



ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

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

9/1/2026

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

FROM: Ronald J. Kurtz, Assistant Secretary, D

THROUGH: Bryan W. Horn, Deputy Assistant Secretary for Grants Programs,
DG BRYAN HORN

SUBJECT: Availability of Waivers of Community Planning and Development
Grant Program and Consolidated Plan Requirements to Facilitate
Recovery from Presidentially Declared Major Disasters

Signed by:
Ronald Kurtz
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Digitally signed by: BRYAN HORN
DN: CN = BRYAN HORN, C = US, O = U.S. Government, OU = Department of Housing and Urban
Development, Office of Community Planning and Development
Date: 2026.08.31 17:09:46 -0400

Purpose:

This memorandum makes available the suspensions and waivers of certain statutory and regulatory requirements associated with several Community Planning and Development (CPD) grant programs to address damage and facilitate recovery from a major disaster (the “**disaster**”) in areas covered by a major disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as may be amended (the “**declared-disaster areas**”) for a 24 month period beginning at the date of this memorandum.

This memorandum covers the following CPD programs:

- Community Development Block Grant (CDBG)
- HOME Investment Partnerships Program (HOME)
- Housing Trust Fund (HTF)
- Housing Opportunities for Persons With AIDS (HOPWA)
- Emergency Solutions Grant (ESG)
- Continuum of Care Program (CoC)
- Youth Homeless Demonstration Program (YHDP)

This memorandum also continues the simplified notification process for grantees of these programs to use the suspension and waiver flexibility of CPD statutory and regulatory requirements identified below to expedite the delivery of assistance. CPD Field Office Directors, Deputy Directors, and Program Managers are instructed to inform CPD grantees operating within their jurisdictions of the content of this memorandum.

Supporting Documentation and Notification Process:

The grantees engaging in eligible programmatic activities located in the counties included in the declared-disaster areas may use the statutory suspensions and regulatory waivers described in this memorandum to assist affected CPD program beneficiaries and CPD program-eligible families to address damage caused by the disaster. CDBG, CoC, ESG, HTF, YHDP and HOPWA grantees may also use some of the waivers outside of declared-disaster areas, as explained in those program-specific sections below. The grantee must provide notification to the CPD Director of the HUD Field Office serving its jurisdiction no less than 3 days prior to utilization of each suspension or waiver it anticipates utilizing. Each grantee must also update its program records to include written documentation of the specific conditions that justify each use of a waiver, consistent with the justifications provided below.

CPD cautions grantees to be aware of potential duplication of benefits when providing financial assistance to address losses that result from the disaster. See [CPD Notice 17-06](#), *Using Community Planning and Development (CPD) funds for Disaster Response and Recovery*, for guidance on using CPD funds for immediate disaster response and long-term recovery.

Suspension and Waiver Authority:

A major disaster is declared when the President has determined that a natural event, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, fire, flood, or explosion causes damage of such severity that it is beyond the combined capabilities of state and local governments to respond. Many individuals and families residing in declared disaster areas experience displacement from their homes, including beneficiaries of various CPD programs, and families eligible to receive CPD program assistance. Some may continue to live in homes with habitability deficits, particularly related to potable water and electricity, weeks, months, or years after the disaster if recovery assistance is not made available.

Section 122 of the Housing and Community Development Act of 1974 (HCDA), as amended (42 U.S.C. 5321), and Section 290 of the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA), as amended (42 U.S.C. 12840), authorize HUD to suspend, respectively, certain CDBG and HOME statutory requirements to assist grantees of these programs in addressing the damage in areas for which the President has declared a disaster under title IV of the Stafford Act.

Upon determination of good cause, in accordance with 24 CFR 5.110, HUD may waive regulatory provisions, subject to statutory limitations. Additional regulatory waiver authority is in 24 CFR 91.600 and 24 CFR 570.5. These provisions provide HUD the authority to make

waiver determinations for the CDBG, HOME, HTF, HOPWA, ESG, and CoC programs to adequately address damage caused by the disaster and meet the disaster recovery needs among affected jurisdictions in the declared-disaster areas and to assist CDBG, HTF, HOPWA, YHDP, ESG, and CoC grantees outside of the declared-disaster areas in responding to needs resulting from the disaster.

For CPD grantees located in the counties included in declared-disaster areas that make an election supported by written documentation of the specific conditions that justify each use of a suspension or waiver, consistent with the justifications provided below, I hereby find good cause to provide the statutory suspensions and regulatory waivers of CPD grant program requirements as set forth below. Provisions that are not specifically suspended or waived remain in full effect. Furthermore, requirements related to fair housing, nondiscrimination, labor standards, and the environment cannot be waived.

