded through the Finance Housing Administration Risk-Sharing Program (Risk Share), and others that may be available in the future.

Once a project has received a preliminary commitment for such funds, an Environmental Review (ER) is required to be completed. Conducted by OHFA's consultants according to Part 58, the review will build upon the project's application materials, including the Phase I Environmental Site Assessment (ESA) submitted during the application process. It is anticipated that projects will require review at the environmental assessment level of review.

The purpose of this publication is to inform sponsors and developers of proposed projects and their environmental consultants of the Ohio Housing Finance Agency's (OHFA's) ESA and ER requirements for Part 58 projects.

Section 2: Process

Key participants in the Part 58 ER process include the project manager (or other designated contact) receiving the funding commitment, the project's environmental consultant and other project team members, OHFA's consultant, the Ohio Department of Development (Development) Community Services Division (CSD), and OHFA's Project Administration Team. Development CSD is the Responsible Entity for the review.

Most Part 58 funding sources managed by OHFA are processed under HUD's Office of Community Planning and Development. Risk-Share funds are processed under HUD's Office of Multifamily Housing. The two offices have slightly different procedures — which are reflected in the differences between when the projects are advertised for public comment and how funds are released — for releasing funds as noted in the following list of steps.

The Part 58 ER process as administered by OHFA and Development CSD generally follows these steps:

1. OHFA notifies the project development team that they are scheduled to receive funds subject to Part 58 review.
2. The project is assigned to one of OHFA's environmental consultants. OHFA sends key documents for the review to OHFA's consultant. OHFA's consultant then notifies the project managers that the review has started.
3. OHFA's consultant conducts an initial review of project application materials, the Phase I ESA, and any other materials sent by OHFA.
4. While OHFA's consultant is performing the initial review, project managers may provide to OHFA's consultant the items listed in Section 6 (Project Sponsor/Developer Submittal Items), of this guide. If

the listed items are not submitted at this time, the Project Sponsor/Developer Submittal Items will become part of the project's Needs List.

5. Based on the initial review, OHFA's consultant provides project managers a Needs List of deficient items and any additional items that are site-specific and required to complete the review. In the event that OHFA's consultant discovers items of concern after response to the initial Needs List, the project could receive additional Needs List(s).
6. OHFA's consultant coordinates with project managers to schedule a site visit.
7. OHFA's consultant submits consultation requests to state and/or federal agencies as applicable based on project and site characteristics. Note: projects receiving/applying for historic preservation tax credits must have submitted both Part 1 and Part 2 of the Historic Preservation Tax Credit Application before OHFA's consultant can submit a Section 106 consultation request to the State Historic Preservation Office (SHPO).
8. For projects where there is a ground/site/soil disturbance, OHFA's consultant will prepare documentation for the Tribal Historic Preservation Office (THPO). The consultant will provide the documentation to Development CSD and OHFA once it is prepared (i.e., prior to report submission).
9. Once project managers supply all the required and requested items to OHFA's consultant and all agency consultations are complete, OHFA's consultant completes the environmental review and provides the project managers with a list of required site-specific mitigations.
10. Project managers facilitate the project team's review and commitment to carry out the site-specific mitigations. An authorized signer for the project team must sign off on the commitment. The signoff may be accomplished via an emailed acknowledgement from the authorized signer.
11. When the project team has signed off on the site-specific mitigations, OHFA's consultant provides Development CSD a draft copy of the environmental review document. Development CSD examines the document and OHFA's consultant makes any required changes or additions to the review.
12. OHFA's consultant provides the final document to Development CSD and OHFA. The document is published electronically. Development CSD may request hardcopies that require production and shipping or a combination of hardcopy and electronic versions of the document at its discretion.
13. Development CSD provides information to the project contact to publish a combined Notice to the Public of a Finding of No Significant Impact (FONSI) and a Notice of Intent to Request a Release of Funds (NOI/RROF) in the local newspaper. If being provided for public examination, a hardcopy of the review will be shipped to the project sponsor to be deposited at a designated review location prior to the start of the review period.
 - a. Most notices will be released for publication as soon as Development CSD receives the final review document.
 - b. Publication for projects receiving Risk Share funds will be delayed by approximately 15 days before the date OHFA anticipates sending its assembled Risk Share packet to HUD's Office of Multifamily Housing Detroit Satellite Office for review.
14. Beginning the day after the notice appears in a newspaper, there will be a 15-day comment period at the end of which Development CSD or OHFA will submit a Request a Release of Funds (RROF) and Certification to HUD after which there will be a 15-day objection period. While rare, it is possible that comments received could need to be addressed prior to Development CSD or OHFA submitting the RROF.
 - a. Development CSD submits the RROF to HUD for projects receiving HOME or CDBG funds.
 - b. For projects receiving Risk Share funds, OHFA includes the RROF in the Risk Share packet it submits to HUD's Office of Multifamily Housing.

15. When the combined comment and objection periods have closed and any comments have been addressed, HUD issues an Authority to Use Grant Funds (AUGF).
 - a. Development CSD receives the AUGF for projects receiving HOME or CDBG funds and notifies OHFA.
 - b. For projects receiving Risk Share funds, HUD includes the AUGF as an attachment to the Firm Approval Letter for the project.
16. OHFA issues an Environmental Clearance Letter, which details the required general and site-specific mitigations, to the project team. For projects receiving Risk Share funds, the letter will not be issued until after HUD's Office of Multifamily Housing Detroit Satellite Office reviews the project packet and issues a Firm Approval Letter.
17. The project team completes any and all pre-construction-related site-specific mitigations and submits any required documentation to OHFA's Project Administration team.
18. The project will be approved to close and commence construction once the pre-construction-related site-specific mitigations have been completed and evidence has been submitted.
19. During and after construction as required by the mitigations, the project team will complete the remaining general and site-specific mitigations outlined in the Environmental Clearance Letter and submit any required documentation to OHFA's Project Administration team.

