



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 51

[Docket No. FR-6581-F-01]

RIN 2506-AC63

Revising HUD's Noise Abatement and Control Regulations

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This direct final rule revises the Department of Housing and Urban Development's (HUD) regulations governing noise abatement and control. This final rule amends these regulations to provide that relevant HUD program offices, based on project funding, rather than only the Office of Community Planning and Development (CPD), have the authority to issue approvals related to projects in unacceptable noise zones. This final rule also eliminates unnecessary noise surveillance and data provisions to reflect current HUD practices.

DATES: Effective [INSERT DATE 30 DAYS FROM THE DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Peter Huber, Deputy Director, Office of Affordable Housing Programs, Office of Community Planning and Development, U.S.

Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410, Room 7282; telephone number (202) 402-3941 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit

<https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

I. Background

HUD's regulations at 24 CFR part 51 govern environmental criteria and standards that help determine project acceptability and ensure that HUD-assisted projects achieve the goal of living in a suitable living environment. These environmental standards generally apply to all HUD actions. Part 51 includes regulations on noise abatement and control (subpart B). The Assistant Secretary for Community Planning and Development (CPD) has the lead role in implementing part 51. Under 24 CFR 51.3, the Assistant Secretary for CPD is responsible for administering the environmental criteria and standards regulations but may be assisted by other HUD officials in implementing the responsibilities established by part 51.

Under 24 CFR 51.104(a)(2), noise attenuation measures in unacceptable noise zones require the approval of the Assistant Secretary for Community Planning and Development. In addition, under 24 CFR 51.104(b)(2), projects that are in an unacceptable noise zone must be submitted to the Assistant Secretary for CPD for approval. The Assistant Secretary for CPD also has the authority to waive the requirement to conduct an Environmental Impact Statement (EIS) for projects in unacceptable noise zones where noise is the only environmental issue.

CPD is the only HUD program office with the authority to approve noise attenuation measures, projects, and EIS waivers for projects in unacceptable noise zones, even if they are being funded and developed by another HUD program office. If a program office seeks to obtain approval for noise attenuation measures, a project, or an EIS waiver for a project it is overseeing in an unacceptable noise zone, it not only must complete its own internal review process, but it must also go through CPD's review process to gain final approval. Consequently, CPD staff are required by regulation to devote time and resources to reviewing projects from other offices that they are unfamiliar with and in which CPD does not have a stake. This also causes time and resources to be diverted from CPD priorities as CPD staff must familiarize themselves with and assess projects before issuing approvals. Meanwhile, other HUD program offices must wait for CPD to complete its review before moving forward with a project. This complicates the project

environmental review process by adding unnecessary burdens and delays for CPD as well as other program offices.

24 CFR 51.102(a) makes HUD field staff responsible for maintaining surveillance of potential noise problem areas and advising on whether sites are unacceptable because of noise exposure. However, HUD has never implemented this provision as it lacks the expertise and capacity to do so. This provision has not been necessary to make site choice decisions.

24 CFR 51.106(a)(4) outlines how areawide acoustical data should be used to make determinations on project suitability near airports and military installations. Under the regulation, the Assistant Secretary for CPD is required to review noise contours, which illustrate data on noise exposure levels associated with aircraft, in certain circumstances and assess the potential impact of such exposure on HUD program activity and HUD-assisted projects. As with § 51.102(a), HUD has never fully implemented this provision as it does not have the expertise or capacity to do so. In practice, the provision has not been necessary to make project suitability determinations.

24 CFR 51.3 establishes that HUD will identify officials with specific responsibilities for administering part 51 through Federal Register notice. Accordingly, Appendix I to the March 26, 1996, rule that last updated part 51 identified HUD officials with such responsibilities (61 FR 13333). Appendix I identified officials with specific responsibilities in the administration of noise abatement and control standards including those with the authority to approve projects with unacceptable noise exposure.

II. This Final Rule

This direct final rule updates HUD's environmental criteria and standards regulations to provide greater flexibility to HUD program offices to carry out specific responsibilities in the administration of noise abatement and control standards and to remove unnecessary provisions. Therefore, this final rule amends 24 CFR 51.104 to explicitly grant authority to approve noise attenuation measures, projects, and EIS waivers for projects in unacceptable noise zones to a

broader range of program offices. This final rule also eliminates unnecessary provisions in §§ 51.102 and 51.106 to both streamline part 51 and align it with current HUD practices. Lastly, this final rule updates 24 CFR 51.3 to provide greater flexibility for HUD to delegate authority to administer part 51.

24 CFR 51.102

HUD is eliminating the text of § 51.102(a) to remove an unnecessary provision requiring HUD field staff to maintain surveillance of potential noise problem areas. The provision being eliminated has never been implemented. This revision streamlines the regulation and aligns the regulation with current HUD practice.

24 CFR 51.103

HUD is updating the text in footnote 5 of the table at the end of the section to reflect that approval authority for noise attenuation measures will now lie with a Program Assistant Secretary.

