



**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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<b>Special Attention of</b>	<b>TRANSMITTAL for Handbook No. 000.2 REV-4</b>
<b>Directives Management Officers</b>	<b>Issued</b>

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1. This transmits: A revised handbook 000.2 REV- 4 HUD Directives System.
2. Summary: This handbook has been revised to update policies, procedures, and clearance responsibilities.
3. Filing instructions:

Remove:

Handbook 000.2 REV-3 dated 3/2012

Insert:

Handbook 0002.REV-4, dated 1/2025

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## Introduction

Directives are communications relaying important information or guidance about HUD programs, policy, or operations.<sup>1</sup> Directives are addressed to HUD's constituents or HUD employees. These communications are issued under the authority of the Secretary and Deputy Secretary, even though individual directives are not always approved by the Secretary or Deputy Secretary prior to issuance. It is imperative that directives are cleared within the Department to ensure coordination with existing policy, compliance with other HUD or federal actions, legal sufficiency, and consistency with Administration positions, as applicable.

Directives include documents such as handbooks, mortgagee letters, and notices, but may also be other forms of communications that provide guidance. Directives include documents such as handbooks, mortgagee letters, notices, , congressional reports, Paperwork Reduction Act (PRA) submissions, Research reports that provide detailed information, analysis, or findings on specific topics, but also may be other forms of communication that provide guidance.

The Office of the Executive Secretariat (Exec Sec) manages and verifies the process for clearing proposed directives, supports and maintains the Clearance Calendar, and provides regular training related to the clearance process. Any issues or proposed changes to the clearance process should be directed to Exec Sec at [HUDClearances@hud.gov](mailto:HUDClearances@hud.gov).

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<sup>1</sup> Not all program, policy, or operational guidance is cleared via the directives process; however, the Secretary, Deputy Secretary, and Exec Sec reserve the right to ensure compliance.

## Section A: HUD's Directives Management System

**A-1 Authority:** HUD's directives management system is maintained pursuant to section 3(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3532(a)), and in compliance with 44 U.S.C. Chapter 29 (Records Management by the Archivist of the United States and by the Administrator of General Services), as implemented by the regulations of the National Archives and Records Administration (NARA) at 36 CFR part 1222.

The HUD directives management system reflects the concurrent authority of the Secretary and Deputy Secretary to supervise the Department's administration. The Secretary and Deputy Secretary have designated Exec Sec with the oversight of the processes outlined in this handbook; however, both the Secretary and Deputy Secretary reserve the right to oversee the process for specific directives.

**A-2 Definition of directive:** A directive is any communication through which HUD provides guidance on how to comply with statutes, regulations, and other legally applicable requirements. Directives generally supplement or elaborate upon existing regulatory or statutory requirements that pertain to HUD programs or operations. Directives do not impose binding requirements on HUD's constituents unless there is statutory or regulatory authority for a directive containing such requirements.

Directives encompass a variety of documents and communication forms that provide information or guidance. These include:

1. Handbooks: Comprehensive guides detailing policies, procedures, and standards.
2. Mortgagee Letters: Official letters addressing mortgage-related policies and updates.
3. Notices: Formal announcements or notifications regarding changes, updates, or important information.
4. Email Blasts: Mass emails sent to disseminate information quickly to a wide audience.
5. Congressional Reports: Documents prepared for Congress, often containing data, analysis, and recommendations.
6. PRA's (Paperwork Reduction Act Submissions): Documents related to the submission and approval process for information collection under the Paperwork Reduction Act.
7. Reports: Various reports that provide detailed information, analysis, or findings on specific topics or issues, but there may also be other forms of communications that provide guidance.

The stakeholders to whom directives are issued include, but are not limited to, public housing agencies (PHAs), states, local jurisdictions, multifamily property owners, lenders, and HUD employees. For further distinction, see Section B: Types of Directives.