Steps 1–16 can take approximately 4–12 months from start to finish. The shorter time frame relies on timely resolution of recognized environmental conditions (RECs) if applicable, no other major environmental review concerns, and a motivated developer. Should any of these things be missing, the process will take longer, so project teams should plan accordingly.

Section 3: Funding Specific Restrictions

While many challenging conditions at project sites can be mitigated to bring the site into compliance with the requirements of Part 58 funding given enough time and the ability to modify the development plan, the following conditions will result in loss of Part 58 funding:

Choice-limiting Activities

OHFA, Development CSD, and OHFA's consultant will review all projects for compliance with the requirements of 24 CFR Part 58, including compliance with the restriction against conducting choice-limiting activities.

Once a project sponsor contemplates an application for federal funding, no choice-limiting activities may be conducted until after the release of funds has been received. Development CSD and OHFA consider choice-limiting activities to include site purchase or physical alterations of the site or site improvements. Physical alterations can include, but are not limited to, the following:

- Demolition
- Tree removal
- Clearing and grubbing
- Placement of fill
- Mobilization of construction-related equipment or material to the site
- Excavation
- Structure modifications

If project team members have questions about choice-limiting activities, they may contact OHFA's consultant (during the review process) or OHFA (at any time) for guidance. OHFA and OHFA's consultant will check with Development CSD regarding any project-specific questions on complying with the requirements. Part 58 funds cannot be granted to projects that have engaged in choice-limiting activities.

Explosive and Flammable Hazards

In 24 CFR Part 51 Subpart C, regulations require certain acceptable separation distances (ASDs) between funded new construction project improvements and nearby aboveground storage tanks containing flammable or explosive materials. If project improvements lie closer to the hazard(s) than the ASD permits and no mitigating measure is found that will reduce the hazard(s) to acceptable levels, then funds subject to Part 58 review cannot be provided to the project. These restrictions also apply to adaptive reuse projects and rehabilitations where the total number of exposed units will increase because of the project.

Floodways

HUD's floodplain management regulations in 24 CFR Part 55 prohibit any action in a Federal Emergency Management Agency (FEMA)-designated floodway other than a functionally dependent use or floodplain function restoration activity. Housing is not functionally dependent on access to a waterway; therefore, no development can occur within the floodway.

Noise Exposure

HUD's noise regulations require a project-specific environmental waiver, among other requirements, to allow development of a site that experiences "unacceptable" average noise levels above 75 decibels (dBs) as calculated using HUD's procedures. Because Development CSD policy prevents the request of such a waiver, funds subject to Part 58 review cannot be provided to projects located at high-level noise sites.

Airport Hazards

No developments of new housing or “activities that would significantly prolong the physical or economic life of existing facilities that will be frequently used or occupied by people” are permitted within an accident potential zone (APZ) or runway protection zone/clear zone (RPZ/CZ) of any airport.

Coastal Barrier Resources

No activities or projects of any kind are permitted in units within a Coastal Barrier Resources System (CBRS).

Section 4: Funding Specific Review Topics

In addition to evaluating the Phase I ESA and other information submitted by the project sponsor, developer, and the project’s environmental consultant, OHFA’s consultant will consider the following topic areas when preparing an ER. Where studies and coordination are listed as the responsibility of OHFA’s consultant, such materials submitted by the project team **will not be considered** and, if these materials create confusion within the coordinating agency, **may delay completion of the environmental review**. Review topics include:

- Air quality
- Coastal zone management and coastal barrier resources
 - a. If a project site is in a coastal zone, OHFA’s consultant will coordinate with the Ohio Department of Natural Resources (ODNR).
- Asbestos
- Lead-based paint and lead in drinking water
 - a. HUD’s rules regarding lead-based paint apply.
- Radon, mold, and other indoor air pollutants
 - a. OHFA’s Design and Architectural Standards (DAS) require every project to have a passive radon removal system and to test indoor air for radon after construction is complete to ensure the system is functioning properly.
- Endangered species, vegetation, and wildlife
 - a. OHFA’s consultant will coordinate with ODNR and the U.S. Fish and Wildlife Service (USFWS) as required.
 - b. If habitat or presence/absence surveys are required for threatened or endangered species, a project review schedule may be affected. Project teams that are aware of a potential for the presence of threatened or endangered species on a project site may wish to have a qualified consultant conduct a site survey for the species during the appropriate time of year.
 - c. A project team and its consultant **should not open formal consultation** with the responsible agency; Development CSD is the Responsible Entity and coordination will be managed by OHFA’s consultant.
- Explosive and flammable hazards
 - a. OHFA’s consultant will perform an analysis of acceptable separation distances for any storage of explosive and flammable substances in a project area.
- Farmland protection
 - a. If required based on the presence of prime, unique, important, or otherwise protected farmland, OHFA’s consultant will coordinate with the U.S. Department of Agriculture Natural Resources Conservation Service (USDA NRCS).
- Floodplain management and flood insurance

