**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

# 8-STEP DECISION-MAKING PROCESS CASE STUDY EXAMPLE

--Hillview Transitional Housing in Anytown, USA

The proposed project, Hillview Transitional Housing, includes construction of a 10-unit building.

--Decision-Making Process for E.O. 11988 and E.O. 13690 as Provided by 24 CFR §55.20

## Step 1

***Determine whether the action is located within the Federal Flood Risk Management Standard (FFRMS) floodplain using the Climate-Informed-Science-Approach (CISA)* *which applies the best-available, actionable, hydrologic and hydraulic data; the 0.2-Percent-Annual-Chance (500-Year) Flood Approach which uses the elevation and flood hazard area as depicted by the*** ***0.2-Percent-Annual-Chance floodplain; or the Freeboard-Value-Approach (FVA) = Base-Flood-Elevation or 100-year floodplain (BFE+2’ or BFE+3’ for critical actions) to calculate the FFRMS floodplain elevation.***

This project proposes construction of a 10-unit residential building for a transitional housing program. No CISA data is available for this area. According to flood insurance rate maps from FEMA’s Map Service Center, there is a 500-year floodplain (or ‘0.2-percent-annual-chance floodplain’) on the 2.5-acre property, and the project could impact 0.5 acres of it. The project is thus in the FFRMS floodplain but not in a Special Flood Hazard Area. See FEMA map panel #13089C0154J, effective 05/16/2013. Because the project is not a critical action, using the 0.2-percent-annual-chance floodplain approach is appropriate (and comparison with the freeboard value approach is not necessary).

None of the exceptions at 55.12 or 55.13 apply, so the 8-step process is required, including an evaluation of direct and indirect impacts associated with construction, occupancy, and modification of the floodplain.

## Step 2

***Notify the public for early review of the proposal and involve the affected and***

***interested public in the decision-making process.***

A public notice was published in the *Anytown Tribune* on September 1, 2024. The *Anytown Tribune* is the local newspaper with the widest circulation in the area. This notice was also published on the City’s website: anytown.gov/notices. Copies of the notice were sent to the regional FEMA office and state emergency management agency, which previously expressed interests in receiving floodplain notices. The notice was also published in Spanish and made accessible for individuals with disabilities. Public comments were accepted through September 16, 2024.

The notice included the project name, proposed location, and description of the activity; the total number of acres of floodplain or wetland involved; the related natural and beneficial functions and values of the floodplain or wetland that may be adversely affected by the proposed activity; the name of the Certifying Officer (Mayor of Anytown); and the phone number to call for information. The notice included the hours of the City’s office as well. Copies of the notices are included in the environmental review record.

Three comments from the public were received during the public comment period. The first

said that transitional housing was necessary and expressed support for the project. Another commenter expressed concern about the project’s impacts on property values and public services. A preliminary analysis performed by the City indicated that property values will not be affected, and public services are adequate to handle the additional 10 units of housing (as confirmed by discussions with town officials). A third commenter raised concern about debris coming from the buildings in the event of a flood. This concern will be addressed through engineering and site planning to minimize this risk.

## Step 3

***Identify and evaluate practicable alternatives.***

The following parameters were considered by the Anytown Housing and Redevelopment Agency (AHRA) in selecting a site:

(a) The project cannot cause current residents to become displaced;

(b) The project must be within city limits for bond proceeds to be used by the AHRA;

(c) The project must contain at least ten units to meet community needs.

AHRA considered several alternative sites and actions in terms of the goals identified in the project description and reviewed or considered through the lenses of natural, social, and economic values explained at 24 CFR 55.20(c)(2):

A. Locate the Project Outside of the Floodplain

1. Locate the project at the Mount Vernon Avenue site

The City considered an alternative site at 1500 North Mount Vernon Avenue. An engineering report concluded that the site had unstable soils and slopes as well as a significant number of wetlands. The cost of mitigating these environmental impacts, as well as endangered species habitat, makes the site prohibitively expensive to develop.

2. Other sites considered

Other sites were also considered within the City limits. All other sites would have either displaced residents who were unwilling to sell or would have placed the project on sites encumbered by wetlands, steep slopes, soil contamination, or other more significant development constraints. A market analysis was performed, and it concluded that no other sites were feasible for development.

B. No Action or Alternative Actions that Serve the Same Purpose

A no action alternative was also considered and rejected because of a recent City study that found Anytown in dire need of affordable housing. It showed an increase in homeless families of 35% over the past three years with a concurrent increase in the number of families utilizing homeless shelters more than once a year. The current level of services and facilities in Anytown does not equip the City to help the homeless seeking assistance.

The Anytown emergency shelters currently housing families are for emergency use and not designed to meet the needs of homeless families with children. They are intended only for overnight use and do not provide the longer-term stability required for a family to function or the specialized services to help bring about independent family living.

The proposed project would provide the longer-term housing needed along with space for supportive services, with the goal of enabling families to become independent within a 24-month period.

## Step 4

***Identify potential direct and indirect impacts associated with floodplain***

***development.***

The structures will be elevated to the elevation of the 500-year floodplain and have a footprint located outside the 500-year floodplain to the extent practicable.

Limiting loss of life due to flooding is the highest priority. FEMA estimates that it would take between five and seven hours to safely evacuate people from the area. The new FFRMS elevation will also minimize potential damage to the property due to flooding.

The City of Anytown participates in the National Flood Insurance Program. Any structure owned by the City that is located in a Special Flood Hazard Area must be covered by flood insurance. This project is not located in a Special Flood Hazard Area, but the City will still maintain flood insurance for the building as a precaution.

In addition to concerns for life and property, the City considered the natural and beneficial values of the floodplain. The natural resources of the floodplain include water, biological, and

societal resources.

