

§ 42.390

the proposed replacement is consistent with the housing needs of lower-income households in the jurisdiction.

(d) *Replacement not required.* (1) In accordance with 42 U.S.C. 5304(d)(3), the one-for-one replacement requirement of this section does not apply to the extent the HUD field office determines, based upon objective data, that there is an adequate supply of vacant lower-income dwelling units in standard condition available on a nondiscriminatory basis within the area.

(2) The recipient must submit directly to the HUD field office the request for determination that the one-for-one replacement requirement does not apply. Simultaneously with the submission of the request, the recipient must make the submission public and inform interested persons that they have 30 days from the date of submission to provide to HUD additional information supporting or opposing the request.

(3) A unit of general local government funded by the State must submit the request for determination under this paragraph to the State. Simultaneously with the submission of the request, the unit of general local government must make the submission public and inform interested persons that they have 30 days from the date of submission to provide to the State additional information supporting or opposing the request. If the State, after considering the submission and the additional data, agrees with the request, the State must provide its recommendation with supporting information to the field office.

§ 42.390 Appeals.

A person who disagrees with the recipient's determination concerning whether the person qualifies as a "displaced person," or with the amount of relocation assistance for which the person is eligible, may file a written appeal of that determination with the recipient. A person who is dissatisfied with the recipient's determination on his or her appeal may submit a written request for review of that determination to the HUD field office (or to the State in the case of a unit of general local government funded by the State). If the full relief is not granted, the re-

24 CFR Subtitle A (4-1-03 Edition)

ipient shall advise the person of his or her right to seek judicial review.

PARTS 43-45 [RESERVED]

PART 50—PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Subpart A—General: Federal Laws and Authorities

Sec.

- 50.1 Purpose, authority, and applicability.
- 50.2 Terms and abbreviations.
- 50.3 Environmental policy.
- 50.4 Related Federal laws and authorities.

Subpart B—General Policy: Responsibilities and Program Coverage

- 50.10 Basic environmental responsibility.
- 50.11 Responsibility of the HUD approving official.

Subpart C—General Policy: Decision Points

- 50.16 Decision points for policy actions.
- 50.17 Decision points for projects.

Subpart D—General Policy: Environmental Review Procedures

- 50.18 General.
- 50.19 Categorical exclusions not subject to the Federal laws and authorities cited in § 50.4.
- 50.20 Categorical exclusions subject to the Federal laws and authorities cited in § 50.4.
- 50.21 Aggregation.
- 50.22 Environmental management and monitoring.
- 50.23 Public participation.
- 50.24 HUD review of another agency's EIS.

Subpart E—Environmental Assessments and Related Reviews

- 50.31 The EA.
- 50.32 Responsibility for environmental processing.
- 50.33 Action resulting from the assessment.
- 50.34 Time delays for exceptional circumstances.
- 50.35 Use of prior environmental assessments.
- 50.36 Updating of environmental reviews.

Subpart F—Environmental Impact Statements

- 50.41 EIS policy.
- 50.42 Cases when an EIS is required.
- 50.43 Emergencies.