



September 23, 2024

GENERAL NEWS

HUD Reminds PHAs of BABA Expanded Applicability and Waivers

In an [email](#) to executive directors last Friday, HUD’s Office of Public and Indian Housing ([PIH](#)) reminded PHAs of the [Build America, Buy America \(BABA\) Act](#) requirements, including the BABA applicability recently expanded and the several general applicability waivers that continue to exist. Some key points of the message include:

- Starting August 23, 2024, the scope of BABA expanded for new obligations of grant funds, including public housing funds, as detailed in the March 2023 *Federal Register* [notice](#) on BABA’s phased-in applicability to HUD Funds.
- Prior to August 23, BABA only applied to iron and steel purchases, but now BABA extends to the purchase of manufactured products and construction materials for grants PIH awards on or after August 23.
- HUD anticipates that BABA’s broader scope will not impact PHAs until late September or early October when PIH obligates the next allocation of public housing operating funds.
- There will be no change to the applicability of BABA to grants awarded to PHAs before August 23, 2024.
- HUD has approved several general applicability waivers for specific public interest circumstances:
  - Small grants/projects: Where a grant or project’s total cost is equal to or less than the current simplified acquisition threshold of \$250,000.
  - De Minimis portion of a project: Where the cumulative total of product purchases is no more than five percent of the total cost of the iron, steel, manufactured products, and construction materials, up to a maximum of \$1 million.
  - Exigent circumstances: Where there is an urgent need to immediately complete a project because of “exigent circumstances” or a threat to life, safety, or property of residents and the community.
- PIH will provide more specific guidance in the coming months about BABA’s broader applicability to manufactured products and construction materials.

Fur further details, please refer to the [message](#).

HUD Charges Georgia Housing Providers with Disability Discrimination

In a [press release](#) last Friday, the Department of Housing and Urban Development ([HUD](#)) announced that it has charged the owner, manager, and management company of a property in Georgia with discrimination against a tenant because of her child’s disability.

HUD’s [charge](#) alleges that the respondents failed to grant a reasonable accommodation when the complainant requested a ground-floor unit due to her child’s disability. The respondents failed to provide the accommodation even though the disability-related need was obvious, and the complainant provided additional medical documentation to support the request. The complainant was not provided the reasonable accommodation until after the respondents sold the property.

A United States administrative law judge will hear HUD’s charges unless any party elects to have the case heard in a federal district court. If the administrative law judge finds after a hearing that discrimination has occurred, the judge may award damages to the complainant for harm caused by the discrimination. The judge may also order injunctive relief and other equitable relief as well as payment of attorney fees. In addition, the judge may impose fines to vindicate the public interest. If the case is heard in a federal court, the judge may also award punitive damages.

The [Fair Housing Act](#) prohibits discrimination based on disability. Such discrimination includes refusing to rent based on a person’s disability, failing to grant reasonable accommodations, and subjecting tenants to discriminatory terms and conditions.

HCV PROGRAM NEWS

HUD Posts SAFMRs Resources

On the HUD Exchange [Resource Library](#) webpage, the Department of Housing and Urban Development ([HUD](#)) has posted the following small area fair market rents (SAFMRs) resources:

- [SAFMR sample materials](#): include sample letters, administrative plan language, website language, and briefing content that PHAs can reference for SAFMR implementation.
- [SAFMR sample implementation documents](#): intended for modification and use by PHAs in the implementation of SAFMRs.

For additional resources, visit the [SAFMRs](#) webpage.

HUD Announces More than \$15 Million to Prevent Youth Homelessness

In another [press release](#) last Friday, the Department of Housing and Urban Development ([HUD](#)) announced that it is [awarding](#) \$12.5 million to 21 PHAs through the Foster Youth to Independence ([FYI](#)) program. The funds will provide housing assistance to young adults who left foster care or are transitioning out of foster care and are experiencing or at risk of experiencing homelessness. In addition, HUD is [awarding](#) \$2.7 million in non-competitive funding to 25 PHAs that will distribute 168 FYI housing assistance vouchers for eligible youth in partnership with Public Child Welfare Agencies (PCWAs).



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