



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

ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT

MEMORANDUM FOR: State of Tennessee for Disasters Occurring in 2020 and 2021  
(Allocations announced in the February 2022 Notice, May 2022  
Notice, and January 2023 Notice); Community Planning and  
Development Field Office Directors, Deputy Directors, Regional  
Directors, and Program Managers.

FROM: Ronald J. Kurtz, Assistant Secretary for  
Community Planning and Development, D\_\_\_\_\_/s/\_\_\_\_

SUBJECT: Application of the Universal Notice (State of Tennessee Only)

APPLICABILITY DATE: February 3, 2026

PURPOSE

This memorandum provides a waiver and alternative requirement allowing the State of Tennessee to apply the requirements in the Universal Notice to the State's Community Development Block Grant Disaster Recovery (CDBG-DR) grants for disasters occurring in 2020 and 2021. This memorandum applies to the following CDBG-DR grants allocated to the State of Tennessee:

- 1) CDBG-DR allocation for disasters occurring in 2020 funded by Pub. L. 117-43 and subject to the requirements published in the *Federal Register* at 87 FR 6364 on February 3, 2022 (the "February 2022 Notice"), as modified by the *Federal Register* notice at 87 FR 31636 published on May 24, 2022 (the "May 2022 Notice"), Memorandum 22-01 published on December 7, 2022, the *Federal Register* notice at 88 FR 3198 published on January 18, 2023 (the "January 2023 Notice"), and the *Federal Register* notice at 88 FR 32046 published on May 18, 2023 (the "May 2023 Notice"). The February 2022 Notice included the Consolidated Notice as Appendix B and made the Consolidated Notice, as amended by the above referenced notices and memorandum, applicable to the grants announced in the February 2022 Notice.
- 2) CDBG-DR allocation for a disaster occurring in 2021 funded by Pub. L. 117-43 and subject to the requirements in the May 2022 Notice, as modified by Memorandum 22-01 published on December 7, 2022, the January 2023 Notice, and the May 2023 Notice. The May 2022 Notice included the Consolidated Notice as Appendix B and made the Consolidated Notice, as amended by the above referenced notices and memorandum, applicable to the grants announced in the May 2022 Notice.
- 3) CDBG-DR allocation for a disaster occurring in 2021 funded by Pub. L. 117-180 and subject to the requirements in the January 2023 Notice, as modified by the May 2023 Notice. The January 2023 Notice included the Consolidated Notice as Appendix B and made the Consolidated Notice, as amended by the above referenced notices, applicable to

the grants announced in the January 2023 Notice.

## WAIVER AND ALTERNATIVE REQUIREMENT AUTHORITY

With certain exceptions, the Appropriations Acts cited above authorize the Secretary to waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary, or use by the recipient, of grant funds. In particular, the Appropriations Acts waiver and alternative requirement authority does not extend to requirements related to fair housing, nondiscrimination, labor standards, and the environment. The Department of Housing and Urban Development (HUD) may also exercise regulatory waiver authority under 24 CFR 5.110, 91.600, and 570.5.

The Appropriations Acts require the Secretary to publish any waiver or alternative requirement either via the *Federal Register* or the Department's website no later than five days before the effective date of such waiver or alternative requirement. HUD is exercising its authority to publish this memorandum on the Department's website: [CDBG-DR Laws, Regulations, and Federal Register Notices](#).

The waiver and alternative requirement authorized in this memorandum is based upon a determination by the Secretary that good cause exists, and the waiver and alternative requirement is not inconsistent with the overall purposes of Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) (HCDA). The basis for the waiver and alternative requirement is summarized below.

### **Waiver and Alternative Requirement to Apply the Universal Notice (State of Tennessee only)**

#### Background

All CDBG-DR funds are governed by the requirements outlined in the applicable *Federal Register* notice(s) and memoranda. However, HUD permits grantees to request waivers and alternative requirements to better align requirements across grants, as long as good cause is provided.