ESG, CoC, YHDP, and HOPWA Waiver Availability: Unless otherwise provided in this memorandum, the following waivers are available for existing grants under the ESG (including special allocations of ESG such as Rapid Unsheltered Survivor Housing (RUSH) grants), CoC, YHDP, and HOPWA Programs consistent with the terms of this memorandum. Subject to funding availability, these waivers will apply to future grants to the same extent as provided for existing grants, unless otherwise prohibited or provided by HUD. Recipients are responsible for documenting that each waiver is used only under the circumstances and conditions permitted under this memorandum.

CONSOLIDATED PLAN REQUIREMENTS

1. Citizen Participation Public Comment Period for Consolidated Plan Amendment

Citations: 24 CFR 91.105(b)(4), (c)(2) and (k), 24 CFR 91.115(b)(4), (c)(2) and (i), and 24 CFR 91.401.

Explanation: A CPD grantee may amend an approved consolidated plan in accordance with 24 CFR 91.505. Substantial amendments to the consolidated plan, such as the addition of new activities or a change in the use of grant funds from one eligible activity to another, are subject to the citizen participation process in the grantee's citizen participation plan. Development of the consolidated plan is also subject to the citizen participation process in the grantee's citizen participation plan. The citizen participation plan must provide citizens with 30 days to comment on the consolidated plan and substantial amendments.

Justification: Given the need to expedite actions to respond to damage caused by the disaster, HUD waives the public comment requirements of 24 CFR 91.105(b)(4), (c)(2) and (k), 91.115(b)(4), (c)(2), and (i), and 91.401, provided that the public comment period is no less than seven days. By allowing the comment period to be shortened to seven days for grantees, including consortia, HUD is balancing the need to quickly assist families dealing with the effects of the disaster while continuing to provide reasonable notice and opportunity for citizens to comment on the proposed uses of CDBG, HOME, HTF, HOPWA, and ESG funds.

Applicability: This authority is in effect for **one year** from the disaster declaration date and is limited to facilitating preparation of the Consolidated Plan submission and substantial amendments.

2. Citizen Participation Reasonable Notice and Opportunity to Comment

Citations: 24 CFR 91.105(b)(2), (c)(2) and (k), 24 CFR 91.115(b)(2), (c)(2) and (i).

Explanation: As noted above, the regulations at 24 CFR 91.105 (for local governments) and 91.115 (for States) set forth the citizen participation plan requirements for grantees. For development of the consolidated plan and substantial amendments to the consolidated plan, the regulations require the grantee to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. The citizen participation plan must state how reasonable notice and opportunity to comment will be given.

Justification: HUD recognizes the destruction wrought by the disaster makes it difficult for impacted jurisdictions within the declared-disaster areas to provide notice to

citizens in accordance with their citizen participation plans. Therefore, HUD waives 24 CFR 91.105(b)(2), (c)(2) and (k) and 24 CFR 91.115(b)(2), (c)(2) and (i) to allow these grantees to determine what constitutes reasonable notice and opportunity to comment given their circumstances.

Applicability: This authority is in effect for **one year** from the disaster declaration date and is limited to facilitating preparation of the Consolidated Plan submission and substantial amendments.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

Preamble: For the three CDBG flexibilities described below, a grantee carrying out activities under this suspension and waiver must document how the activity will address damage in the declared area(s). A grantee may demonstrate this need to address damage by showing that the persons and families seeking assistance were impacted by the disaster and have a need for CDBG assistance to respond to the disaster. For example, a grantee may accept Federal Emergency Management Agency (FEMA) registration or other evidence as documentation of impact and need for CDBG assistance. A grantee may also use other means to document how the activity will address damage in the declared area(s). This may occur when individual verification is impractical, such as for an activity that meets the national objective criteria for benefiting a primarily residential, low- and moderate-income area. Additionally, CDBG assistance must be necessary and reasonable to recover from the disaster.

1. CDBG – New Housing Construction

Citations: Section 105(a) of the HCDA, 24 CFR 570.207(b)(3) (Entitlements), 24 CFR 570.440(i)(2) (Insular Areas), and 24 CFR 570.429(b) (Hawaii Counties).

Explanation: New housing construction is not generally an eligible activity under Section 105 of HCDA. It may be undertaken indirectly through CDBG assistance provided to Community Based Development Organizations or other nonprofit entities specified in Section 105(a)(15) of the HCDA.