Guidance in this handbook does not apply to documents published in the Federal Register (FR), as those documents are not considered directives. Items that require publication in the FR, as determined by the Office of General Counsel, may be prescribed by statutes, including the Administrative Procedure Act, or by executive order. Additionally, HUD may choose to publish documents in the FR even if not legally required to ensure broad public notice. The process for clearing FR publications is managed by the Office of Legislation and Regulations in the Office of General Counsel (OGC).

FR documents may provide for the issuance of future supplemental guidance, which would be treated as a “directive” subject to this handbook. The distinction between rules and guidance is not always clear. Consult with OGC for additional directions in determining if rulemaking is necessary or if a document should be published in the FR. See Appendix A, item 4 for additional information.

**A-3 Objectives:** The HUD Directives Handbook is designed to ensure that:

1. Officials and employees administering HUD programs have accurate, complete, and concise instructions on procedures for communicating program policies;
2. HUD stakeholders have clear, instructive, and helpful information to comply with the applicable requirements and procedures for HUD programs;
3. Directives reflect the comprehensive policy determination of the Department and do not confuse the user's ability to comply with federal requirements;
4. HUD directives are developed, cleared, and issued in accordance with all applicable legal authorities and in accordance with this handbook;
5. The content, organization, and format of directives allow for information to be easily located, understood, and used by HUD stakeholders and HUD employees;
6. Program offices' Directives Management Officers (DMOs) have the guidance necessary to meet their responsibilities to keep directives current, include accurate information essential to program delivery, and cancel the directive when no longer useful;
7. HUD directives meet the requirements of the Plain Writing Act of 2010. See [Law and requirements | plainlanguage.gov](#); and
8. There is an established directives process that serves as the basis for regular training to the appropriate staff and reviewing offices regarding the departmental clearance process requirements.

**A-4 Departmental Responsibilities:** The Executive Secretariat (Exec Sec) holds lead responsibility for oversight of the HUD directives management system, including compliance with this handbook and exceptions hereto. Exec Sec and HUD officials hold various levels of responsibilities, starting with HUD's Secretary, and concluding with the DMO for each HUD office.

**1. Office of the Secretary or Office of the Deputy Secretary:**

- a. Approves directives issued by the Secretary or Deputy Secretary's Office;
- b. Issues major policy and/or procedural guidance that pertains to the Department's overall mission; and
- c. The Secretary, the Deputy Secretary, or their designee resolves irreconcilable differences among Assistant Secretaries, office heads, or equivalent, hereafter referred to as "HUD Principals" concerning proposed policies.

**2. The Executive Secretariat (Exec Sec):**

- a. Advises program offices on requirements of the directives management system, as required by this handbook;
- b. Provides technical support and regular training for the Departmental clearance process and Clearance Calendar;
- c. On an as needed basis, provides assistance to program offices, to include interpreting directive requirements outlined in this handbook; helping document originators plan, develop, and coordinate their office directives; and assisting with technical questions about the Departmental Clearance tool;
- d. Controls subject classification numbers and assigns office codes within the directives management system;
- e. Monitors HUD directives through the Clearance Calendar by confirming that the appropriate documents are included in each clearance item;
- f. Enforces minimum timelines for clearance reviews, and reviews expedited clearances to ensure requests are reasonable and fair to reviewing offices;
- g. Issues waivers to the directives process on a case-by-case basis;
- h. Submits cleared directives document(s) to the HUD Clips manager;
- i. Calls attention to serious handbook violations and/or consistent patterns of noncompliance. If the issue cannot be resolved with the HUD Principal of the offending office, Exec Sec will alert the Secretary and Deputy Secretary;

