

**§ 1944.673**

**7 CFR Ch. XVIII (1-1-08 Edition)**

to approval of HPG assistance to the recipient by the grantee, RHS will prepare the environmental assessment in accordance with part 1940, subpart G, of this chapter with the assistance of the grantee, as necessary. Paragraph VIII of exhibit C of this subpart (available in any Rural Development State or District Office) provides further guidance in this area.

(e) If FmHA or its successor agency under Public Law 103-354 is required to make an environmental assessment, the grantee will be provided with a copy of the assessment which will be made part of the recipient's file. The grantee must also include in each recipient's file:

(1) Documentation on how the process for historic preservation review under § 1944.673 of this subpart has been complied with, including all relevant reviews and correspondence; and

(2) Determination as to whether the unit is located in a 100-year floodplain or a wetland.

(3) *Documentation of this review.* Suggested language is: "We have considered this dwelling under FmHA or its successor agency under Public Law 103-354's environmental and historic preservation requirements for a HPG (§§ 1944.672 and 1944.673 of this subpart) and an environmental assessment is not required. The review was completed in accordance with the process to identify properties requiring an FmHA or its successor agency under Public Law 103-354 environmental assessment approved with our statement of activities."

(f) Proposed use of funds by an applicant to use monies for additions under § 1944.664 (c)(11) of this subpart must be addressed in the statement of activities.

(g) Grantees must contact FmHA or its successor agency under Public Law 103-354 prior to actual usage of funds by the grantees under § 1944.664 (c)(11) of this subpart. FmHA or its successor agency under Public Law 103-354 must complete the appropriate level of environmental review in accordance with subpart G of part 1940 of this chapter.

[58 FR 21894, Apr. 26, 1993, as amended at 62 FR 26210, May 13, 1997]

**§ 1944.673 Historic preservation and replacement housing requirements and procedures.**

(a) FmHA or its successor agency under Public Law 103-354 has entered into a Programmatic Memorandum of Agreement (PMOA) with the National Conference of State Historic Preservation Officers (SHPO) and the Advisory Council on Historic Preservation in order to implement the specific requirements regarding historic preservation contained in section 533 of the Housing Act of 1949, 42 U.S.C. 1490(m) of the enabling legislation. The PMOA, with attachments, can be found in FmHA Instruction 2000-FF (available in any FmHA or its successor agency under Public Law 103-354 office). A copy of the PMOA will be provided to each applicant for a HPG as part of the preapplication package specified in paragraph II of exhibit C of this subpart (available in any FmHA or its successor agency under Public Law 103-354 office).

(b) Each applicant for an HPG grant will provide, as part of its preapplication documentation submitted to RHS, a description of its proposed process for assisting very low- and low-income persons owning historic properties needing rehabilitation, repair, or replacement. "Historic properties" are defined as properties that are listed or eligible for listing on the National Register of Historic Places. Each HPG proposal shall comply with the provisions of Stipulation I, A-G of the PMOA (RD Instruction 2000-FF), available in any Rural Development State or District Office. Should RHS be required to assume responsibility for compliance with 36 CFR part 800 in accordance with Stipulation III of the PMOA, the grantee will assist RHS in preparing an environmental assessment. RHS will work with the grantee to develop alternative actions or mitigation measures, as appropriate.

(c) Such assumption of responsibility by FmHA or its successor agency under Public Law 103-354 on a particular property shall not preclude the grantee from carrying out the requirements of 36 CFR part 800 on other properties as though it were a Federal agency, but no work may be commenced on any unit or dwelling in controversy until

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and unless so advised by FmHA or its successor agency under Public Law 103-354.

[58 FR 21894, Apr. 26, 1993, as amended at 62 FR 26211, May 13, 1997]

**§ 1944.674 Public participation and intergovernmental review.**

(a) In preparing its statement of activities, the applicant is responsible for consulting with leaders from the county, parish and/or township governments of the area where HPG activities will take place for the purpose of assuring that the proposed HPO program is beneficial and does not duplicate current activities. American Indian nonprofit organization applicants should obtain the written concurrence of the tribal governing body in lieu of consulting with the county governments when the program is operated only on tribal land.

(b) The applicant must also make its statement of activities available to the public for comment. The applicant must announce the availability of its statement of activities for review in a newspaper of general circulation in the project area and allow at least 15 days for public comment. The start of this 15-day period must occur no later than 16 days prior to the last day for acceptance of preapplications by FmHA or its successor agency under Public Law 103-354.

(c) The HPG program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. Under FmHA Instruction 1940-J (available in any FmHA or its successor agency under Public Law 103-354 office) prospective applicants for HPG grants must submit its statement of activities to the State single point of contact prior to submitting their preapplication to FmHA or its successor agency under Public Law 103-354. Evidence of submittal of the statement of activities to the State single point of contact is to be submitted with a preapplication. Comments and recommendations made through the intergovernmental review process are for the purpose of assuring consideration of State and local government views. The name of the State single point of contact is available from any

FmHA or its successor agency under Public Law 103-354 office. This section does not apply to American Indian tribes, bands, groups, etc., as noted in § 1944.656 of this subpart.

**§ 1944.675 Allocation of HPG funds to States and unused HPG funds.**

The allocation and distribution of HPG funds is found in § 1940.578 of subpart L of part 1940 of this chapter.

**§ 1944.676 Preapplication procedures.**

(a) All applicants will file an original and two copies of Standard Form (SF) 424.1, "Application For Federal Assistance (For Nonconstruction)," and supporting information with the appropriate FmHA or its successor agency under Public Law 103-354 office. A preapplication package, including SF-424.1, is available in any FmHA or its successor agency under Public Law 103-354 Office.

(b) All preapplications shall be accompanied by the following information which FmHA or its successor agency under Public Law 103-354 will use to determine the applicant's eligibility to undertake the HPG program and to evaluate the preapplication under the project selection criteria of § 1944.679 of this subpart.

(1) A statement of activities proposed by the applicant for its HPG program as appropriate to the type of assistance the applicant is proposing, including:

(i) A complete discussion of the type of and conditions for financial assistance for housing preservation, including whether the request for assistance is for a homeowner assistance program, a rental property assistance program, or a co-op assistance program;

(ii) The process for selecting recipients for HPG assistance, determining housing preservation needs of the dwelling, performing the necessary work, and monitoring/inspecting work performed;

(iii) A description of the process for identifying potential environmental impacts in accordance with § 1944.672 of this subpart, and the provisions for compliance with Stipulation I, A-G of the PMOA (FmHA Instruction 2000-FF available in any FmHA or its successor agency under Public Law 103-354 office) in accordance with § 1944.673 (b) of this