Justification: HUD recognizes that the disaster caused damage and destruction to a large number of housing units within the declared-disaster areas. Allowing new housing construction will enable CDBG grantees to replace affordable housing units that were lost as a result of the disaster. To expedite the rebuilding process, HUD suspends Section 105(a) of the HCDA and waives 24 CFR 570.207(b)(3) to permit grantees to directly use CDBG funds for new housing construction activities to address damage from the disaster. In addition to the flexibility

provided by the suspension of the statute, grantees are encouraged to take advantage of the reconstruction provisions at Section 105(a)(4) of the HCDA.

Applicability: This authority is in effect for **two years** from the disaster declaration date. A grantee must set up an activity in HUD's system, enter into an agreement, and the activity must be underway within that time period.

2. CDBG – Suspension of Public Services Cap

Citations: Section 105(a)(8) of the HCDA, 24 CFR 570.201(e)(1) or (2) (Entitlements), 24 CFR 570.440(i)(2) (Insular Areas), and 24 CFR 570.429(b) (Hawaii Counties)

Explanation: Section 105(a)(8) and 24 CFR 570.201(e) limit the amount of CDBG funds that may be used to provide public services to 15 percent of the grantee's most recent CDBG grant plus 15 percent of program income received.

Justification: HUD suspends the provision of Section 105(a)(8) of the HCDA and waives 24 CFR 570.201(e) to permit CDBG grantees to exceed the 15 percent cap on public service expenditures.

The waiver will allow CDBG grantees to pay for additional public services related to the effects of the disaster on individuals and families. Anticipated services include, but are not limited to, the provision of food and bottled water, emergency shelter, case management, and related services to help residents in the declared-disaster areas until long-term recovery resources become available. These costs are eligible under the public services provision of Section 105(a)(8) of the HCDA and 24 CFR 570.201(e) of the regulations.

Applicability: This suspension and waiver shall be available to CDBG grantees in the declared disaster areas.

Grantees will be required to annotate their performance reports in such a way that activities for which waivers have been granted (public services activities that exceed the statutory funding limitation) are distinguishable from regular program activities (such as public services activities that do not exceed the cap). Also, the grantee will be required to describe each activity in its annual action plan, so the activity is clearly distinguishable as a designated disaster recovery activity. This authority to expend funds is in effect for **one year** from the date of the disaster declaration.

3. CDBG – Emergency Grant Payments for up to Six Months

Citation: 24 CFR 570.207(b)(4) (Entitlements), 24 CFR 570.440(i)(2) (Insular Areas), and 24 CFR 570.429(b) (Hawaii Counties)

Explanation: The CDBG regulations prohibit income payments but permit emergency grant payments for three months. “Income payments” means a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. Emergency grant payments made over a period of up to three consecutive months to the providers of such items and services on behalf of an individual or family are eligible public services.

Justification: HUD waives the provisions of 24 CFR 570.207(b)(4), 24 CFR 570.440(i)(2) and 24 CFR 570.429(b) to permit emergency grant payments for items such as food, clothing, housing (rent or mortgage), or utilities for up to six consecutive months. While this waiver allows emergency grant payments to be made for up to six consecutive months, the payments must still be made to service providers as opposed to the affected individuals or families.

Many individuals and families have been forced to abandon their homes due to damage associated with the disaster. The waiver will allow CDBG grantees, including grantees to provide assistance to evacuees outside the declared disaster areas, to pay for the basic daily needs of individuals and families affected by the disaster on an interim basis.

Applicability: This waiver is available to CDBG grantees, located within and outside of the declared disaster areas. This authority to expend funds is in effect for **one year** from the disaster declaration date.

HOME PROGRAM

1. HOME – Relief from Certification Requirements on Use of HOME Funds for Tenant-Based Rental Assistance (TBRA)

Citations: Section 212(a)(3)(A)(i) of National Affordable Housing Act (NAHA), 24 CFR 91.225(d)(1) (Local Governments), 24 CFR 91.325(d)(1) (States), 24 CFR 91.425(a)(2)(i) (Consortia) and 24 CFR 92.209(b) (Certifications)

Explanation: A participating jurisdiction that intends to use HOME funds to provide TBRA is required to certify that the provision of such assistance is an essential part of its consolidated plan.

Justification: This suspension and waiver is required to alleviate administrative burden and permit participating jurisdictions to use HOME funds for TBRA to respond quickly to disaster needs without completing the certification requirements.

Applicability: The suspension of the TBRA certification requirements applies to the participating jurisdiction's **Current Fiscal Year** and **Subsequent Fiscal Year** consolidated plan/annual action plans. These suspensions and waivers are only available to participating jurisdictions within the declared-disaster areas or a State participating jurisdiction of the declared-disaster areas to provide TBRA to those displaced by the disaster.