- j. Maintains the list of active users listed in the Clearance Calendar to include DMOs, alternates, officials with authority to provide their office’s clearance response, and designees; and
  - k. Prepares quarterly metric reports for DMOs to include the age of directives, performance by offices in updating directives, timeliness of clearance response submissions, and other directive management provisions.
3. **Assistant Secretaries, office heads, or equivalent (hereafter “HUD Principals”):**
- a. Appoint a DMO and alternate DMO to carry out the activities articulated in this handbook;
  - b. Identify a designee with delegated signature authority to provide clearance responses in their absence;
  - c. Ensure that directives originated by their office are placed into clearance in adherence to the minimum deadlines outlined in this handbook and are cleared in accordance with this handbook. Minimum clearance requires review by **OIG, OGC, OCFO, FHEO, PD&R, OCIO, and ExecSec**; and
  - d. Elevate policy non-concurrences. Upon a third re-clearance, the Secretary, the Deputy Secretary, or their designee resolves irreconcilable differences among Assistant Secretaries, office heads, or equivalent, hereafter referred to as “HUD Principals” concerning proposed policies. Legal non-concurrences should be elevated to the General Counsel. All efforts should be made to resolve non-concurrences before elevating to the next level of authority. These offices serve as the secondary or final mandatory review and should review and issue a decision on the most final draft of an item for clearance. Program office leadership should make Exec Sec aware throughout the process of non-concurrence resolution, including when a non-concurrence has been elevated.
4. **DMOs and alternative DMO as designated by a HUD Principal:**
- a. Serve as the point of contact within their office on matters relating to directives;
  - b. Follow internal clearance procedures to ensure adequate and timely clearance of directives originating within their office or received by their office for review;
  - c. Ensure office directives are prepared in accordance with the guidance outlined in this handbook including requirements for currency, format, accessibility, plain language, and appropriateness;
  - d. Maintain a historical record file of directives originated by their respective office; and



- e. Report problems within the directives management system via email to Exec Sec at [HUDClearance@hud.gov](mailto:HUDClearance@hud.gov), including violations or nonuse of the system.

**A-5 HUD Clips as the electronic repository of directives and forms:** The Office of Administration maintains an automated repository of directives and forms available to HUD staff, stakeholders, and the general public consistent with EO 13891 (84 FR 55235 [2019-22623.pdf \(govinfo.gov\)](#)).

This system contains the entire inventory of official HUD policies, including notices, mortgagee letters, handbooks, guidebooks, and forms.

**A-6 HUD Departmental Clearance Tool:** HUD utilizes the Clearance Calendar to track and record the departmental clearance process and all clearance responses. The Clearance Calendar is accessible to all Department staff, allowing viewing access to all directive item documents and comments. Unique permissions are granted to HUD employees with specific roles as noted in section A-4. It is the responsibility of the program office DMO to place the directive and any attachments into clearance via the Departmental Calendar tool. See [Departmental Clearance Tool Overview - Power BI](#).

## Section B: Types of Directives

The content, not the title, of a document determines if a communication is a directive. The two broad types of directives subject to the requirements of this handbook are communications to the public and communications internal to HUD. The determination of what is and is not a directive is determined by Exec Sec, in consultation with OGC, as necessary.

A directive is any written communication through which HUD provides practical guidance regarding how to comply with applicable statutes, regulations, and other legally applicable requirements. The terms “guidance” or “guidance document” includes any statement of agency policy or interpretation concerning a statute, regulation, or technical matter within the jurisdiction of the agency that is intended to have general applicability and future effect, but which is not intended to have the force or effect of law. These terms are not confined to formal written documents; guidance may come in a variety of forms, including, but not limited to, notices, letters, forms, memoranda, circulars, bulletins, advisories, and Web-based formats.

Documents meeting the definition of directives require clearance in accordance with this handbook. The policies in this handbook do not apply to documents published in the Federal Register, Notices of Funding Opportunity, and the Secretary’s or Deputy Secretary’s correspondence. These documents are managed through different processes; please consult with OCFO on notices of funding opportunity, Exec Sec on correspondence, and OGC’s Office of Legislation & Regulations on Federal Register documents.

*When in Doubt, Check it Out.* If an office is uncertain whether a form of communication constitutes a directive, Exec Sec can assist in making that determination.

### B-1 Directives

**Public communications:** Public communication directives are addressed to parties outside of HUD (e.g., grant recipients, FHA lenders and PHAs). These communications relay guidance to program participants or regulated parties beyond merely repeating or quoting provisions of existing HUD policy or requirements in statutes and regulations. They can also constitute a HUD directive regardless of the type of publication, means of issuance, or title of the document.