- a. Any activity in a regulated floodplain will require review under HUD’s eight step decision-making process, which requires information from a project concerning what alternatives were considered for the project that do not involve development in the floodplain. Additional documentation may be required depending on specifics of the project site plan in relation to the floodplain. An additional public comment period is required that may occur while the environmental review is ongoing.
- Historic preservation
 - a. OHFA’s consultant will coordinate a Section 106 review with the State Historic Preservation Office (SHPO).
 - b. If a project has historic tax credits, parts 1 and 2 of the tax credit application must have been submitted to the SHPO before a Section 106 review can be initiated; please provide a copy to OHFA’s consultant.
 - c. If a project site is undeveloped undisturbed land, it is likely that a Phase I Archaeological Survey will be required; the SHPO will provide guidance through the Section 106 review process on the desired scope of a survey.
 - d. If a project is determined to have an adverse effect on a property included in, or eligible for inclusion in, the National Register of Historic Places, finalization of the environmental review will be delayed while Development CSD and OHFA’s consultant complete further coordination with the SHPO and other interested parties.
- Noise levels, control, and abatement
 - a. OHFA’s consultant will complete a noise analysis according to HUD procedures.
 - b. If the analysis identifies project site noise levels above 65 dBs, OHFA’s consultant will request additional information from the project team.
- Sole source aquifers and water resources
- Wetlands and waters of the U.S.
 - a. All impacts to wetlands and waters will require permits for which the applications must be advanced to a degree satisfactory to Development CSD before the environmental review can be completed.
 - b. A jurisdictional determination will be required if the project site avoids the resource(s). At the discretion of Development CSD, rehabilitation projects with little or no exterior scope of work may be exempted from the aforementioned requirement with the addition of project-specific mitigation measures.
- Wild and scenic rivers
 - a. OHFA’s consultant will coordinate with ODNR as required.
- Environmental justice
- Airport hazards
- Planning and zoning
- Hazards, nuisances, and resident safety
- Soil suitability
- Energy consumption and sustainability
- Socioeconomic conditions
- Community facilities, infrastructure, and services

Section 5: Project's Environmental Consultant Submittal Items

Please Note: This section and the cited attachments should be provided to a project team's environmental consultant.

Designed to assist a project team's environmental consultant to prepare the required Phase I ESA and related documents, this section and the requirements within it should also be familiar to project team members. The OHFA Phase I ESA is intended to satisfy the underwriting requirements of OHFA and Development CSD and requires elements to be classified by the Advancing Standards Transforming Markets (ASTM) E1527 standard as business environmental risks and/or non-scope considerations.

OHFA's consultant will use the expectations set by this guidance to evaluate the Phase I ESA and related documents prepared by a project team's environmental consultant. Any non-conforming Phase I ESA items will be identified in the ESA checklist provided to a project manager(s) and may be addressed by submitting a revised Phase I ESA or an addendum to the original ESA depending on the scope of the required items. Other non-conforming items will be identified in the project needs list. The project team is responsible for providing all information concerning non-conforming items to the environmental consultant for response.

Phase I ESA

Provide a Phase I ESA in compliance with the most current ASTM E1527 standard referenced in the All Appropriate Inquiries rule (40 CFR §312). As of the time this OHFA ER standard was developed, the referenced ASTM standard was E1527-21.

Phase I ESA preparation expectations specific to OHFA's funding programs are listed in [Attachment A](#). A copy of the checklist that OHFA's consultant will use to review the Phase I ESA is included in [Attachment B](#).

Non-Scope Considerations

Either include in the Phase I ESA or provide separately the following documentation of non-scope considerations:

- FEMA Flood Insurance Rate Map (FIRMette) showing the project site and statement on whether the site is located within the 100-year floodplain
- USFWS National Wetland Inventory map showing the project site, NRCS county soil survey information concerning the presence of hydric soils at the project site, relevant information from site observations, and a statement on whether wetlands or waters of the U.S. are present at the site
- Maps identifying major roadways of four or more lanes and/or average daily traffic (ADT) of 10,000 or more within 1,000 feet, active railroads within 3,000 feet, and airports within five (5) miles of the project site
- U.S. Department of Transportation (USDOT) National Pipeline Mapping System map showing the project site location
- ODNR Oil and Gas Well Locator map showing the project site and closest well(s) — Ensure that active and inactive wells, horizontal wells, and directional wells layers are all displayed.
- ODNR Ohio Mines Locator map showing the project site and closest mine(s) — Ensure that all mine layers are displayed.
- Examination of the building(s) for visible mold or documentation stating that either there are no buildings at the project site or all buildings will be removed
- Mapping of Aerometric Information Retrieval System (AIRS) facilities and Toxic Release Inventory (TRI) facilities having air releases within 1,000 feet of the project site
- U.S. Environmental Protection Agency (US EPA) map of radon zones in Ohio

If requested by a project team, provide the following information and reports evaluating non-scope considerations either attached to the Phase I ESA or provided separately:

- Responses to the fire department, health department, police department, and school district letters found in Attachments D through G of this guidance
- Asbestos-containing building materials survey report
- Lead-based paint survey report
- Lead-in-drinking water consumer confidence/water quality report or other documentation
- Wetlands/Waters of the U.S. survey report and any available permit applications, permits, or jurisdictional determinations

Updated Phase I ESA

If requested by a project team, any updated Phase I ESA should not only update reviews of any information source that in the environmental professional's opinion may have experienced changes or additions after the original ESA was performed but also include the following items at a minimum:

- Updated regulatory database search
- Updated environmental lien search (responsibility of the project sponsor/developer as the system user)
- Updated site visit
- Updated interviews
- Updated reliance letter/statement, environmental professional's statement and signature, and REC statement

Addressing RECs (Phase II ESA and Remediation)

All RECs identified in the Phase I ESA or during OHFA's consultant's evaluation must be resolved. Controlled RECs may require investigation depending on whether the controls considered for proposed residential use are appropriate for any contaminants that may be present that emerged after the control was implemented and meet the currently acceptable risk-based exposure levels. Concerns due to owner liability, concerns due to tenant health risks, and compliance with all applicable laws and regulations should be considered in planning the resolution. The conceptual site model and any sampling plan should consider possible contamination of soil, groundwater, soil vapor, surface water, sediments, indoor and outdoor air and building components, or others as appropriate. OHFA recommends coordinating with its consultant concerning the scope of proposed investigations prior to proceeding with Phase II ESA work.