2. HOME – Suspension and Waiver of Community Housing Development Organization (CHDO) Set-aside

Citations: Section 231 of NAHA and 24 CFR 92.300(a)(1)

Explanation: These provisions establish a set-aside for CHDOs. The participating jurisdiction must use 15 percent of each annual allocation for housing owned, developed, or sponsored by CHDOs.

Justification: This suspension and waiver are required to relieve the participating jurisdiction of requirements that may impede the obligation and use of funds to expeditiously provide housing to displaced persons and repair properties damaged by the disaster.

Applicability: This requirement is suspended and waived for the **Current Fiscal Year** and **Subsequent Fiscal Year** allocations of participating jurisdictions in the declared-disaster areas (including the state participating jurisdiction of the declared-disaster areas).

3. HOME – Waiver of Property Standards for HOME-assisted Units

Citations: 24 CFR 92.251

Explanation: This provision requires that housing assisted with HOME funds meet property standards based on the activity undertaken, i.e., acquisition of housing including through homebuyer assistance, and state and local standards and codes or model codes for rehabilitation and new construction. Property standard requirements are waived for repair of properties damaged by the disaster. Units must meet State and local health and safety codes. The lead safe housing regulations established in 24 CFR Part 35 are not waived, and the new construction requirements in 92.251(a) are not waived. Additionally, the accessibility requirements at 24 CFR 92.251(a)(3)(i) and 24 CFR 92.251(b)(1)(iv) and the HOME carbon monoxide

and smoke detection standards at 24 CFR 92.251(a)(3)(vi), 24 CFR 92.251(b)(1)(xi) and 24 CFR 92.251(c)(3) are not waived.

Justification: This waiver is required to enable the participating jurisdiction to meet the critical housing needs of families whose housing was damaged and families who were displaced by the disaster.

Applicability: This waiver applies only to housing units located in the declared-disaster areas which were damaged by the disaster and to which HOME funds are committed within one year of the date ***the participating jurisdiction notifies HUD of its intent to use this waiver.***

4. HOME – Suspension and Waiver of Various TBRA Program Requirements

Citations: Section 212(a)(3)(A)(ii) of NAHA; 24 CFR 92.209(c), (h)(1) and (i)

Explanation: Section 212(a)(3)(A)(ii) of NAHA requires a participating jurisdiction to establish written tenant selection policies and criteria for TBRA and 24 CFR 92.209(c) of the regulation requires those tenant selection policies and criteria to be based on the local housing needs and priorities established in the participating jurisdiction's consolidated plan.

Section 92.209(h)(1) limits the subsidy that a participating jurisdiction may pay toward a TBRA recipient's rent to the difference between the participating jurisdiction's rent standard for the unit size and 30 percent of the family's monthly adjusted income.

Section 92.209(i) requires that units occupied by TBRA recipients meet the participating jurisdiction's property standards under 24 CFR 92.251.

Justification: Suspending and waiving these provisions will provide the participating jurisdiction with greater flexibility to use tenant-based rental assistance as an emergency housing resource.

Applicability: All of these suspensions and waivers are only available to a participating jurisdiction within the declared-disaster areas or a State participating jurisdiction of the declared-disaster areas providing TBRA to those displaced by the disaster, in accordance with the applicable conditions described below.

The suspension of the requirements related to the content of the consolidated plan applies to the ***Current Fiscal Year*** and ***Subsequent Fiscal Year*** consolidated plan/annual action plans of the participating jurisdiction.

The provision of 24 CFR 92.209(h)(1) imposing the maximum amount of TBRA assistance a participating jurisdiction may provide to a family under HOME TBRA is waived for TBRA recipients who are displaced by the disaster, as evidenced by the family's FEMA registration, for a period of 24 months after the date ***the participating jurisdiction notifies HUD of its intent to use this waiver.*** The other provisions of 24 CFR 92.209(h) are not waived. *Note that HUD encourages grantees to set caps lower than the rent reasonable standard as appropriate.*

The waiver of the participating jurisdiction's property standards requirements at 24 CFR 92.209(i) applies to units leased by TBRA recipients who were displaced by the disaster, as evidenced by the recipient's FEMA registration, and are being assisted through a HOME TBRA program funded by the participating jurisdiction for a period of 60 days after the date ***the participating jurisdiction notifies HUD of its intent to use this waiver.*** Units must meet any applicable State and local health and safety codes and requirements. The lead safe housing requirements of 24 CFR part 35, subpart M, made applicable to units leased by recipients of HOME TBRA by the HOME regulation at 24 CFR 92.355, are not waived. The smoke and carbon monoxide requirements at 24 CFR 92.251(f)(1)(iv) are not waived.