**Notices:** Notices are used to give instructions or guidance about aspects of HUD programs that generally supplement statutes or regulations (e.g., guidance to program participants regarding how HUD’s regulations govern equal treatment of faith-based organizations or how an administrative provision in an appropriations act is implemented). A notice is based on a preceding statute or regulation and does not impose new, binding requirements, unless the preceding statute or regulation permits.

Please note: All notices must display the date of issuance and either 1) state that the notice remains in effect until amended, superseded, or rescinded, or 2) include a specific expiration date.

If a notice amends or supersedes a prior notice, identification of the prior notice appears on the first page.

If notices include a specific expiration date, the expiration date is identified on the first page. Such notices remain effective through the date of their expiration, unless amended, superseded, or rescinded earlier.

**Mortgagee Letters:** Mortgagee Letters are issued on the letterhead of the Federal Housing Commissioner to FHA-approved mortgagees to inform them about FHA operations, policies, procedures, and changes.

**Handbooks:** The objective of a handbook is to serve as a comprehensive document of current and applicable information specific to HUD program(s) and may include clarification of policies, instructions, guidance, procedures, forms, and reports. Handbooks are directed to HUD staff and/or program participants, are generally divided into chapters, and are issued in a format that allows for the insertion of changes over time.

A handbook change may be issued when revisions are being made to less than half of the existing number of pages of the handbook and only these select pages are updated, with no new pages added. To present changes to a handbook, the issuance must identify the revised chapters, sections, paragraphs, and/or pages in the table of contents with the effective date of the change. On each page containing a change, indicate “changed on xx/xx/xxxx” immediately adjacent to the page number.

A handbook revision is a complete replacement of a handbook that cancels and supersedes the previously issued version. A revision is required when handbook pages are new or contain revisions, regardless of the time passed during the various changes. Also, a revision is required when there are substantial and material changes in the way the processes or procedures of the subject matter of the handbook are changed.

A handbook transmittal refers to a signed statement issued with a handbook, revision, change, or cancellation that summarizes the significant matters covered in the directive.

**B-2 Nondirectives:** Certain communications issued by the Government National Mortgage Association (Ginnie Mae) to issuers, servicers, and related contractors are expressly authorized by statute and contractual in nature because they govern the relationship between Ginnie Mae and the issuers, servicers, and related contractors involved in Ginnie Mae’s guarantee of mortgaged-backed securities. These communications include changes to the Mortgage-Backed Securities Guide, All Participants Memoranda (APMs), and Multiclass Participants Memoranda (MPMs).

In addition to the Ginnie Mae documents specifically noted above, none of the following are directives subject to this Handbook (non-directives): legal opinions, Federal Register notices, settlement agreements, interagency agreements, memoranda of understanding, grant agreements, procurement documents (e.g., bid proposals, requests for proposals, statements of work, contracts), legislative proposals or responses thereto, correspondence with Congressional offices, congressional testimony, press releases, communications to HUD’s Office of Inspector General, or communications to other federal agencies, including the Government Accountability Office (GAO), the Office of Government Ethics (OGE), or the Office of Special Counsel (OSC).

Studies or reports such as those prepared by PD&R or the Office of Lead Hazard Control and Healthy Homes (OLHCHH) containing scientific, statistical, or technical data do not constitute directives. Studies or reports prepared by PD&R and OLHCHH fall into three categories requiring different approaches to clearance:

- (1) Documents that provide guidance on how to comply with statutes, regulations, and other legally applicable requirements and are not published in the Federal Register meet the definition of directives and must be cleared through the mandatory reviewing offices as outlined in this handbook.
- (2) Documents that are not directives and evaluate HUD policies and programs must be cleared through the mandatory reviewing offices as outlined in this handbook. Originating offices must select additional reviewing offices as necessary based on the subject matter of the document. Documents that evaluate HUD policies and programs will adhere to HUD's published [Program Evaluation Policy Statement](#), which includes the commitment that "HUD will release methodologically valid evaluations without regard to the findings."
- (3) Documents that are not directives and are purely scientific, statistical, or technical in nature or are serial publications do not require clearance through the mandatory reviewing offices or other program offices; however, a notification should be made to OSEC, ODS, and Exec Sec in advance of its publication.