Possible results of an investigation that will allow a project to continue with OHFA funding subject to approval and regulatory compliance include:

- A finding that no contamination exists on a project site at levels above the comparison values discussed in the following pages
- A remediation plan to remove the contamination or control it in a way both protective of residents' health and compliant with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Landowner Liability Protections

Phase II ESA Methods and Standards – In general, the Ohio Environmental Protection Agency (Ohio EPA) Voluntary Action Program (VAP) standards and the guidance and standard operating procedures used by the VAP program and the Ohio EPA Division of Environmental Response and Revitalization (DERR) will be used to evaluate consultants' field procedures, reports, and the laboratory results obtained from analyzing project site samples. Where Ohio EPA has not promulgated standards for a given contaminant or medium, US EPA risk-based standards should be used. Use of any other comparison value requires Department of Development approval, which should be initiated through OHFA's consultant.

Cumulative risk must be calculated based on all contaminants detected, including those at levels that are individually below the applicable risk-based standard. For each contaminant, the highest concentration detected at a project site should be used in the cumulative risk calculation unless sufficient sample points have been installed to demonstrate the existence of distinct contaminant hot spots with different contaminant profiles.

For soil gas evaluations at the time this guidance was prepared, the Vapor Intrusion Screening Level (VISL) Calculator should be used in site-specific mode to evaluate the cumulative effect of all detected soil gas contaminants. Ohio EPA uses a cancer risk standard of 1×10^{-5} and a hazard index standard of 1.0.

Remediation Via Removal of Contaminated Materials – Removal of contaminated materials from a project site must be pre-approved by the Department of Development in order to avoid violation of the restriction on choice-limiting actions. If remediation via removal of contaminated materials is proposed, OHFA’s consultant will work with a project team and its environmental consultant to establish the details of the removal process in order to write a project-specific mitigation that will be included in the funding agreement. The mitigation will provide the Department of Development and OHFA with performance benchmarks by which the remediation will be evaluated. *OHFA reserves the right to consider this mitigation a pre-construction requirement that must be completed before the closing may be scheduled.*

Remediation Via Control Measures – Activity and use limitations that permit a project site to be used for housing must be not only recorded as an environmental covenant running with the land but also referenced in the property description within a project site’s recorded deed. A required operations and maintenance manual will explain the location and nature of the controls, permitted and restricted activities, and procedures to follow in the event a control measure must temporarily be set aside (e.g., if excavation through a soil cap is required during utility line repairs).

Similarly, control measures that prevent exposure of residents to contaminants by removing or redirecting a contaminant during the life of a planned building will require an operations and maintenance manual and documentation of regular maintenance and performance monitoring.

Section 6: Project Sponsor/Developer Submittal Items

Beginning when a project is first contacted by OHFA’s consultant, each of the following items that are routinely required as part of an environmental review may be submitted as soon as it becomes available. Please identify items by the list item numbers when submitting them.

1. Confirm that the project manager identified on the Development Team tab of the AHFA will be the project’s single point of contact for the environmental review or provide updated contact information.
2. If local funding or funding from an agency other than HUD or OHFA requires an environmental review, indicate the funding source(s) and provide the local review contact’s name, email address, and phone number.
3. Provide the legal advertisement contact person’s name and phone number for the newspaper of general circulation where legal notices for the project will be published.
4. With the possibility of a return to local in-person review during the public comment period, provide a review location near the project site where a copy of the review record will be maintained for in-person review. The location should be available to the public (preferably during extended hours) and should have a seating area for review and a contact person willing to help members of the public access the review. Provide contact name, facility name, address, phone number, and hours.
5. Provide information on any changes to the project scope, project team, or anticipated project schedule that were provided with the project’s initial application. This includes but is not limited to revised site plans, building floor plans, or elevations.

6. Provide the location and a brief description of any additional projects contemplated by members of the project team in the vicinity of the current project site.
7. Provide the location and a brief description of planned development(s) not affiliated with the project team in the vicinity of the current project site, including roadway and other infrastructure projects.
8. Provide a copy of any comments received in response to outreach to the public or government officials about the project. (This is an ongoing responsibility throughout the environmental review period.)
9. Provide any items prepared by the project team's environmental consultant in response to Section 5 of this guidance document.
10. If not already included in the Phase I ESA, provide documentation of a search for environmental liens and activity and use limitations on the property. Because Ohio does not designate a location for recording such information, the search must include the county recorder's files and records of both the local Common Pleas Court and the U.S. District Court for the district in which the project site is located, both of which are typically maintained in the office of the clerk of Common Pleas Court in the county of the project site. This requirement may be satisfied by a title abstract, Schedule B of a title commitment for the property, or a search provided by the project's environmental consultant if an aforementioned listed method meets the requirements.
11. Provide a copy of Attachment H: Standard Mitigations signed by an authorized member of the project team.
12. If available, provide a supportive services plan for the project or provide a summary of the types of services to be offered and when and where a services coordinator will be provided.
13. Provide a public outreach plan for the project.
14. Indicate the energy source(s) (e.g., electricity, natural gas) to be used for heating and cooling. Provide information on energy conservation measures to be implemented at the project site.
15. Identify the providers of water and wastewater services, electricity, and;) natural gas, if applicable, serving the project site. (Please indicate if natural gas will not be used.) For previously undeveloped sites, provide letters from each utility provider confirming that services will be offered to the project site and identify any approvals or fees required to obtain services.
16. Indicate the details for trash collection at the project site, including method (e.g., trash chute, dumpsters, individual totes), frequency (e.g., weekly, biweekly, other), and provider (i.e., private or municipal hauler). Describe any recycling to be offered as part of the project.
17. Provide a description (letter or email) prepared by the project engineer or architect of storm water management and controls at the project site, including tracing the flow path from roofs, pavement, and unpaved areas to stormwater collection, discharge, and/or infiltration points.
18. Provide responses to the fire department, health department, police department, and school system letters as attached in this guidance document. While they can be completed by a project team's environmental consultants if made part of their scope of services, the letter templates have been created so a project team can send and follow up on them. If necessary, responses to the letters may be collected verbally by providing the name, title, and phone number of the person providing the responses, date of the phone call, and the name and phone number of the project team member