HOUSING OPPORTUNITY FOR PERSONS WITH AIDS (HOPWA) PROGRAM

1. HOPWA – HUD Housing Standards

Citation: 24 CFR 574.310(b)(2), HUD Housing Standards

Explanation: Section 574.310(b)(2) of the HOPWA regulations provides minimum housing standards that apply to all housing for which HOPWA funds are used for acquisition, rehabilitation, conversion, lease, or repair; new construction of single room occupancy dwellings and community residences; project or tenant-based rental assistance; or operating costs under 24 CFR 574.300(b)(3), (4), (5), or (8).

Justification: This waiver is required to enable grantees and project sponsors to expeditiously meet the critical housing needs of the many eligible families in the declared disaster areas.

Applicability: The housing standard requirements in 24 CFR 574.310(b)(2) are waived for units in the declared-disaster areas that are or will be occupied by HOPWA-eligible households, provided that the units are free of life-threatening conditions as defined in Federal Register Notices [FR-6086-N-05](#) and [FR-](#)

[6469-N-01](#). Grantees must ensure that these units meet HOPWA habitability standards within 60 days of the date ***the grantee notifies HUD of its intent to use the waiver.***

2. HOPWA – Maximum Subsidy for Rental Assistance

Citation: 24 CFR 574.320(a)(1), Maximum subsidy

Explanation: The amount of grant funds used to pay monthly assistance for an eligible person may not exceed the difference between: (i) The lower of the rent standard or reasonable rent for the unit; and (ii) The resident's rent payment calculated under § 574.310(d).

Justification: Permitting the maximum rental assistance subsidy to be calculated under 24 CFR 574.320(a)(1) without regard to the rent standard would enable HOPWA grantees to expedite efforts to meet the critical housing needs of low-income people living with HIV and their families in the declared-disaster areas. Under the programmatic requirements at 24 CFR 574.320(a)(2), the rent standard shall be no more than the published section 8 fair market rent (FMR) or the HUD-approved community-wide exception for the unit size. In addition, on a unit-by-unit basis, the grantee may increase that amount by up to 10 percent for up to 20 percent of the units assisted. [Notice CPD-22-10](#) Clarification of Rent Standard Requirement for the Housing Opportunities for Persons With AIDS (HOPWA) Program provides additional clarity and flexibility on how HOPWA grantees can administer the rent standard in accordance with 24 CFR 574.320(a)(2).

Due to the extensive damage to housing units in the declared disaster area and the need to ensure safe and decent units are immediately available to eligible households to prevent homelessness and protect the health of the people with HIV served under the program, HUD is waiving the requirement to use the rent standard in the calculation of the maximum monthly rental assistance amount under §574.320(a)(1), while still requiring that the unit be rent reasonable in accordance with §574.320(a)(3). This waiver will provide flexibility to HOPWA eligible individuals and families in need of permanent housing in the declared-disaster areas and will help to quickly stabilize their housing and health.

Applicability: Provided that the maximum subsidy is otherwise calculated as provided by §574.320(a)(1), the requirement to use the rent standard as provided by §574.320(a)(1)(i) and defined in §574.320(a)(2) is waived. This waiver applies to the calculation of rental assistance for any rent amount that takes effect during the one-year period beginning on the date of ***the grantee notifies HUD of its intent to use the waiver*** for any individual or family who is

renting or executes a lease for a unit in the declared-disaster areas. This waiver would apply for twelve months from the date of the execution of the lease. Grantees and project sponsors must ensure the reasonableness of rent charged for units in the declared disaster areas in accordance with §574.320(a)(3). *Note that HUD encourages grantees to set caps lower than the rent reasonable standard as appropriate.*

EMERGENCY SOLUTIONS GRANTS (ESG) PROGRAM

Unless otherwise specified in the waiver, the following waivers are available to the ESG Program and recipients of special allocations of ESG (e.g., RUSH recipients).

1. ESG – Restriction of Rental Assistance to Units with Rent at or Below Fair Market Rent (FMR)

Citation: 24 CFR 576.106(d)(1)

Explanation: Under 24 CFR 576.106(d)(1), rental assistance cannot be provided unless the total rent is equal to or less than the FMR established by HUD, as provided under 24 CFR Part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.

Justification: This waiver is required to enable ESG recipients to meet the critical housing needs of individuals and families whose housing was damaged, who were displaced, or who are struggling to find housing as a result of the disaster. Waiving the FMR restriction will provide flexibility to individuals and families in need of permanent housing. The disaster is likely to affect housing markets outside of the disaster area as people move to find available housing, thus this waiver may be used for individuals and families affected by the disaster, even if they are residing outside of the disaster area.

