



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

ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

MEMORADUM FOR: All Community Planning and Development Field Office Directors, Deputy Directors and Program Managers

FROM: John Gibbs, Assistant Secretary, Acting, D

SUBJECT: Availability of a Waiver and Alternate Requirement for the Consolidated Annual Performance and Evaluation Report (Performance Report) for Community Planning and Development (CPD) Grant Programs in Response to the Spread of Coronavirus

This memorandum authorizes and explains a waiver of the regulatory requirement at 24 CFR 91.520(a), that within 90-days of the end of a jurisdiction's program year a grantee shall submit to HUD a performance report known as the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER is associated with several CPD grant programs. Please disseminate this memorandum to all affected grantees.

As a result of the COVID-19 virus, a majority of States have declared a state of emergency with most shutting down large gathering places and limiting the movement of residents. More State and local governments are operating under extenuating circumstances and may need additional time for certain administrative requirements.

Under the authority of 24 CFR 5.110 and 24 CFR 91.600, HUD may, upon a determination of good cause and subject to statutory limitations, waive regulatory provisions. As Acting Assistant Secretary for Community Planning and Development, I have determined that there is good cause to waive the following regulatory requirement for the program year 2019 CAPER, subject to the condition that grantees comply with the modified requirement in the applicability section below:

- Requirement:** The Consolidated Annual Performance and Evaluation Report (performance report) submission to HUD within 90 days after the close of a jurisdiction's program year.
- Citation:** 24 CFR 91.520(a).
- Explanation:** The regulation at 24 CFR 91.520(a) requires each grantee to submit a performance report to HUD within 90 days after the close of the grantee's program year.
- Justification:** Under the authority at 24 CFR 91.600, HUD is authorized to waive this requirement when a determination of good cause is made and supported by documentation. Given the outbreak of the coronavirus known as SARS-CoV-2 and the extenuating circumstances placed on state and local governments, and citizens, HUD has determined that there is good cause for

waiving this provision. The extenuating circumstances and administrative strain supporting this waiver are well documented in the broad public news coverage related to the outbreak.

Applicability: For program year 2019 CAPERs, the requirement that grantees submit a performance report within 90 days after the close of a jurisdiction's program year is waived, subject to the condition that within 180 days after the close of a jurisdiction's program year the jurisdiction shall submit its performance report.

We appreciate your efforts in this challenging time. If you need additional information regarding this waiver, please contact your Headquarters program office desk officer(s).