

# Choice-Limiting Actions

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# Information for Viewing Speaker Notes

- This presentation and the speaker notes will be converted to a PDF and uploaded to HCD's Environmental Review webpage.
- To view the speaker notes you'll need to click on the yellow square in the upper left corner of the PDF.
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## Choice-Limiting Actions (24 CFR 58.22)

Choice-limiting actions are described in [24 CFR Part 58.22\(a\)](#) and **prohibit**:



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Choice-limiting actions are described in [24 CFR Part 58.22\(a\)](#) and **prohibit**:

- **The commitment (including contractually)** by a grant recipient or any participant in the development process and
- **Starting an activity or project** that would have an adverse environmental impact or limit the choice of reasonable alternatives

Until the Request for Release of Funds (RROF, Form 7015.15) has been approved and certified by the responsible entity and the Authority to Use Grant Funds (AUGF) has been received.



# Implications of Choice-Limiting Actions

- If a proposed project activity begins during the grant application process, or if decisions are made before the environmental review is complete, this is considered a **choice-limiting action**.
- The commitment of HUD or non-HUD funds before the environmental review is complete would reduce and bias the proposed project alternatives, including “no action” alternative, and the consideration of alternatives is the “heart of NEPA”.
- **A Choice-Limiting Action can cause the project to lose most HCD administered federal grant funding.**



# Examples of Choice-Limiting Actions

Examples of choice limiting actions include:

- Property acquisition
- Entering into a contract or commitment
- Leasing property
- Demolition
- Rehabilitation
- New construction or conversion of buildings or structures
- Construction bidding
- Site improvements including, clearing, grading, and grubbing





# Funding from Multiple Grant Programs

- Environmental requirements are different for various grant programs.
- If a project receives funding from multiple grant programs (e.g., Homekey, NHTF, CDBG, Property-Based Vouchers, or local funds) it is at risk of entering into choice-limiting action.
- If a project begins with one grant program (private/local, Homekey, etc.), but then would like to add another funding source (federal) requiring NEPA, the project will need to **stop all activities, by all parties, until it's determined whether there's a risk of making any choice limiting actions.**