Applicability: The FMR restriction is waived for any rent amount that takes effect during the one-year period beginning on the date ***the recipient notifies HUD of its intent to use the waiver***. However, the affected recipients and their subrecipients must still ensure that the units in which ESG assistance is provided to these individuals and families meet the rent reasonableness standard. This waiver may be used for individuals and families affected by the disaster, even if they are residing outside of the disaster area. *Note that HUD encourages grantees to set caps lower than the rent reasonable standard as appropriate.*

2. ESG – Housing Standards

Citation: 24 CFR 576.403(c)

Explanation: If ESG funds are used to help a program participant remain in or move into housing, the housing must meet the minimum habitability standards provided in 24 CFR 576.403(c).

Justification: This waiver is needed to enable ESG recipients to expeditiously meet the critical housing needs of many eligible individuals and families in the declared disaster area.

Applicability: The ESG housing standards at 24 CFR 576.403(c) are waived for units in the declared disaster area that are or will be occupied by individuals or families eligible for ESG Rapid Re-housing or Homelessness Prevention assistance, provided that:

1. Each unit must still meet applicable state and local standards;
2. Each unit must be free of life-threatening conditions as defined in Notice PIH 2017-20 (HA); and
3. Recipients must make sure all units in which program participants are assisted meet the ESG housing standards within 60 days of the date ***the recipient notifies HUD of its intent to use the waiver.***

3. ESG – Shelter Standards

Citation: 24 CFR 576.403(b)

Explanation: If ESG funds are used for shelter operations costs, the shelter must meet the minimum safety, sanitation, and privacy standards under 24 CFR 576.403(b). If ESG funds are used to convert a building into a shelter, rehabilitation a shelter, or otherwise renovate a shelter, the shelter must meet the minimum safety, sanitation, and privacy standards in 24 CFR 576.403(b) as well as applicable state or local government safety and sanitation standards.

Justification: This waiver is needed to enable ESG recipients to expeditiously meet the critical emergency shelter needs of many eligible individuals and families in the declared disaster area.

Applicability: The ESG shelter standards at 24 CFR 576.403(b) are waived for shelters in the declared disaster area that are or will be occupied by individuals and families eligible for ESG emergency shelter assistance, provided that:

1. Each shelter must meet applicable state and local standards;

2. Each shelter must be free of life-threatening conditions defined in Notice PIH 2017-20 (HA); and
3. Recipients must ensure that these shelters meet ESG shelter standards within 60 days of the date ***the recipient notifies HUD of its intent to use the waiver.***
4. ESG – Limited Waiver of 24-Month Expenditure Deadline for Rapid Re-housing and Homelessness Prevention Assistance and Related Administrative and HMIS Costs

Citation: 24 CFR 576.203(b)

Explanation: Section 576.203(b) of the ESG regulations requires all expenditures under an ESG grant to be made within 24 months after the date HUD signs the grant agreement with the recipient. For purposes of this requirement, expenditure means either an actual cash disbursement for a direct charge for a good or service or an indirect cost, or the accrual of a direct charge for a good or service or an indirect cost.

Justification: Providing a limited waiver of the expenditure deadline as described in the applicability paragraph below will support recipients' ability to assist individuals and families as provided by waivers 1 and 2 above and waiver 6 below. This includes assisting people affected by the disaster who are residing outside of the disaster area.

Applicability: The expenditure deadline is waived only for costs of providing homelessness prevention and rapid re-housing assistance to individuals and families under the flexibility provided by waivers 1, 2, and 6 in this memorandum and reasonable HMIS and administrative costs related to that assistance. This waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area. However, no expenditure may be made or charged to any grant on or after the date Treasury closes the relevant account as provided by 31 U.S.C. § 1552.

5. ESG – Assisting Program Participants with Subleases

Citations: 24 CFR 576.105 and 24 CFR 576.106

Explanation: The use of "owner" and "lease" in 24 CFR 576.105 and 576.106 prohibit program participants from receiving rental assistance under 24 CFR 576.106 and certain services under 24 CFR 576.105 with respect to units that program participants rent from a person other than the owner or the owner's agent.

Justification: By increasing the permissible housing options, including housing options outside the disaster declared area, for program participants, this waiver would allow the recipient to meet the critical housing needs of more eligible individuals and families who live in the declared-disaster area or were displaced from the declared-disaster area as a result of the disaster.