collecting the responses. Note: If the local health department does not monitor air quality concerns, the project team should follow up with the appropriate agency. Responses to all letters are required.

19. Provide plan sheets documenting the existing presence or planned installation of a radon removal system(s) serving all project units and common areas as required by OHFA's DAS.
20. For sites with existing or planned detention/retention basins or other bodies of water, provide the planned slope(s) of the land surface adjacent to and within the water body. Indicate the planned or probable static depth of water within the water body and whether fencing and/or landscaping will be provided.
21. For sites with existing or proposed retaining walls higher than 2.5 feet or slopes greater than 4H:1V, including within detention/retention basins and drainage features, indicate how slips, trips, and falls over the top of the wall or down the slope will be prevented. Provide a site grading plan; 1-foot contours are preferred.
22. If a project includes new construction and NRCS soil survey data, indicate limitations for the project site soils and provide a geotechnical evaluation of the project site.
23. If a project includes rehabilitation or adaptive reuse of buildings constructed or under construction before 1978, provide documentation of lead-based paint investigation(s) of the building(s) as required by HUD's rules or commit to addressing this requirement as a site-specific pre-construction mitigation.
24. If a project includes rehabilitation, adaptive reuse, or demolition of buildings of any age, provide an asbestos survey of the building(s) or commit to addressing this requirement as a site-specific pre-construction mitigation.
25. If a project includes rehabilitation or adaptive reuse of any buildings, provide an architect's or structural engineer's opinion of the structural condition of the building(s).
26. If a project anticipates receiving historic tax credits, provide Parts 1 and 2 of the tax credit application, including attachments.
27. If the police department response, site observations, engineering evaluations, or local reports identify concerns with traffic or pedestrian safety at a project site, provide a traffic study or a satisfactory review provided by the local traffic planning department.
28. If exterior noise abatement is planned, provide a site plan detailing planned measures.
29. If a project site is located within a FEMA-mapped floodplain, provide the following as applicable: grading plan with existing and planned 1-foot contours, including at parking areas and vehicle/pedestrian ingress and egress areas; finished floor elevations for each building's lowest floor; and any Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR), including conditional letters and those based on fill.
30. If a project includes new construction or rehabilitation or adaptive reuse and the site contains wetlands or waters of the U.S. that will be impacted by the project, provide a delineation of the wetlands and bodies of water as well as any jurisdictional determination or permit applications and responses.
31. If a qualified consultant has conducted a site survey for state- or federally-listed threatened or endangered species, provide a copy.

Attachment A: Phase I ESA Expectations

The following are additions to and clarifications of OHFA's expectations regarding the ASTM requirements:

General

- The Phase I ESA should be conducted within six (6) months of the applicable program's application deadline, and the project sponsor should expect to provide an updated Phase I ESA conducted within 180 days prior to closing on their funds in order to conform with the "All Appropriate Inquiries" standards and Practices.
- Include a reliance statement or letter to the Ohio Housing Finance Agency; a sample letter of reliance is included in Attachment C of this guidance document.
- Include a certificate of insurance (insurance binder) listing the Ohio Housing Finance Agency as an additional insured party for errors and omissions/professional liability insurance to cover losses up to \$1 million.
- All maps, including historical and third-party-provided, must display a scale and a north arrow and clearly show a project site's boundaries.
- A color photolog of a site, including photos of the general interior and exterior, all environmental concerns, and surrounding sites and their uses, should be provided; please format the log with no more than four (4) photos per page
- Any identified recognized environmental conditions (RECs) or other concerns should be resolved, or a proposal should be provided for Phase II ESA investigation and/or remediation.

Site Visit

- The site plan must show prominent features, locations of residential units that were entered, locations of any non-residential buildings/areas not entered, RECs and environmental concerns, and adjoining land uses, including the names of all commercial or industrial businesses.
- The site visit must include all exterior areas, all interior areas of buildings to be demolished and adaptive reuse project buildings, and all interior common and maintenance/utility areas of existing residential buildings. To meet ASTM requirements for review of representative residential units at multifamily rehab projects, use of unoccupied units is preferred. Coordinate with the project team and property representative to obtain access to all locked buildings and non-residential rooms.
- The site visit documentation must report whether any of the following were present and where (If none is present, the report should state as much.):
 - a. Underground storage tanks (USTs) and aboveground storage tanks (ASTs) and known or suspected former UST and AST locations on a project site — Include all available information on capacity, contents, installation, and removal dates.
 - b. ASTs visible in any direction from a site (even when on non-adjoining properties), including capacity and contents
 - c. Electrical equipment that may contain polychlorinated biphenyls (PCBs) and condition of this equipment
 - d. Pipeline markers on or adjoining a site
 - e. Strong, pungent, or noxious odors and their apparent source(s)
 - f. Stored or abandoned chemicals and chemical containers, including an inventory of all items except individual retail-sized containers stored near a point of use

