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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**Solicitation of Public Comment for Project-Specific Build America, Buy America Nonavailability Waiver Proposal**

**SUBJECT: Under Evaluation: Project-Specific Nonavailability Waiver of Build America Buy America Act (BABA) Requirements to the Hunt Ridge Apartments for Electrical Devices, HVAC Equipment, Lighting, Smoke Detectors, Breakers, and Door Hardware (HUD Waiver #W-0000467)**

## Introduction

This solicitation of public comment by the U.S. Department of Housing and Urban Development (HUD) is to evaluate a BABA waiver request submitted by an assistance recipient based on nonavailability of a multiple products for a single project.

This solicitation of public comment does not represent a final agency decision. The purpose of this proposal is to inquire whether potential alternative domestic products may be available that were not identified by the assistance recipient or through HUD's domestic product research efforts, and whether other factors should be considered in the evaluation of a waiver.

HUD has completed its market research efforts and was unable to identify alternative domestic products meeting the technical specifications of the project, in sufficient and reasonably available quantities and of a satisfactory quality. Through this public comment period, commenters may provide information that indicates a waiver may not be needed. For example, if a specified item is found to be domestically available, HUD would not issue a final waiver.

## Solicitation of Public Comment

The proposed waiver will be posted on HUD's public facing webpage and a notice of the proposed waiver will also be posted to the Made in America website, to satisfy the requirement to publish any BABA project waiver and provide the public with fifteen (15) days to submit comments. HUD is seeking public and industry comments from all interested parties and encouraging current manufacturers of the subject products to submit comments regarding potential availability. Public comments on this waiver should be submitted to BuildAmericaBuyAmerica@hud.gov. Please reference HUD Waiver #W-0000467 in the subject line.

## Background

The Buy America Preference set forth in section 70914 of BABA included in the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. No. 117-58), requires that all iron, steel, manufactured products, and construction materials used for infrastructure projects under Federal financial assistance awards be produced in the United States.

Under section 70914(b), HUD may waive the application of the Buy America Preference (BAP), in any case in which it finds that: applying the domestic content procurement preference would be

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inconsistent with the public interest; types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or the inclusion of iron, steel, manufactured products, or construction materials produced in the United States would increase the cost of the overall project by more than twenty-five (25) percent. All waivers must have a written explanation for the proposed determination; provide a period of not less than fifteen (15) days for public comment on the waiver; and be submitted to the Office of Management and Budget's (OMB) Made in America Office for review to determine if the waiver is consistent with policy.

**Summary**

Proposed Waiver: HUD is soliciting comments regarding whether to issue a project waiver of the requirements of section 70914 of BABA included in the IIJA, for multiple products in an infrastructure project funded through the HOME Investment Partnerships Program (HOME).

Waiver Type: Nonavailability of domestic products in sufficient and reasonably available quantities or of a satisfactory quality.

Waiver Level and Scope: Project-level waiver for multiple products for a single project. No other project will utilize the waiver.

Proposed Waiver Description: Project-specific nonavailability waiver of BABA requirements to the Hunt Ridge Apartments affordable housing project in Lexington, Virginia for multiple products.

Project Summary: The project is in Lexington, Virginia. The project consists of rehabilitation of 70 apartments for individuals, seniors, and families earning incomes at or below 60% of the area median income.

Length of the Waiver: From the effective date of the final waiver until the completion of the project, which is anticipated to be October 31, 2028.

Items Covered in Waiver: The Virginia Department of Housing and Community Development is seeking a waiver for multiple products, as described in detail below:

Electrical Devices Package

| Item | NAICS | PSC | Country of Origin | Technical Specifications |
|---|---|---|---|---|
| 15 A Breakers | 335313 | 5925 | Mexico | 15-Amp single- pole Combination Arc Fault Circuit Interrupter (CAFCI) plug-on circuit breaker rated for 120V AC (10 kAIC). |

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|---|---|---|---|---|
| 20 A Breakers | 335313 | 5925 | Mexico | 20-Amp single- pole Combination Arc Fault Circuit Interrupter (CAFCI) plug-on circuit breaker rated for 120V AC (10 kAIC). |
| 15 Amp GFCI Receptacle | 335931 | 5935 | Mexico | 15A, 125V Tamper-Resistant Self-Test GFCI Receptacle, White. |
| 20 Amp Receptacle USB | 335931 | 5935 | Mexico | 20A, 125V Heavy-Duty Duplex Receptacle with integrated Type A & Type C USB Chargers, White. |
| 20 Amp GFCI Receptacle | 335931 | 5935 | Mexico | 20A, 125V Tamper-Resistant Self-Test GFCI Receptacle, White. |
| 15 A 3WR receptacle USB | 335931 | 5935 | Mexico | 15A, 125V Tamper- Resistant & Weather- Resistant Duplex Receptacle with USB Charger, White. |

HVAC Equipment Package

| Item | NAICS | PSC | Country of Origin | Technical Specifications |
|---|---|---|---|---|
| 1.5-Ton Multi-Position Double-Insulated Air Handler Unit | 333415 | 4120 | China | 1.5-Ton (18,000 BTU) multi-position, double-insulated air handler unit optimized for eco- friendly low-GWP R- 454B refrigerant. |
| 1.5-Ton Inverter Heat Pump Outdoor Unit | 333415 | 4120 | China | 1.5-Ton (18,000 BTU) high-efficiency inverter heat pump outdoor unit utilizing R-454B refrigerant for low-ambient heating. |
| 2.0-Ton Multi-Position Double-Insulated Air Handler Unit | 333415 | 4120 | China | 2.0-Ton (24,000 BTU) multi-position, double-insulated air handler unit optimized for eco- friendly low-GWP R- 454B refrigerant. |
| 2.0-Ton Inverter Heat Pump Outdoor Unit | 333415 | 4120 | China | 2.0-Ton (24,000 BTU) high-efficiency inverter heat pump outdoor unit utilizing R-454B refrigerant for low-ambient heating. |