Applicability: The requirements in 24 CFR 576.105 and 576.106 are waived to the extent that the references to “owner” and “lease” in 24 CFR 576.105 and 576.106 restrict an individual or family from receiving assistance in a unit they rent from the primary leaseholder, provided that all of the following criteria are met:

1. The individual or family lives in the declared disaster area or was displaced from the declared disaster area as a result of the disaster;
2. The individual or family is currently receiving ESG-funded rental assistance as the leaseholder or housing relocation stabilization services or begins receiving rental assistance or housing relocation stabilization services within two years after the date ***the recipient notifies HUD of its intent to use the waiver***;
3. The individual or family chooses to rent a unit through a legally valid sublease or lease with the primary leaseholder for the unit; and
4. The recipient has developed written policies to apply the requirements of 24 CFR 576.105, 24 CFR 576.106, 24 CFR 576.409, and 24 CFR 576.500(h) with respect to that program participant by reading the references to “owner” and “housing owner” to apply to the primary leaseholder and reading the references to “lease” to apply to the program participant’s sublease or lease with the primary leaseholder.

This waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area, including by recipients operating rapid re-housing and homelessness prevention assistance outside of the declared-disaster area.

CONTINUUM OF CARE (COC) PROGRAM and YOUTH HOMELESSNESS DEMONSTRATION PROGRAM (YHDP)

Unless otherwise specified in the waiver, the following waivers are available to the CoC Program and YHDP recipients.

1. CoC and YHDP– One Year Lease Requirement

Citation: 24 CFR 578.3, definition of permanent housing, 24 CFR 578.51(l)(1)

Explanation: The CoC Program regulation at 24 CFR 578.3, definition of permanent housing, and 24 CFR 578.51(l)(1) requires program participants residing in permanent housing to be the tenant on a lease for a term of one year that is renewable and terminable only for cause.

Justification: Waiving the one-year lease requirement will allow program participants receiving PSH or RRH assistance under the CoC Program to enter into leases that have an initial term of less than one year, so long as the leases have an initial term of more than one month. While some program participants desire to identify new housing, many program participants displaced during the disaster desire to return to their original permanent housing units when repairs are complete because of proximity to schools and access to public transportation and services. This includes cases where the program participant moves outside of the declared disaster area for a period of time. Additionally, it will permit new program participants to identify permanent housing units in a tight rental market where many landlords prefer lease terms of less than one year and might not be willing to alter their policies regarding the length of lease terms when considering permanent housing applicants. Therefore, HUD had determined that waiving the one-year lease requirement will improve the housing options available to program participants in permanent housing projects.

Applicability: The one-year lease requirement is waived for two years beginning on the date ***the recipient notifies HUD of its intent to use the waiver***, so long as the initial lease term of all leases is for more than one month, and the leases are renewable for terms that are a minimum of one month long and the leases are terminable only for cause.

This waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

2. CoC and YHDP – One-time Limit on Moving Costs

Citation: 24 CFR 578.53(e)(2)

Explanation: The CoC Program regulation at 24 CFR 578.53(e)(2) limits recipients of supportive service funds to using those funds to pay for moving costs to provide reasonable moving assistance, including truck rental and hiring a moving company, to only one-time per program participant.

Justification: Waiving this provision will permit recipients to pay for reasonable moving costs for program participants more than once and will assist program participants affected by the disaster as well as those who become homeless in the areas impacted by the disaster to stabilize in housing locations of their choice, which may include locations outside of the declared disaster area. Many current

program participants received assistance moving into their assisted units prior to being displaced by the disaster, and experience with prior disasters has shown us some program participants will need additional assistance moving to a new unit while others will need assistance moving back to their original units after repairs are completed. Further, until the housing market stabilizes, experience has shown many program participants will need to move more than once during their participation in a program to find a unit that best meets their needs.

Applicability: The one-time limit on moving costs is waived for two years beginning on the date ***the recipient notifies HUD of its intent to use the waiver.***

This waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

3. CoC and YHDP – Fair Market Rent (FMR) Cap on Rent Paid with Leasing Funds

Citation: 24 CFR 578.49(b)(2)

Explanation: The CoC Program regulation at 24 CFR 578.49(b)(2) prohibits a recipient from using grant funds for leasing to pay above FMR when leasing individual units, even if the rent is reasonable when compared to other similar, unassisted units.

Justification: Waiving the limit on using leasing funds to pay above FMR for individual units above FMR, but not greater than reasonable rent, will provide recipients and subrecipients with more flexibility in identifying housing options for program participants in declared disaster areas. The rental markets in areas impacted by disasters are often more expensive after the disaster due to decreased housing stock and increased rents. Rents are likely to increase in areas outside of the declared disaster areas as people displaced by the disaster seek any available housing. These more expensive rents are not reflected in the HUD-determined FMRs.