If a PD&R or OLHCHH document does not clearly fit into one of the categories above, the Assistant Secretary (or highest ranking official) of the originating office (in consultation with the Deputy Secretary) makes the determination as to whether clearance through the mandatory reviewing offices is required.

### **B-3 Policy Posted for Feedback in Draft:**

Draft policies that are seeking public feedback and are posted to a HUD website (e.g., Single Family Drafting Table, Multi Family Drafting Table) must be noted as legally sufficient by the appropriate Associate General Counsel to be posted. They do not require departmental clearance prior to posting.

Should a program office decide to submit the draft policy through departmental clearance and obtain clearance, then a subsequent departmental clearance process is not needed unless a material change is made. If the program office determines the subsequent clearance is needed, the program office must identify any changes in redline, and the review is limited to these redline changes only.

## Section C: Content and Formatting Standards

Content and formatting standards for directives should provide a logical and consistent structure for users to locate information quickly and fully. As much as possible, documents should utilize plain and clear language.

**C-1 Content preparation:** DMOs should ensure their office directives are prepared in accordance with the guidance outlined in this handbook. Directives should be cleared electronically through the Clearance Calendar, even if the subsequent communication is to be distributed electronically through email or website posting.

Directives do not use the terms “shall,” “must,” “required,” “requirement,” or other mandatory prescriptions or present a course of conduct intended as an enforceable action, unless the directive is based on a statutory, regulatory or contractual source, or other explicit authority to impose a binding requirement through a non-rule document. Directives may impose an information collection or recordkeeping requirement, if approved by OMB, and an OMB approval number is cited. For questions related to this, consult with OGC.

**C-2 Handbook formats:** Handbooks are to include:

1. A table of contents, if the handbook contains more than 20 paragraphs;
2. A list of forms and/or reports required by the handbook, provided on a separate page following the table of contents;
3. A consistent outline format throughout the document;
4. An Office number as a sequential identifier following program office;
5. A transmittal signed by the HUD Principal; and
6. Appendices with the effective date and office number shown on each page, if applicable.

To cancel an obsolete handbook, the originating organization prepares a form HUD-23 <https://www.hud.gov/sites/documents/23.PDF> to transmit to the Exec Sec and clears with offices having responsibilities affected by the canceled handbook, which in turn ensures that references to the canceled handbook are removed from other handbooks by the respective DMO.

**C-3 Notice formats:** Notices are to include:

1. A banner using form HUD-21 that identifies the parties to whom the notice is addressed, a title for the notice; office number; telephone number; room number; applicable cross-references, if any; date of issuance; date of expiration; or a statement that the notice remains in effect until amended, superseded, or rescinded. If a notice amends or supersedes a prior notice, identify the prior notice in the banner;
2. Text presenting the purpose, background, and guidance in clear, plain language with acronyms spelled out and defined at first use;
3. Identification of all OMB approval numbers for recordkeeping or

- information collections required by the notice, if applicable;
4. Contact information for further information or assistance, identifying a contact person or office by name and email; and
  5. Signature of the HUD Principal. Original signatures are maintained by the originating offices, whether wet or electronic signatures using a PIV card. Do not include the signature symbol while the notice is in departmental clearance.