By elevating the buildings and disallowing impervious surfaces in and adjacent to the floodplain, the construction will have minimal effects on water resources. Hydrologists and engineers will be consulted to design the building and the site plan in such a way as to preserve natural flood and erosion control, water quality, and groundwater recharge. In addition to avoiding the construction of impervious surfaces in and directly abutting the floodplain, the floodplain will be preserved through elevation and positioning of the new building.

No state- or federally listed threatened or endangered species will be impacted by the project (see Section 7 consultation under Endangered Species Act and correspondence with the State Natural Resources Division). According to consultation with U.S. Fish and Wildlife Service’s National Wetlands Inventory, wetlands occur near the project site but not on the project site. Without stormwater management measures, those wetlands could be impacted by the project. However, the project will incorporate best management practices to minimize any potential adverse stormwater runoff impacts.

The project design will complement the natural features of the area and offer an aesthetically pleasing structure that blends with its natural surroundings. The construction site will not impact agricultural lands, and existing native landscaping on the site will be preserved to the extent possible. The site will also maintain an open space for recreational opportunities. An easement will be made to the City to allow for construction of a bike path that will serve transportation purposes. The City will also allow the site to be accessible for archaeological, historic, environmental, biological, and other scientific studies should an individual or an organization express interest.

## Step 5

***Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore and preserve the values of the floodplain.***

(a) Preserving Lives: To preserve lives, local law enforcement and the emergency broadcast system will implement an early warning system should flooding conditions arise. In addition to the warning system, law enforcement has an emergency evacuation and relocation plan. The plan includes a process for evacuating individuals with special needs. The new structures will also feature identification marks of past and estimated flooding, and the interior common areas will display an evacuation plan. All residents will also be briefed on the location of the flood hazard area and evacuation plans upon occupancy.

(b) Preserving Property: To preserve property, the building will be elevated to the FFRMS floodplain.

(c) Preserving Natural Values and Minimizing Impacts: In addition to avoiding impervious surfaces in and adjacent to the floodplain, the project will involve elevation and positioning of the building to preserve the floodplain. By elevating the buildings and disallowing impervious surfaces in and around the floodplain, the construction will have minimal effects on water resources.

Drainage swales will be introduced using native vegetation to address drainage impacts and will be placed by biologists and hydrologists through consultation with the U.S. Fish and Wildlife Service. Conservation easement agreements through the United States Department of Agriculture’s Natural Resource Conservation Service will also be executed for nearby wetlands owned by the City. These actions will serve to both restore habitat onsite and offsite while also

preserving non-impacted areas to minimize overall project effects. Additionally, the City has implemented a policy of “no net loss” for all wetlands impacts though a restoration and compensatory mitigation program.

## Step 6

***Reevaluate the alternatives***

Both the Mount Vernon Avenue site (A.1) and the proposed site are within the FFRMS floodplain; however, the Mount Vernon Avenue site is located in a 100-year floodplain, while the proposed site is only partially located in a 500-year floodplain. Developing in a 100-year floodplain would result in higher costs (and risks) from elevating and floodproofing the structures (the Mount Vernon Avenue site is at a lower elevation, and the structures would need more engineering to achieve a height at or above the FFRMS floodplain elevation, whereas the proposed site would require only minimal engineering for the structures to achieve the FFRMS elevation).

Construction outside of the floodplain at the Mount Vernon Avenue site is not viable due to geotechnical concerns (slope, soil stability, and suitability for construction) and wetlands. Mitigation (geotechnical engineering) would be expensive and may not be successful, and impacts to the wetlands would also be a major obstacle.

The proposed site is the only location that satisfies the City’s criteria for the project without being cost-prohibitive.

The no action alternative is also impracticable because it will not satisfy the need to assist local homeless families and provide them with opportunities for independent living. Under the no action alternative, the number of homeless families is projected to continue growing. The no action alternative was not selected since the proposed site’s impacts on human health, public property, and floodplain values can be mitigated and minimized.

## Step 7

***Determination of no practicable alternative and publication of final notice***

The City of Anytown determines that there is no practicable alternative for partially locating the project within the FFRMS floodplain. This is due to: 1) the need to provide housing and services to homeless families; 2) the bond requirements to construct within city limits; 3) the desire to not displace residents; 4) the need to construct an economically feasible project; and 5) the ability to mitigate and minimize impacts on human health, public property, and floodplain values.

A final notice was published in the *Anytown Tribune* on September 20, 2024, detailing the reasons why the modified project must be located within the floodplain, a list of alternatives considered, and all mitigation measures taken to minimize adverse impacts and preserve natural and beneficial floodplain values. This notice was also published on the City’s website: anytown.gov. Public comments were accepted from September 21 through September 27. Copies of the notice were sent to the regional FEMA office and state emergency management agency, which previously expressed interests in receiving floodplain notices. The notice was also published in Spanish and made accessible for individuals with disabilities. The notice included the project name, proposed location, and description of the activity; the total number of acres of floodplain or wetland involved; the related natural and beneficial functions and values of the floodplain or wetland that may be adversely affected by the proposed activity; the comments on the first notice and how they were addressed; the name of the Certifying Officer (Mayor of Anytown); and the phone number to call for information. The notice included the hours of the City’s office as well. Copies of the notices are included in the environmental review record.

No comments on the final notice were received.

## Step 8

***Implement the proposed action***

The City will ensure that this plan, as modified and described above, is executed and includes language in all agreements with participating parties necessary to ensure implementation. The City will also take an active role in monitoring the construction process to ensure no unnecessary impacts occur nor unnecessary risks are taken. A restrictive covenant will be placed on the property title to maintain flood insurance for the life of the property.