- g. Accumulations of bird droppings or bat guano in or on buildings

Historical Resource and Database Reviews

- All of the following historical sources that provide coverage for a project site must be reviewed, including Sanborn and/or other fire insurance maps, aerial photographs, U.S. Geological Survey (USGS) topographic maps, and city directories. Provide a “no coverage” report for any source not reviewed.
- A database search must be performed on a polygon of a project site rather than a point. If scattered sites are combined into one polygon for the search, then the ESA consultant must evaluate each database site using the assumption that the migration path for potential contaminants from sites indicated by the database to project sites is the one most likely to impact a project site.
- At a minimum, each database site located within the approximate minimum search distance (AMSD) must be discussed in the Phase I text to document the site-specific reasons (excluding distance) why the database site is not considered in an area that has a REC with respect to a project site. If direction of groundwater flow is used as a reason, then supporting documentation identifying the groundwater-containing formation and providing the reasoning behind the flow direction assumption must be provided in the Phase I ESA report.
- Review of agency files for a project site is required in all cases except Resource Conservation and Recovery Act (RCRA) generator records with no violations or enforcement actions. Provide a copy of the files with the Phase I ESA.
- Review of agency files is required for adjoining sites appearing on environmental databases that track releases and remedial actions. Provide a copy of the files with the Phase I ESA.
- Evaluate vapor intrusion risk using the current version of the ASTM E2600 Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions; include conclusions in the Findings and Opinions section of the Phase I ESA.

Interviews and User Responsibilities

- Project sponsors are considered the users and must respond to the user questions specified in the ASTM standards to the best of their knowledge.
- A project team is responsible for the user requirement of providing a search for environmental liens and activity and use limitations (AULs). It is preferred that the results of the search be attached to the Phase I ESA. Because Ohio has not designated one location for recording all environmental liens and AULs, the search must include:
 - a. The records of the county recorder
 - b. The records of the county clerk of Common Pleas Court
 - c. The records of the clerk of the U.S. District Court for the district in which the project site is located (In Ohio, the records are typically located in the office of the clerk of Common Pleas Court.)
- Both the project sponsor and project developer should be interviewed as owners/operators regardless of whether a property has been transferred. Both the project sponsor and project developer must answer to the best of their knowledge all questions specified in the ASTM standards and any questions that arise during the Phase I ESA investigation.
- If a member of a project team owns a project site, then the previous owner of the project site should be interviewed as the seller or documentation of attempts to interview the previous owner/seller

should be provided. If a project team proposes a rehabilitation of a long-held property, a copy of the due diligence study performed when the team acquired the property should be provided ideally as documentation of interviews performed at the time of acquisition.

- Interviews with both the health and fire departments are required.

Attachment B: ESA Checklist

Items marked “✓” require additional information or edits to meet standards.

✓	Item	Standard ¹	Comments and Notes			
	Prepared within 6 months prior to funding notification ²	OHFA, based on ASTM §4.6	Notified date		Report date	
	Letter or Statement of Reliance ³	OHFA	Site visit date		Database date	
	OHFA as additional insured (\$1M E&O)	OHFA				
	USGS topographic map (color copy)	ASTM §8.2.4 (§8.2.1)				
	Color photographs (4 or fewer per pg.)	OHFA				
	Environmental lien/AUL information	ASTM §6.2				
	Current owner & occupant interviews ⁴	ASTM §10				
	ESA User (Sponsor) interview	ASTM §6 & §10				
	Sanborn Maps or Sanborn NC letter	OHFA				
	Adequate historic research, site & adj. ⁵ : To earlier of 1940 or first developed; document data failure, if applicable	ASTM §8.3 and §8.1.4/§8.1.5				
	Discretionary setting sources ⁶	ASTM §8.2.4				

Database Search Review ⁷ (ASTM 8.2.1 (8.2.2); AMSD definition at 3.2.7)								
✓	Database	AMSD	✓	Database	AMSD	✓	Database	AMSD
	NPL & Proposed NPL	1 mile		RCRA Generators	Property/adj.		Leaking UST	0.5 mile
	Delisted NPL	0.5 mile		Federal IC/EC	Property		Registered UST	Property/adj.
	CERCLIS/SEMS	0.5 mile		ERNS	Property		Ohio IC/EC	Property
	CERCLIS/SEMS NFRAP	0.5 mile		US Brownfields	0.5 mile		Ohio VCP	Property
	RCRA CORRACTS	1 mile		Ohio DERR ⁸	1 mile		Ohio Brownfields	0.5 mile
	Non-CORRACTS TSD	0.5 mile		Landfills/SWF	0.5 mile		Ohio SPILLS	Property/adj.

✓	Item	Standard ¹	Comments and Notes
	Database sites of within AMSD of significance discussed in text	OHFA	
	Database sites: evaluation of significance	ASTM §8.1.10	
	Subject property and adjoining site file review(s); a copy of the file(s) provided with the ESA	ASTM §8.2.2	
	Local HD database review/interview	ASTM §11; OHFA	
	Local FD database review/interview	ASTM §11; OHFA	
	Site visit: All exterior areas observed; common and maintenance/utility interior areas entered	ASTM §9	
	Site map requirements met	OHFA	
	ACM investigated (rehabs/demo)	OHFA	
	Lead-based paint investigated (rehabs)	OHFA	
	Histoplasmosis investigated (rehabs)	OHFA	
	FEMA FIRMette and text evaluation	OHFA	
	NWI map, NRCS hydric soils info., and text evaluation	OHFA	
	Site visit UST observations: on site	OHFA	
	Site visit AST observations: visible from or on site	OHFA	
	NPMS map, pipeline markers, and text evaluation	OHFA	
	Radon map and text evaluation	OHFA	
	Professional opinion (REC statement)	ASTM §12.8 (§12.7)	
	Environmental professional statement	ASTM §12.13 (§12.14)	
	EP meets standard for training/experience?	ASTM §3.2.32 (§3.2.30)	
	Additional work recommended/needed/completed?	OHFA	

¹ OHFA Environmental Review Requirements (“OHFA”) and ASTM E1527-13 (E1527-21 in parentheses if different)

² An update will be required if the ESA is older than 180 days at the time of the release of funds.