24 CFR 51.104

HUD is amending § 51.104(a)(2) and (b)(2) to allow for noise attenuation measures in unacceptable noise zones, projects in unacceptable noise zones, and EIS waivers for projects in unacceptable noise zones to be approved by the Assistant Secretary for the relevant program office overseeing a HUD-assisted project. HUD notes that these changes to § 51.104 conflict with section 3 of Appendix I to the 1996 part 51 rule (61 FR 13333). Consequently, HUD now revokes the 1996 appendix.

24 CFR 51.106

HUD is revising the text of § 51.106(a)(4) to eliminate unnecessary provisions requiring HUD review of noise contours. The provisions being eliminated have never been implemented. This revision streamlines the regulation and aligns the regulation with current HUD practice.

HUD is revising the text of § 51.3 to remove the third sentence stating that HUD will identify officials who assist the Assistant Secretary for CPD in implementing part 51 through *Federal Register* notice. Removing this text will allow HUD to have greater flexibility in delegating authority to administer part 51. HUD has issued or amended delegations and redelegations of authority through unpublished memoranda as well as through *Federal Register* notice. By revising the text of § 51.3, HUD will be able to identify HUD officials with part 51 responsibilities through unpublished as well as through published delegations of authority. As previously noted in the discussion of the revision of § 51.104, section 3 of Appendix I to the 1996 rule conflicts with revisions to § 51.104. The revision to § 51.3 also means that updating the appendix will not necessarily be how HUD will identify officials with part 51 responsibilities. Consequently, HUD revokes the entirety of Appendix I to the 1996 rule.

III. Justification for Final Rulemaking

HUD's regulations at 24 CFR 10.1 state that notice and public procedure may be omitted with respect to rules governing the Department's organization or its own internal practices or procedures. This rule is limited to updating the Department's internal procedures as described in the regulations at 24 CFR part 51. This rule is not establishing policy outside of its own procedures.

IV. Findings and Certifications

Regulatory Review – Executive Orders 12866 and 13563

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made regarding whether a regulatory action is significant and, therefore, subject to review by the Office of Management and Budget in accordance with the requirements of the order.

Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are “outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with

what has been learned.” Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public.

The changes made by this final rule are limited and mostly involve procedural changes to HUD’s administration of environmental criteria and standards. As a result, this final rule was determined not to be a significant regulatory action under section 3(f) of Executive Order 12866 and therefore was not reviewed by OMB.

Executive Order 14192, Regulatory Costs

Executive Order 14192, entitled “Unleashing Prosperity Through Deregulation,” was issued on January 31, 2025. Section 3(c) of Executive Order 14192 requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations. This final rule amends existing regulations and does not impose any additional requirements or burdens. OMB has determined that this final rule does not impose any regulatory costs as it streamlines an existing regulation and provides greater flexibility and therefore is a repeal of a regulation that results in reduced regulatory costs for purposes of Executive Order 14192.

Federalism (Executive Order 13132)

Executive Order 13132 (entitled “Federalism”) prohibits an agency from publishing any rule that has federalism implications if the rule either: imposes substantial direct compliance costs on State and local governments and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This final rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments nor preempt state law within the meaning of the Executive Order.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because HUD has determined that good cause exists to issue this final rule without prior public comment, this rule is not subject to the requirement to publish an initial or final regulatory flexibility analysis under the RFA as part of such action.

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Finding of No Significant Impact is available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410-0500. The Finding of No Significant Impact will also be available for review in the docket for this final rule on *Regulations.gov*.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments, and on the private sector. This final rule does not impose any Federal mandates on any State, local, or Tribal governments, or on the private sector, within the meaning of the UMRA.

List of Subjects in 24 CFR Part 51

Airports, Hazardous substances, Housing standards, Noise control

For the reasons described in the preamble, HUD amends 24 CFR part 51 as follows:

PART 51 Environmental Criteria and Standards

1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S.C. 3535(d), unless otherwise noted.

§ 51.3 [Amended]

2. Amend § 51.3 by removing the third sentence.

§ 51.102 [Amended]

3. Amend § 51.102 by removing paragraph (a) and redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

§ 51.103 [Amended]

4. In § 51.103, in the table at the end of the section, in footnote 5, remove the words “Assistant Secretary for CPD” and add, in their place, the words “Program Assistant Secretary or their designee”.

§ 51.104 [Amended]

5. In § 51.104:

a. In paragraph (a)(2), remove the words “Assistant Secretary for Community Planning and Development” and add, in their place, the words “Program Assistant Secretary or their designee”;

b. In paragraph (b)(2), remove the words “The Assistant Secretary or the Certifying Officer” and add, in their place, the words “The Assistant Secretary or their designee, or the Certifying Officer,”.

6. Amend § 51.106 by revising paragraph (a)(4) to read as follows:

§ 51.106 Implementation.

(a) * * *

(4) *Use of areawide acoustical data.* HUD encourages the preparation and use of areawide acoustical information, such as noise contours for airports.

* * * * *

Scott Turner,

Secretary

[FR Doc. 2026-11849 Filed: 6/11/2026 8:45 am; Publication Date: 6/12/2026]