



January 4, 2024

PH PROGRAM NEWS

PIH Issues Build America, Buy America Guidance for Public Housing

Late yesterday, HUD's Office of Public and Indian Housing ([PIH](#)) issued Notice [PIH 2024-01](#), offering implementation guidance for the Buy America Preference (BAP) requirement created by the Build America, Buy America Act ([BABA](#)), as relative to the Public Housing program. The notice also provides a BAP application timeline and highlights important considerations in preparing for full implementation.

The [Build America, Buy America Act](#) established a domestic content procurement preference for all federal financial assistance obligated for infrastructure projects. The Act requires that all iron, steel, manufactured products, and construction materials used in covered infrastructure projects are produced in the United States. HUD issued a [final rule](#) implementing the statutory requirements in August of last year. The rule became effective October 23, 2023.

Highlights from today's notice include:

- A table summarizing the four general waiver types and their application to PIH programs
- A list of definitions important to the appropriate interpretation and implementation of BAP and BABA
- A discussion of the applicability of BAP where federal funds have been used to fund infrastructure projects
- Details about implementation dates in connection with ongoing projects
- How to communicate BAP requirements with subgrantees, contractors, and other entities prior to purchasing products with grant funds subject to BAP, including sample language
- Information on determining the size and scope of an infrastructure project in order to apply BAP where it is required
- A statement regarding the prohibition against intentional project splitting to avoid the application of BAP
- Guidance on pre- and post-disaster or emergency response expenditures
- How PHAs must document compliance with BABA requirements, including information on the ways in which a PHA can provide adequate conformation that a project was purchased in compliance with BAP
- Information on how to request BAP waivers and the "due diligence" search criteria the PHA must meet prior to requesting a waiver
- Strategies for safe harbor procurement

BAP requirements apply in the absence of a waiver. All waivers must be submitted in accordance with the instructions on HUD's [BABA webpage](#). A complete list of BAP waivers will be published on [this page](#) at HUD's website.

HCV PROGRAM NEWS

HUD Posts Updated List of PHAs with FUP Vouchers

On the Family Unification Program ([FUP](#)) webpage, HUD posted an updated [list](#) of PHAs that have been awarded FUP vouchers. As the post states, FUP funding is allocated through a competitive process; therefore, not all PHAs administer the program. Individuals who are interested in obtaining a FUP voucher may use the updated list to identify whether there is a PHA in their area that administers FUP.



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