Applicability: The FMR restriction is waived only for the 2-year period beginning with the date of this memo. The affected recipient or subrecipient must still ensure that rent paid for individual units that are leased with leasing dollars meet the rent reasonableness standard in 24 CFR 578.49(b)(2) meaning the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services. *Note that HUD encourages grantees to set caps lower than the rent reasonable standard as appropriate.*

This waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

4. CoC and YHDP – Disability Documentation for Permanent Supportive Housing (PSH)

Citation: 24 CFR 578.103(a) and 24 CFR 578.103(a)(4)(i)(B)

Explanation: The CoC Program regulation at 24 CFR 578.103(a) requires recipients to maintain records providing evidence they met program requirements and 24 CFR 578.103(a)(4)(i)(B) establishes the requirements for documenting disability for individuals and families that meet the “chronically homeless” definition in 24 CFR 578.3. Acceptable evidence of disability includes intake-staff recorded observations of disability no later than 45 days from the date of application for assistance, which is confirmed and accompanied by evidence in paragraphs 24 CFR 578.103(a)(4)(i)(B)(1), (2), (3), or (5). HUD is waiving the requirement to obtain additional evidence.

Justification: Waiving the requirement to obtain additional evidence of disability as provided in 24 CFR 578.103(a)(4)(i)(B)(4)) as specified below will allow recipient to house people impacted by the disaster by relying on intake staff-recorded observations of disability or a written self-certification by the program participant. This will help individuals and families with disabilities to expeditiously receive needed housing assistance when paperwork from the Social Security Administration or medical professionals cannot be quickly obtained.

Applicability: The requirement that intake-staff recorded observations of disability must be confirmed and accompanied by other evidence no later than 45 days from the date of application for assistance is waived for any program participant admitted into PSH funded by the CoC program 6 months from the date ***the recipient notifies HUD of its intent to use the waiver*** so long as one of the following requirements is met:

1. The intake-staff records of observations of disability must be in the client file at time of application; or
2. The individual seeking assistance provides written certification that they have a qualifying disability must be provided at time of application.

This waiver may be used for program participants affected by the disaster, even if they are residing outside of the disaster area.

ADDITIONAL INFORMATION

CPD Grantee Request for Additional Waivers

Grantees that are assisting CPD program beneficiaries and CPD program-eligible persons and their families displaced by the disaster may seek additional relief from the CPD program requirements beyond the waivers described in this memorandum. Such relief may be sought through the regular waiver process. If a grantee identifies such a need, it should contact the CPD Director in the appropriate HUD field office. Contact information for CPD field offices are available at: [HUD's Local Offices | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

CPD Field Office Directors Notification to CPD Program Offices

CPD Directors in receipt of notification from a grantee intending to use the waiver flexibilities listed in this memorandum should forward the grantee's mail or email notification to the appropriate CPD Headquarters program Office Director, noted below, within 14 days for statutory waiver-reporting purposes.

In addition, CPD Directors in receipt of notification from a grantee intending to use the ESG Limited Waiver of 24-Month Expenditure Deadline should notify the Director of the Office of Special Needs Assistance Programs (SNAPS) and should amend the applicable ESG (or ESG RUSH) grant agreement to reflect the new expenditure deadline.

Environmental Review Requirements

While environmental reviews cannot be waived, grantees are encouraged to maximize the available resources and opportunities to streamline their environmental and historic preservation review requirements as part of the mandated "Unified Federal Review" (UFR) and to ensure expeditious recovery. The UFR established a means for unified and expedited interagency review processes and ensure data and environmental analysis are shared across Agencies, Departments, and those with their delegated authorities to serve on their behalf. The UFR provides an opportunity to expedite environmental and historic preservation reviews that must be completed prior to the release of Federal assistance or permits to allow disaster recovery project to proceed without unnecessary delays and should be used to the greatest extent practicable in the recovery efforts. Additional resources can be found in the [UFR Library](#), or by contacting HUDEnvironmental@hud.gov.

CONTACT INFORMATION:

CPD grantees with questions concerning this memorandum should direct their inquiries to their local CPD Field Office. CPD Field Office staff should direct their questions to the following Headquarters program offices, as applicable.

- Office of Block Grant Assistance (OBGA) and Office of Affordable Housing (OAHP) at OAHP@hud.gov
- Office of Special Needs Assistance Programs (SNAPS) at Snapsinfo@hud.gov
- Office of HIV/AIDS Housing (OHH) at hopwa@hud.gov
- Office of Environment & Energy at HUDEnvironmental@hud.gov