



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

OFFICE OF THE ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

MEMORANDUM FOR: All Community Planning and Development Field Office
Directors, Deputy Directors, and Program Managers

FROM: John Gibbs, Acting Assistant Secretary, D JOHN GIBBS Digitally signed
by JOHN GIBBS
Date: 2020.09.11
15:18:36 -0400

SUBJECT: Suspension and Waiver of the HOME Program Consortium
Qualification Deadline in Response to COVID-19 Pandemic

This memorandum suspends the statutory deadline and waives the regulatory deadline for qualification or requalification of urban counties and consortia to provide HOME participating jurisdictions (PJs) an extended period to complete these processes due to the unanticipated circumstances created by the COVID-19 pandemic.

Section 217(b)(3) of title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (NAHA), 24 CFR 92.50(a), and 24 CFR 92.101(a)(1) require that, in order to receive a HOME formula allocation for a fiscal year as a consortium, units of general local government be qualified/requalified as consortia in accordance with HOME requirements by the last day of the prior fiscal year. In addition, units of general local government that participate in the HOME Program as urban counties must qualify or requalify as urban counties by the last day of the prior fiscal year. Section 102(d) of the Housing and Community Development Act (HCDA) of 1974 and 24 CFR 570.307(d) require urban counties to requalify every three years. While the HCDA does not require urban counties to be qualified/requalified by the end of the prior fiscal year, for HOME allocation purposes, the urban county qualification/requalification process should align with the HOME consortia qualification/requalification deadline. Because HUD is extending the deadline for qualification/requalification of HOME consortia, as described below, HUD will also extend the urban county qualification/requalification process outlined in Notice CPD 20-03. The Department will issue a separate directive to notify urban counties of the modified process and extension.

To use the waiver provided in this memorandum, the recipient must provide written notification to HUD. CPD Field Offices shall inform HOME PJs of the availability of these waivers. Before implementing the waivers, PJs must send written notification via e-mail to the CPD Division in its local HUD Field Office through the appropriate Field Office mailbox listed in the Attachment to this memorandum and to HUD's Office of Affordable Housing Programs (OAHP) at HOMECOVID19@hud.gov. Notifications must include the requestor's name, title, and contact information, identification, or summary of the waiver; and the date on which the PJ anticipates use of the waiver.

Waiver and Suspension Authority

Section 290 of the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA), as amended, authorizes HUD to suspend HOME statutory requirements to assist PJs in addressing the damage (including economic damage, damage to government services, damage to housing

availability etc.) in an area for which the President has issued a major disaster declaration under Title IV of the Stafford Act and to assist them in disaster recovery.

Upon determination of good cause, in accordance with 24 CFR 5.110, HUD may waive regulatory provisions subject to statutory limitations. These provisions provide HUD the authority to make waiver determinations for the HOME program.

Statutory Suspensions and Regulatory Waivers Available Only to Major Disaster Areas

Pursuant to the authority provided in Section 290 of NAHA and 24 CFR 5.110, to provide additional flexibility to communities in light of the unique circumstances created by the COVID-19 pandemic and to better assist individuals and families, I hereby find good cause as stated in the justification that follows to suspend the statutory provision and waive the related regulatory provision described below for PJs covered by a major disaster declaration under Title IV of the Stafford Act to respond to the COVID-19 pandemic. To use each waiver, each recipient must follow the notification process described above and update its program records to include written documentation of the specific conditions that justify the recipient's use of the waiver, consistent with the justifications and applicability provisions below. Provisions that are not specifically waived remain in full effect.

HOME Consortium Qualification/Requalification

Requirement: Deadline for HOME consortium qualification/requalification

Citations: Section 217(b)(3) of NAHA, 24 CFR 92.50(a) and 92.101(a)(1)

Explanation: These provisions require that units of general local government be qualified/requalified as metropolitan cities, urban counties, or consortia approved by the Secretary by the end of the prior fiscal year to receive a HOME allocation. These provisions are suspended and waived until November 30, 2020, to provide additional time for urban counties and consortia to complete the applicable qualification or requalification process for HOME allocation purposes.

Justification: This waiver is necessary to provide urban counties and HOME consortia additional time to complete the qualification/requalification process(es) that may be delayed due to the impact of COVID-19. Delays may occur due to government office closures or the need for local governments to focus on COVID-19-related priorities.

Applicability: This suspension and waiver applies to urban counties and all HOME consortia. HUD is extending the September 30, 2020 deadline to qualify/requalify as a urban county and/or HOME consortium to November 30, 2020.

Please direct questions regarding this waiver to Virginia Sardone, Director, Office of Affordable Housing Programs (OAHP), or your OAHP desk officer. PJs and other HOME Program participants should contact the CPD Division of their local HUD Field Office.

Attachment

Attachment

EMAIL BOX

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