The Department received a request and justification of good cause from the State of Tennessee to waive the requirements of the Consolidated Notice, the February 2022 Notice, the May 2022 Notice, and the January 2023 Notice for its 2020 and 2021 disaster funds to the extent necessary, and adopt as an alternative the requirements in the notice titled *Common Application, Waivers, and Alternative Requirements for Community Development Block Grant Disaster Recovery Grantees: The Universal Notice*, published on January 8, 2025, at 90 FR 1754, as

amended by Memorandums 25-02<sup>1</sup> and 25-03<sup>2</sup> (“The Universal Notice”).

After the State of Tennessee was awarded CDBG-DR funds for 2020 and 2021 disasters through the Appropriations Acts, the State was impacted by two presidentially declared disasters in December 2023 and September 2024 and subsequently received a CDBG-DR award through Pub. L. 118-158. HUD announced the availability of the funds for the State of Tennessee’s 2023 and 2024 disasters in the *Federal Register* notice published on January 16, 2025, at 90 FR 4759 and made the funds subject to the requirements of the Universal Notice, including sections I through V and appendices A through C.

As noted in the State of Tennessee’s request, this waiver and alternative requirement will reduce administrative burden by aligning the requirements applicable to the State’s CDBG-DR funds for disasters occurring in 2020 and 2021 with the Universal Notice’s requirements that apply to the State’s CDBG-DR allocation for disasters occurring in 2023 and 2024.

### **HUD’s Determination**

After reviewing the grantee’s request and based on the good cause provided above, the Department finds there is good cause to waive the requirements of sections II, III, and IV of the February 2022 Notice, May 2022 Notice, and January 2023 Notice, and the Consolidated Notice at Appendix B, as modified, and to create an alternative requirement to apply the requirements of sections I, II, and III and appendices A, B, and C of the Universal Notice, as may be amended, for all funds provided under the Appropriations Acts for the State of Tennessee *only*.

Notwithstanding this waiver, the State of Tennessee may continue to use a single Action Plan that includes the allocations announced in the February 2022 Notice, May 2022 Notice, and January 2023 Notice, as permitted in section II.A. of the January 2023 Notice.

However, under this alternative requirement, the State of Tennessee must comply with the Universal Notice by revising or further developing its Action Plan to align with the criteria outlined in section I.C.1. Additionally, the State must ensure that its program-specific policies and procedures are consistent with the requirements set forth in section III.A., as appropriate.

Before implementing any provisions from the Universal Notice that were not previously included in the State of Tennessee’s applicable grant requirements, the State must submit a substantial amendment to its Action Plan and post updated program-specific policies and procedures on its official disaster recovery website.

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<sup>1</sup> Memorandum 25-02, “Revisions made to the Common Application, Waivers, and Alternative Requirements for Community Development Block Grant Disaster Recovery Grantees: The Universal Notice published in the Federal Register (90 FR 1754) and Clarifications to the Allocations for Community Development Block Grant Disaster Recovery and Implementation of the CDBG–DR Consolidated Waivers and Alternative Requirements Notice Published in the Federal Register (90 FR 4759),” published on March 19, 2025. Found at <https://www.hud.gov/sites/dfiles/CPD/documents/CPDUniversalnotice.pdf>

<sup>2</sup> Memorandum 25-03, “Revisions made to the Common Application, Waivers, and Alternative Requirements for Community Development Block Grant Disaster Recovery Grantees: The Universal Notice published in the Federal Register (90 FR 1754),” published on March 31, 2025. Found at <https://www.hud.gov/sites/default/files/CPD/documents/CDBG-DR/3-31-2025UniversalNoticeChangesMemo.pdf>

Because the State of Tennessee submitted certifications that complied with section III.F.7. of the Consolidated Notice and satisfied the requirements at section II of the Universal Notice, and the Secretary has already certified that the State has adequate financial controls and procurement processes, and procedures for proper grant management, the State does not need to resubmit any documentation for those specific requirements.

FOR FURTHER INFORMATION CONTACT

Gerilee W. Bennett, Acting Director, Office of Disaster Recovery, Department of Housing and Urban Development, 451 7th Street SW, Room 7282, Washington, DC 20410, telephone number 202-708-3587. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. Email inquiries may be sent to [Disaster Recovery@hud.gov](mailto:Disaster_Recovery@hud.gov).