



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

ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT

This document has been  
signed by  
**Pamela H. Patenaude**

MEMORANDUM FOR: All CPD Field Office Division Directors

FROM: Pamela H. Patenaude, Assistant Secretary, D

SUBJECT: Guidance on Use of Emergency Shelter Grants Program Funds  
and Waiver of ESG Requirements to Facilitate Assistance to  
Persons Displaced by Hurricane Katrina

Hurricane Katrina devastated many communities along the Gulf Coast of Alabama, Mississippi, and Louisiana, and displaced residents in numbers unprecedented in our nation's history. Many ESG recipients across the country are "receiving communities" that are providing shelter to evacuees. A number of these recipients have inquired about waivers of ESG Program requirements to facilitate the provision of assistance to these individuals and families with ESG Program funds.

By this memorandum HUD is waiving specific ESG requirements for ESG awarded jurisdictions in areas that President Bush has declared to be major disaster areas under Title IV of the Robert T. Stafford Act and for receiving communities providing shelter to evacuees.

In light of the mass displacement of individuals and families, I find that there is good cause for waiver of requirements to facilitate ESG recipients' efforts to serve critical emergency housing and/or service needs of the displaced. Pursuant to the provisions of 24 CFR 5.110, I hereby waive the following requirements in connection with ESG assistance provided to persons displaced by Hurricane Katrina:

Requirement: Citizen Participation for Consolidated Plan Amendment

Regulatory Citations: 24 CFR 91.105(c)(2) and (k) (Local Governments), 24 CFR 91.115(c) and (i) (States)

Explanation: When proposing a substantial amendment to its Consolidated Plan, a grantee must provide a period of not less than 30 days to allow citizens and public interest groups to comment on the proposed amendment(s). This waiver will permit grantees amending their plans as a result of

Hurricane Katrina to reduce the comment period to 3 days. A waiver is not needed for non-substantial changes in plans.

Justification: This waiver is required to permit ESG grantees, especially “receiving communities,” to reprogram ESG funds to provide emergency shelters and other essential services to evacuees.

Requirement: Definitions

Regulatory citation: 24 CFR 576.3

Explanation: The Secretary may waive the definition of “emergency shelter” so that it is not limited to “facilities.”

Justification: The current definition prevents the use of conventional housing owned by private sector landlords from being used as short-term emergency and transitional shelter resources. Because of the scope of this disaster, HUD should provide maximum flexibility to grantees to meet their emergency housing needs.

Requirement: Deadlines for using grant amounts

Regulatory Citations: 24 CFR 576.35

Explanation: Waive obligation and expenditure requirements as listed in (a) and (b) for a period of up to one year (subject to any applicable statutory limitations). States must currently make the funds available for use within 65 days, obligate them within 180 days and spend them within 24 months. Entitlement communities must spend funds within 24 months.

Justification: This waiver will enable grantees to retain their funds while homeless providers and their communities seek to rebuild service delivery systems in the wake of the Katrina disaster.

\*Within the citation 24 CFR 576.35, (a) refers to States and (b) refers to Formula cities, and counties, territories, and Indian tribes respectively.

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