

CHAPTER 4. CLEARANCE

4-1 **Objective.** To coordinate directives with organizations having a legitimate interest in them, to eliminate inconsistencies and duplications, and to ensure agreement on policy, budgetary, reporting, management, and other concerns.

4-2 **Responsibility.** The originating organization's DMO oversees the clearance of his/her organization's directives. The DMO ensures appropriate internal and Departmental clearance, adherence to deadlines, and documentation of approvals.

4-3 **General Requirements**

A. Originating offices must submit to reviewing offices, for clearance: proposed text; forms; appendices; and a [HUD-22](#), Departmental Clearance and Approval Record (Appendix 1). The sections on the [HUD-22](#) pertaining to Front-End Risk Analysis, information collection, regulatory flexibility environmental impact, proposed distribution, and pre-clearance activity must be completed. A [HUD-171](#), Clearance Log (Appendix 6), must also be prepared.

1. A form [HUD-22](#), Departmental Clearance and Approval Record, for each directive (handbook, revision, change, supplement, notice, special directive, etc.) is needed initially for approval to place the directive in Departmental clearance. The [HUD-22](#) must be signed by the originating Assistant Secretary (or equivalent) or his/her designee. Assistant Secretaries may delegate clearance authority to, but not below, Headquarters Office Directors.
2. The originating office must send a [HUD-171](#), Clearance Log, two copies of the directive, and the signed [HUD-22](#) to the DDMO when the directive is placed into clearance. Updated Log sheets should be sent to the DDMO each Friday until final approval is received. The DDMO will use the [HUD-171](#)s to provide clearance data for the automated DDMIS.

B. Each reviewing office may concur, nonconcur, or concur with comment. Nonconcurrency must be solely on specific problems within the reviewer's program authority or which impact its operations or areas affecting its responsibilities.

C. Both the originating office and the reviewing offices are responsible for expediting clearance.

1. Originating offices must:

a. Try to obtain basic agreement from prospective reviewers on major new policies and procedures before writing the directive;

b. Set clearance response deadlines as stated in paragraph 4-6A;

4-1

c. Submit only thoroughly edited copy that is ready to print; and

- d. Hand-carry directives to reviewers' offices (HQ only).
2. Reviewing offices must:
- a. Limit review to areas affecting their responsibility;
 - b. Begin review as soon as possible. Call the originator when they anticipate delay and when they finish the delayed review;
 - c. Preclude official nonconcurrence as much as possible by first working with the originator to revise objectionable material; and
 - d. Have Assistant Secretary or designee sign unresolved nonconcurrences. Delegations of this authority must be filed with the DDMO.

4-4 Headquarters Clearance

- A. All new and revised directives must be cleared with the Office of General Counsel (OGC), Office of Inspector General (OIG) and Office of Chief Information Officer (CIO).
 - B. Clear all directives with all offices concerned with or affected by the subject matter. Special attention should be paid to clearing the directives with those offices whose responsibilities cross program areas. Examples are:
 - 1. Assistant Secretary for Administration - directives that include reporting requirements, budget, staffing, personnel, training, finance, accounting, procurement, organizational, or productivity and management improvement matters. Directives that affect bargaining unit employees should be pre-cleared with the Office of Human Resources.
 - 2. Assistant Secretary for Policy Development and Research - directives that cover new or revised policies, economic and market analysis of Field Office economists, and research and program evaluation.
 - 3. Assistant Deputy Secretary for Field Policy and Management directives that involve field organizational structure, staffing or changes in policies and procedures of programs administered in the field.
 - 4. Assistant Secretary for Fair Housing and Equal Opportunity directives that involve housing and community development programs as related to (a) fair housing, (b) nondiscriminatory benefits, services, and participation, (c) collection of racial and ethnic data, and/or (d) equal employment opportunity/affirmative action or personnel concerns.
- 4-2
- 5. Assistant Secretary for Community Planning and Development - directives that require compliance with the National Environmental Policy Act of 1969, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and related

laws, as stated in HUD Handbook 1100.3 (subpara. 5-1.i) and HUD regulations 24 CFR 50.4 and 50.16.

4-5 **Field Clearance**

Headquarters program offices should pre-clear policy initiatives and/or changes with knowledgeable field managers to get direct operational input. Methods for pre-clearance may include, but are not limited to:

1. Conference calls;
2. Sending draft directives to Field for pre-clearance review; and
3. Field staff draft sections of directives when appropriate.

4-6 **Deadlines**

- A. The originating office's DMO fills in the response deadline (block 4) on the HUD-22 attached to all clearance copies going to reviewers. Allow at least 12 workdays for clearance. Directive Management Officers are reminded that more than the 12 workday standard must be allowed for review when a proposed directive is long or complex (especially directives involving either new programs or major changes to existing programs). DMOs are required to use the Directives Review System to expedite clearances. Directives should be hand-carried in Headquarters.
- B. Overdue organizations can request additional time from the originator to submit their comments. Under extreme time constraints, the originating office may print the directive without all concurrences, after inquiring of each overdue organization the reason(s) for the delay and, notifying the overdue organization in writing before proceeding.

4-7 **Nonconcurrences**

- A. Organizations submitting comments must clearly distinguish between nonconcurrency and concurrence comments.
- B. Reviewing offices must submit substantive nonconcurrences when they believe that adoption of their comments is essential, since only nonconcurrency comments have to be considered and resolved between the originating and nonconcurring organization(s).
- C. Reviewing offices nonconcurring on specific language must recommend alternative language, unless a meeting is required to discuss the nonconcurrency.

4-3

- D. Nonconcurrency changes required by a reviewer are subject to editing for clarity and organization; however, the originating office must let the reviewer approve the final version for accuracy.

E. The originating office should immediately attempt to resolve the nonconcurrences and, if resolution is not possible, elevate to the Assistant Secretary or his/her equivalent. The Assistant Secretary should attempt to resolve the nonconcurrences with his/her counterparts. If the attempt is unsuccessful, the Deputy Secretary should make the final decision.

F. The DMO's official file on the directive must document lifted nonconcurrences.

4-8 **Reclearance.** If a directive has been revised for other than editorial or minor changes during clearance, the originator must resubmit the draft directive for reclearance to reviewers whose programs are affected.

4-9 **Final Approval.** The originating office prepares camera-ready copy of the final text and attaches a transmittal form as prescribed in Appendix 2. This package goes to the DMO for final processing. The DMO must review the clearance record, directive, and related background documents to make sure that all required clearances have been obtained, nonconcurrences have been resolved, and failures to respond are explained.