³ Extend reliance to Ohio Housing Finance Agency; do not cite contract conditions as limitations, except limitations based on professional liability that may be entertained.

⁴ If current owner is a member of the project team, also interview the previous owner.

⁵ Throughout this checklist, adjoining/adj. means adjoining properties as defined by ASTM §3.2.4.

⁶ Not required unless conclusions are drawn based on estimated direction of groundwater flow – Include findings of agency file reviews.

⁷ Based on approximate minimum search distances as presented in ASTM §8.2.1, evaluation of significance and removal of database sites from consideration as RECs cannot rely solely on distance from subject property.

⁸ Not an exact NPL equivalent, but search results are to be reviewed for NPL- and CERCLIS-equivalent sites

Attachment C: Sample Letter of Reliance

[Date]

Office of Multifamily Housing
Ohio Housing Finance Agency
2600 Corporate Exchange Dr., Suite 300
Columbus, OH 43231

RE: Phase I ESA for: [Insert development name.]

Please find enclosed the Phase I Environmental Site Assessment (ESA) for the subject property dated [Insert date.] and addressed to the Ohio Housing Finance Agency (OHFA) and Ohio Department of Development.

It is my understanding that the information contained in the Phase I ESA will be used by OHFA in considering proposed financing of residential development of the property and, furthermore, that OHFA and the Department of Development may rely upon the Phase I ESA as if it were issued to OHFA and the Department of Development.

I **certify** that the attached is a true, correct, and complete copy of the Phase I ESA and that the report represents my professional opinion of the site as of this date. I also confirm the evaluation, recommendations, and conclusions contained in the Phase I ESA as of this date and that the Phase I ESA has been performed in conformance with the scope and limitations of **both** ASTM Practice E1527-21 [or current adopted by US EPA] and OHFA's Environmental Review Standards.

Sincerely,

[CONSULTANT]

Attachment D: Fire Department Letter Template

[Date]

[Fire department name]

Attn: [Fire Chief]

[Fire department address]

RE: Data Request for HUD Environmental Review, [Insert project name.], project
[Insert project address/intersection.], [Insert city/village/township.], [Insert county.] County, Ohio

Dear Chief [Insert chief's name.]:

We request information on behalf of the Ohio Housing Finance Agency (OHFA) in connection with the environmental review record for the [Insert project name.] project in [Insert city/village/township.], [Insert county.] County, Ohio. The project involves the [new construction *or* rehabilitation *or* adaptive reuse] of [Insert brief project description: number of buildings, number of units, senior housing/multifamily/single-family/permanent supportive housing, etc.]. A location map is attached.

Please provide the following information:

1. Are you aware of any ASTs or USTs at or near the project site?
2. Are you aware of any hazardous material responses or other environmental concerns in the project area?
3. Do you have a file(s) available for the project site that can be made available for review or copies provided?
4. Which station will provide service to this location?
5. What is the approximate response time for fire and medical emergencies?
6. Who provides ambulance service in the [city *or* village *or* township]?
7. Is the fire department included in the building plan review process? If not, would the fire department like to review the plans for this project?

Thank you for your assistance in this matter. If there are any questions regarding this request for information, please contact me at [Insert phone number and/or e-mail address.].

Sincerely,

Attachment E: Health Department Letter Template

[Date]

[Health department name]

Attn: [Health Commissioner/Head of Office]

[Health department address]

RE: Data Request for HUD Environmental Review, [Insert project name.] project,
[Insert project address/intersection.], [Insert city/village/township.], [Insert county.] County, Ohio

Dear Commissioner [Insert commissioner's name.]:

We request information on behalf of the Ohio Housing Finance Agency (OHFA) in connection with the environmental review record for the [Insert project name.] project located in [Insert city/village/township], [Insert county.] County, Ohio. The project involves the [new construction *or* rehabilitation *or* adaptive reuse] of [Insert brief project description: number of buildings, number of units, senior housing/multifamily/single-family/permanent supportive housing, etc.]. A location map is attached.

Please provide the following information:

1. Is the health department aware of any environmental concerns at the project site or in the area of the project?
2. Is the health department aware of any air quality concerns at the project site or in the area of it?
3. Do you have a file(s) available for the project site that can be made available for review or copies provided?

Thank you for your assistance in this matter. If there are any questions regarding this request for information, please contact me at [Insert phone number and/or e-mail address.].

Sincerely,

Attachment F: Police Department Letter Template

[Date]

[Police department name]

Attn: [Chief of police Name]

[Police department address]

RE: Data Request for HUD Environmental Review, [Insert project name.] project,
[Insert project address/intersection.], [Insert city/village/township.], [Insert county.] County, Ohio

Dear Chief [Insert chief's name.]:

We request information on behalf of the Ohio Housing Finance Agency (OHFA) in connection with the environmental review record for the [Insert project name.] project located in [insert city/village/township.], [Insert county.] County, Ohio. The project involves the [new construction *or* rehabilitation *or* adaptive reuse] of [Insert brief project description: number of buildings, number of units, senior housing/multifamily/single-family/permanent supportive housing, etc.]. A location map is attached.