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| Dual in / Exhaust Hood 435250 | 333415 | 4120 | China | Combination intake/exhaust wall vent cap hood designed for balanced ventilation and moisture/air management. |
| Dehumidifiers | 333415 | 4120 | China | High-efficiency 50- pint per day whole-home/crawlspace compressor dehumidifier with digital controls and MERV 8 filtration. |

Lighting Package

| Item | NAICS | PSC | Country of Origin | Technical Specifications |
|---|---|---|---|---|
| Commercial CCT-Selectable Indoor LED Light Fixture | 335132 | 6210 | China | Multi-CCT selectable indoor commercial LED light fixture offering field- adjustable color temperatures and high-efficacy output. |
| Flush-Mount Ceiling LED Light Fixture | 335132 | 6210 | China | Low-profile flush- mount ceiling LED light fixture with a textured white acrylic shade and corrosion- resistant housing. |
| CCT-Selectable LED Vanity Light Fixture | 335132 | 6210 | China | Architectural brushed nickel LED vanity light fixture featuring field- selectable CCT and universal voltage input (120-277V). |
| Surface/Recessed CCT-Selectable LED Light Fixture | 335132 | 6210 | China | Surface or recessed mounted LED fixture with 5-CCT selectable technology and energy-efficient light distribution. |
| Flush-Mount Ceiling LED Light Fixture | 335132 | 6210 | China | Low-profile flush- mount ceiling LED light fixture with a textured white acrylic shade and corrosion- resistant housing. |

Smoke Detectors Package

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| Item | NAICS | PSC | Country of Origin | Technical Specifications |
|---|---|---|---|---|
| SMI 100 AC-Smoke Detectors | 334290 | 6350 | Mexico | 120V AC hardwired smoke detector featuring photoelectric sensing technology, battery backup, and interconnectivity. |

Breakers Package

| Item | NAICS | PSC | Country of Origin | Technical Specifications |
|---|---|---|---|---|
| 15 Amp Arc Fault Circuit Breaker, BRN115AFC | 335313 | 5925 | Dominican Republic | 15A single-pole Combination Arc Fault (AFCI) plug-on neutral circuit breaker rated for 10 kAIC short-circuit interrupting capacity. |
| 20 Amp Arc Fault Circuit Breaker, BRP120AF | 335313 | 5925 | Dominican Republic | 20A single-pole Combination Arc Fault (AFCI) plug-on neutral circuit breaker rated for 10 kAIC short-circuit interrupting capacity. |

Door Hardware Package

| Item | NAICS | PSC | Country of Origin | Technical Specifications |
|---|---|---|---|---|
| 660, Satin Nickel, Smart Key Deadbolt | 332510 | 5340 | Mexico | Single-cylinder deadbolt featuring SmartKey Security re-key technology in a Satin Nickel finish. |
| Satin Nickel, Passage Leverset | 332510 | 5340 | Mexico | Non-locking interior door leverset for hallway and closet doors in a Satin Nickel finish. |
| Satin Nickel, Privacy Leverset | 332510 | 5340 | Mexico | Interior locking door leverset for bedroom and bathroom doors in a Satin Nickel finish. |
| Satin Nickel, Dummy Lever | 332510 | 5340 | Mexico | Non-functioning surface- mounted lever for pull-only interior doors in a Satin Nickel finish. |
| Satin Nickel, Keyed Leverset | 332510 | 5340 | Mexico | Keyed entry door leverset with SmartKey Security for exterior/entry doors in a Satin Nickel finish. |

**Description of Efforts Made to Avoid the Need for a Waiver**

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Both the grantee and HUD made every effort to obtain a domestically produced products.

The grantee completed market research between June 11, 2026, and September 19th, 2026 which consisted of outreach to three (3) manufacturers or suppliers of multiple products. None of the manufacturers or suppliers were able to provide BABA-compliant products that met the technical specifications of the project.

HUD conducted an online search of manufacturers and suppliers and did not locate any manufacturers or suppliers that could provide BABA-compliant products.

**Anticipated Impact if No Waiver is Issued**

Failure to grant a waiver for this project would result in the inability of the developer to install the required multiple products.

**Assessment of Cost Advantage of a Foreign-Sourced Product** Under OMB M-24-02, agencies are expected to assess "whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products" as appropriate before granting a public interest waiver. HUD has concluded that this assessment is not applicable to this waiver as this waiver is not based on the cost of foreign-sourced products.

**Description of Award**

Agency: United States Department of Housing and Urban Development (HUD)

Common Governmentwide Accounting Classification (CGAC) Code: 086

Title of Project: Hunt Ridge Apartments

Recipient Name: Virginia Department of Housing and Community Development

Unique Entity Identifier (UEI): Q85SYD73U1A5

Federal Award Identification Number (FAIN): M-25-SG-51-0100

Financial Assistance Listing Name: HOME Investment Partnerships Program (HOME)

Assistance Listing Number: 14.239

Federal Financial Assistance Funding Amount: $1,000,000

Total Estimated Infrastructure Expenditures: $18,902,029

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