

119TH CONGRESS
1ST SESSION

H. R. 5085

To exempt Federal actions related to the construction of infill housing from the requirements of the National Environmental Policy Act of 1969, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 2, 2025

Ms. FRIEDMAN (for herself, Mr. EDWARDS, Mr. PETERS, and Mr. TORRES of New York) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To exempt Federal actions related to the construction of infill housing from the requirements of the National Environmental Policy Act of 1969, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXEMPTION OF FEDERAL ACTIONS RELATED**
2 **TO THE CONSTRUCTION OF INFILL HOUSING**
3 **FROM THE REQUIREMENTS OF THE NA-**
4 **TIONAL ENVIRONMENTAL POLICY ACT OF**
5 **1969.**

6 (a) EXEMPTION.—An action by a Federal agency re-
7 lated to an infill housing activity may not be considered
8 a major Federal action under section 102(2)(C) of the Na-
9 tional Environmental Policy Act of 1969 (42 U.S.C.
10 4332(2)(C)).

11 (b) DEFINITIONS.—In this section:

12 (1) HAZARDOUS SUBSTANCE; POLLUTANT OR
13 CONTAMINANT; RELEASE; REMEDIAL ACTION.—The
14 terms “hazardous substance”, “pollutant or con-
15 taminant”, “release”, and “remedial action” have
16 the meanings given such terms, respectively, in sec-
17 tion 101 of the Comprehensive Environmental Re-
18 sponse, Compensation, and Liability Act of 1980 (42
19 U.S.C. 9601).

20 (2) INFILL HOUSING.—The term “Infill hous-
21 ing” means residential housing—

22 (A) that is located on a site—

23 (i) that is vacant or underutilized;

24 (ii) that has been previously developed
25 with an urban use;

26 (iii) that is not larger than 20 acres;

1 (iv)(I) at least 75 percent of the pe-
2 rimeter of which adjoins a parcel that was
3 developed with an urban use; or

4 (II) at least 75 percent of the area
5 within a 1/4-mile from the exterior bound-
6 ary of which is developed with an urban
7 use; and

8 (v) that has undergone a Phase I En-
9 vironmental Site Assessment in accordance
10 with the applicable industry standards de-
11 scribed in section 312.11 of title 40, Code
12 of Federal Regulations, (or any successor
13 regulation) and, if the Phase I Environ-
14 mental Site Assessment identified condi-
15 tions indicative of a release or threatened
16 release of a hazardous substance, a pollut-
17 ant or contaminant, petroleum, or a petro-
18 leum product, the site has undergone a
19 Phase II Environmental Site Assessment
20 in accordance with ASTM E1903–19 (as
21 in effect on the date of enactment of this
22 section) that—

23 (I) did not show a release of a
24 hazardous substance, a pollutant or

1 contaminant, petroleum, or a petro-
2 leum product; or

3 (II) shows a release of a haz-
4 ardous substance, pollutant or con-
5 taminant, petroleum, or a petroleum
6 product, but the site has been remedi-
7 ated to the standard applicable to a
8 remedial action under the Comprehen-
9 sive Environmental Response, Com-
10 pensation, and Liability Act of 1980
11 (42 U.S.C. 9601 et seq.); and

12 (B) that is not located on a site within a
13 census tract designated as very high or rel-
14 atively high risk for wildfire, coastal flooding,
15 and riverine flooding under the National Risk
16 Index of the Federal Emergency Management
17 Agency pursuant to section 206 of the Robert
18 T. Stafford Disaster Relief and Emergency As-
19 sistance Act (42 U.S.C. 5136).

20 (3) INFILL HOUSING ACTIVITY.—The term
21 “infill housing activity” means—

22 (A) the acquisition or disposition of land or
23 property for the development of infill housing;

24 (B) the demolition of property (not includ-
25 ing a historic structure designated on a na-

1 tional, State, or local historic register) for the
2 construction, reconstruction, rehabilitation, or
3 development of infill housing;

4 (C) the construction, reconstruction, reha-
5 bilitation, or development of infill housing; or

6 (D) the conversion of a non-residential
7 building into infill housing.

8 (4) URBAN USE.—The term “urban use” means
9 any residential use, commercial use, industrial use,
10 public institutional use, transit or transportation
11 passenger facility use, retail use, or any combination
12 of such uses.

13 **SEC. 2. NATURAL HAZARD RISK ASSESSMENT UPDATES.**

14 Section 206(d)(1) of the Robert T. Stafford Disaster
15 Relief and Emergency Assistance Act (42 U.S.C.
16 5136(d)(1)) is amended by striking “every 5 years” and
17 inserting “every 3 years”.

○