

# CDBG Redelegation of Authority to Waiver Submission Dates

April 6, 1990

Special Attention of: Notice: CPD-90-17

All Regional Administrators Issued: April 6, 1990  
All Regional CPD Directors Expires: April 6, 1991  
All Field Office Managers  
All Field Office CPD Directors Cross References:

## **SUBJECT: HUD Reform Act of 1989 Community Development Block Grant Entitlement Program Redelegation of Authority To Waiver Submission Dates**

On December 15, 1989, Congress enacted Public Law 101-235, known as the Department of Housing and Development Reform Act of 1989. This Act was designed to raise ethical, management, and financial standards in the programs, activities, and projects administered by the Department.

Section 106 of the HUD Reform Act amended section 7 of the Department of Housing and Urban Development Act by adding a new subsection on waiver of regulation requirements and handbook provisions. This amendment, among other things, significantly modified the procedure for granting waivers of Departmental regulations and the authority to grant waivers. Only individuals of Assistant Secretary rank or equivalent rank may now approve waivers.

Therefore, the authority previously redelegated to Regional and Field Offices to waive the timing requirements in the regulations for the following submissions required for the CDBG entitlement program has been rescinded:

1. Final Statements;
2. Three-year and annual Housing Assistance Plans;
3. Housing Assistance Plan Performance Reports;
4. Grantee Performance Reports; and
5. Audit Reports.

Regional Field Offices must submit all waiver requests for extensions of submission deadlines to Headquarters. Waivers cannot be granted after the submission deadline. It is therefore extremely important that grantee be advised to act promptly when it is apparent that a submission deadline cannot be met. Grantees should also be advised that they must submit adequate information for HUD to

determine whether there is a sufficient basis to grant the waiver. Waiver requests can only be granted in instances where the standards under 24 CFR 570.5 are met.

Each waiver request must include the following information:

1. Identification of the regulatory provision for which a waiver is requested;
2. An explanation of how the requirements under 24 CFR 570.5 for a waiver are satisfied; and
3. The Field Office's recommendation to approve or deny the request.

The Office of Field Operations and Monitoring (OFOM) is designated the point of coordination for all waiver requests. OFOM will receive all waiver requests, assign them to appropriate program offices, and will track and review final recommendations for approval. This coordination procedure will facilitate implementation of pertinent requirements, including the requirement to notify the public of all waivers of regulations approved by the Department. Notifications must now be published not less than quarterly in the Federal Register and must include a brief description of the grounds for approval of each waiver.

Field Offices are to make a finding when any required CDBG submission is made after a regulatory deadline and a waiver was not granted before such deadline. Field Offices are to request that grantees take appropriate corrective or remedial action to prevent recurrence of violations.

Any questions or concerns related to the policy guidance contained in this Notice may be directed to the Entitlement Cities Division in Headquarters at (FTS) 755-5977.