



December 14, 2022

GENERAL NEWS

HUD Issues Waivers to Build America, Buy America Provisions

Today in the *Federal Register*, the Department of Housing and Urban Development ([HUD](#)) issued three notices regarding waivers of Build America, Buy America (BABA) provisions as applied to recipients of federal financial assistance.

In the [first notice](#), HUD announced that it is waiving the application of the Buy American Preference (BAP) for all federal financial assistance (FFA) obligated on or before February 21, 2023, with the exception of certain Community Development Block Grant ([CDBG](#)) funds in connection with the purchase of iron or steel products in infrastructure projects. In addition, in the case of FFA obligated by HUD on or after November 15, 2022, but prior to the effective date of the final waiver, HUD is waiving the application of the BAP for all expenditures incurred on or after the date of the final waiver, except for those specific CDBG funds mentioned above.

Similarly, in the [second notice](#), HUD announced that it is issuing a *De Minimis* and Small Grants waiver of the BAP for infrastructure projects whose total cost (including HUD funding and funding from any other source) is equal to or less than the simplified acquisition threshold, which is currently \$250,000. HUD has also waived the application of the BAP for all Small Grants of FFA provided by HUD that are equal to or below the simplified acquisition threshold. However, if FFA provided by HUD is combined with other FFA from another federal agency, and the total amount of FFA in a single project is greater than the simplified acquisition threshold, then the waiver does not apply to the FFA provided by HUD. Additionally, HUD has waived the application of the BAP for a *De Minimis* portion of an infrastructure project, meaning a cumulative total of no more than five percent of the total cost of the iron, steel, manufactured products, and construction materials used in and incorporated into the infrastructure project, up to a maximum of \$1 million.

Finally, in the [third notice](#), HUD announced that it is waiving the BAP for grantees and recipients of FFA from HUD as applied to the iron, steel, manufactured products, and construction materials from BABA in certain exigent circumstances. That is, HUD recognizes that there are exigent circumstances, particularly with respect to the conduct of maintenance and other rehabilitation and repair activities in connection with affordable housing and community development projects, that warrant the exclusion from the application of the BAP in the public interest.

Further details on the waivers can be found in each of the notices.

Treasury Posts New ERAP Resource

On December 12, the U.S. Department of Treasury ([Treasury](#)) posted the following resource to the Emergency Rental Assistance Program ([ERAP](#)) website:

- A [notice](#) regarding seeking approval of certain ERA1 administrative costs under Section V of the ERA1 Reallocation Guidance and an accompanying MS Word [letter template](#) for use in submissions

You can find more ERA resources on the [ERAP website](#).

PH PROGRAM NEWS

PIH Reminds PHAs of SF-424 and SR-FRB Deadlines

In an [email](#) yesterday via HUD's Financial Management Division (FMD) [mailing list](#), HUD's Office of Public and Indian Housing ([PIH](#)) reminded PHAs that they must submit their forms SF-424 and, if necessary, HUD-50071 and SF-LLL for the calendar year 2023 operating fund grants by **December 16, 2022**. You can consult Notice [PIH 2017-04](#) for questions on the applicability of the forms HUD-50071 and SF-LLL. PHAs need to submit all forms through the [OpFund web portal](#). For detailed instructions, follow the [user guide](#) and watch the training videos on the [SF-424](#), [HUD-50071](#) and [SF-LLL](#) forms.

In another [email](#) via HUD's Financial Management Division (FMD) [mailing list](#), PIH also reminded PHAs that they must make elections or change requests to Small Rural Frozen Rolling Base (SR-FRB) by **December 16, 2022**, as well. For detailed instructions, follow this [user guide](#) and watch the [training video](#).

Additional information related to CY 2023 operating funds processing can be found on the [2023 operating fund grant processing page](#) at the [operating fund website](#).

MTW PROGRAM NEWS

HUD Updates Special Purpose Vouchers FAQs for MTW Agencies

The Department of Housing and Urban Development ([HUD](#)) has updated its frequently asked questions ([FAQs](#)) on special purpose vouchers (SPVs) administered by Moving to Work ([MTW](#)) agencies. The 14-page document, dated December 2022, covers various topics related to SPVs, such as MTW fungibility, applying MTW program flexibilities, new SPV types including Emergency Housing Vouchers ([EHV](#)), and reporting requirements for SPVs. You'll find the updated FAQs on the [MTW Policy Guidance page](#) at HUD's website.



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