Please provide the following information:

1. Is criminal activity a significant problem in the area of the project site as compared with the city/village/township in general? If so, what steps can the project take to promote safety in the area?
2. Are numerous traffic violations or accidents reported at the intersections near the project site?
3. Is the area safe for pedestrian traffic?
4. Which station will provide service to this location?
5. What is the approximate response time for emergency calls?

Thank you for your assistance in this matter. If there are any questions regarding this request for information, please contact me at [Insert phone number and/or e-mail address.].

Sincerely,

Attachment G: School System Letter Template

[Date]

[School district name]

Attn: [Superintendent name]

[School district address]

RE: Data Request for HUD Environmental Review, [Insert project name.] project,
[Insert project address/intersection.], [Insert city/village/township.], [Insert county.] County, Ohio

Dear Superintendent [Insert superintendent's name.]:

We request information on behalf of the Ohio Housing Finance Agency (OHFA) in connection with the environmental review record for the [Insert project name.] project located in [Insert city/village/township], [Insert county.] County, Ohio. The project involves the [new construction *or* rehabilitation *or* adaptive reuse] of [Insert brief project description: number of buildings, number of units, senior housing/multifamily/single-family/permanent supportive housing, etc.]. A location map is attached.

Please provide the following information:

1. Which schools within the system will students living in the project attend?
2. Can the schools adequately absorb an influx of students that may result from the project?
3. Will the affected students be on bus routes or will students walk to school?
4. Are preschool and adult education classes available through the school system?
5. Please provide literature regarding the school system if it is available,.

Thank you for your assistance in this matter. If there are any questions regarding this request for information, please contact me at [Insert phone number and/or e-mail address.].

Sincerely,

Attachment H: Standard Mitigations

1. No construction activity, purchase of property, or other choice-limiting activities (as detailed in Section 3: Funding-specific Restrictions of the current OHFA Part 58 – Environmental Review Standards) will occur in advance of the completion of the environmental review record.
2. Any proposed changes to the project must be conveyed to Development CSD and OHFA promptly. The environmental review must be reevaluated by Development CSD and OHFA prior to initiation of any proposed changes.
3. Project personnel shall be notified, both verbally and through notations on the final construction drawings, that work shall be halted and Development CSD and OHFA will be notified immediately if archaeological remains are discovered during construction to allow for coordination with the Ohio State Historic Preservation Office (SHPO) regarding appropriate actions.
4. If an additional phase or affiliated project is proposed by a member of the current project team, the additional work must be coordinated with the SHPO prior to initiation and regardless of the funding source.
5. Best Management Practices and Reasonably Available Control Measures [Ohio Administrative Code (OAC) Rule 3745-17-08(B)] shall be employed by the contractor to control fugitive dusts during construction activities.
6. Construction drawings/specifications shall be modified to include the following statement: "The contractor shall at no time incorporate any materials that are composed or contain any amount of asbestos. The substitution of materials that contain any amount of asbestos will under no circumstances be acceptable. Upon completion of the project, the contractor and project architect shall submit written statements or certifications asserting that no asbestos-containing materials were used in any portion of the construction."
7. Noise-producing construction activities should be avoided during the designated noise-sensitive period (10 p.m. to 7 a.m.).
8. Project personnel shall be notified, both verbally and through notations on the final construction drawings, that work shall be halted if indicators of contamination (i.e., fill other than "clean hard fill," discolored soils, or chemical/petroleum odors) are identified during construction to allow for a qualified environmental professional to inspect the site and make recommendations regarding appropriate actions.
9. Unless the project provides exemption documentation, a site-specific storm water pollution prevention plan must be developed in accordance with the National Pollutant Discharge Elimination System (NPDES) Construction Storm Water Permit to detail the appropriate best management practices to control erosion until final site stabilization is achieved. Also in accordance with the construction storm water permit, site inspections must be conducted at least every seven (7) days and within 24 hours after a significant rain event. During site inspections, erosion control measures should be observed to ensure they are functioning correctly. If a project is exempt from construction storm water permitting, no storm water pollution prevention plan is required, but the contractor must follow storm water management best practices during construction to prevent erosion and siltation of runoff from any excavated or exposed soils.

10. The project sponsor/project developer shall ensure that contractors arrange for the proper disposal at appropriately licensed facilities of all solid and/or hazardous waste generated by the construction as well as any materials currently dumped on or abandoned at the property. The property manager will contract with a public or private hauler for removal of waste generated by occupants' households or ensure that residents have arranged for trash removal with a local service provider. For elderly residents, the property manager shall ensure that trash removal is arranged for residents who are not physically capable of removing their own household wastes.
11. The property manager shall notify prospective tenants that units were constructed as part of a federally funded project and an environmental review of the project was completed as required under the National Environmental Policy Act. The property manager shall advise tenants that the review will be maintained on file by the project sponsor throughout the tax-credit period and is available for review by prospective tenants.
12. The project will follow Occupational Safety and Health Administration (OSHA) recommendations and guidelines during construction activities to ensure worker and public safety, including the provision of safety equipment to be worn by workers and erection of barriers to public access.
13. Prior to move-in, management shall advise tenants in person of safety precautions, including use of locks and other safety features, 9-1-1 emergency service, and available neighborhood watch programs.
14. All units shall be equipped with air conditioning systems.
15. A spill response kit should be present on a site during construction activities, and onsite chemical storage should be minimized.

I have reviewed the above listed standard mitigations for federally funded projects in the state of Ohio and agree to comply with them upon implementation of the project. I understand that project-specific mitigations will be developed during the course of the environmental review record, and a review of these additional mitigations will also be necessary.

Signature

Date

Print Name