**C-4 Section 508 Compliance:** Section 508 of the Rehabilitation Act requires that all documents and web pages, including but not limited to notices, guidance, letters, spreadsheets, and presentations), be accessible to and usable by persons with a disability.<sup>2</sup> Directives covered by this handbook therefore must be created in an accessible format. An initial step in ensuring the Department's information and communication technologies are accessible to individuals with disabilities is utilizing accessibility checkers. Program offices should run accessibility checkers before submitting a document into Departmental clearance, as these tools can help ensure that program offices have made necessary modifications to ensure accessibility, including adding "alt-text" to images to convey the images' content and structuring their document in a way that can be read by screen-readers. This step is necessary prior to clearance to ensure the document is accessible for HUD employees during the clearance process. Several apps used by the Department in developing clearance documents have accessibility checkers built in, including Microsoft Office products and Kofax PDF. Click here for directions on utilizing Microsoft's Accessibility Checker: [Test for Accessibility | Section508.gov](https://www.section508.gov/create/#:~:text=%E2%80%8B%20Federal%20agencies%20are%20responsible,%2C%20blogs%2C%20and%20certain%20emails). While accessibility checkers are a helpful tool, they often fail to catch all accessibility barriers and it is recommended that program offices also familiarize themselves with principles for authoring accessible products at <https://www.section508.gov/create/#:~:text=%E2%80%8B%20Federal%20agencies%20are%20responsible,%2C%20blogs%2C%20and%20certain%20emails> to ensure products that they put into departmental clearance comply with Section 508. When using the Microsoft Word Accessibility Checker or comparable software, please note that some warnings are not issues that require remediation.

Information on HUD's Section 508 program supporting Information and Communication Technology (ICT) can be found here: [https://www.access-board.gov/ict.html.Section 508 Coordinator/Assistive Technology Coordinator](https://www.access-board.gov/ict.html.Section%20508%20Coordinator/Assistive%20Technology%20Coordinator). Contact information for Section 508 Coordinators may be found at <https://www.section508.gov/tools/program-manager-listing/>.

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<sup>2</sup> Electronic content shall conform to Level A and Level AA Success Criteria and Conformance Requirements in WCAG 2.0. In addition, content that is not generally public facing or posted on a HUD website (including an internal HUD website, such as HUD@Work) is still required to comply with Section 508 accessibility requirements. Internal documents are also required to comply with Section 508 requirements, along with other provisions of the Rehabilitation Act, to ensure individuals with disabilities have comparable access as persons without disabilities and otherwise prevent discrimination.

## Section D: Clearance

Exec Sec has lead responsibility for ensuring compliance with the directives management system. OGC manages departmental clearance for Federal Register publications (*see* Section A for more details).

**D-1 Originating HUD Office – Clearance Responsibilities:** The originating HUD office is the HUD office charged with issuing a directive into departmental clearance by satisfying the following steps:

1. Solicit inter-office feedback: The originating office is encouraged to solicit feedback from relevant HUD program offices, program counsel, and other prospective reviewers on major new initiatives or procedures during the drafting of a proposed directive. Departmental clearance should not be used as the first process to vet new policy initiatives; otherwise, the process is overburdened with non-concurrences based on cross-program impacts.
2. Intra-office agreement: The HUD Principal, or designee, must certify that the document represents the consistent and accurate view of the entire office. Clearance of directives through the various divisions of the originating office (intra-office agreement) is at the discretion of the HUD Principal. The DMO for each office oversees the intra-office process and ensures adherence to deadlines and documented approvals. Appropriate OGC counsel for each program office should review a proposed directive for basic legal sufficiency.
3. Initiate clearance: Entering a new clearance item into the Clearance Calendar indicates the Principal or Principal's designee is in agreement with the document(s) and authorizes its placement into departmental clearance.
4. Set clearance response deadline: Originating offices should make every effort to provide reviewing offices with a minimum of 10 business days to review clearance items, unless the directive is new and complex. If the directive is new and complex, then at least 20 business days should be provided. When providing fewer than the standard 10 business days, the originating office should clearly note in the Clearance Calendar why the expedited review is being requested (e.g., statutory mandates and external deadlines). Exec Sec will review expedited clearances to ensure the request to expedite is reasonable and necessary.
5. Launch clearance: The DMO will submit through the Departmental Clearance tool the entire final text of the proposed directive, including applicable forms, redlines, appendices, and other materials to be issued to appropriate and mandatory reviewing offices. The originating offices are responsible for setting reasonable deadlines and allowing for substantive review by reviewing offices. \*Offices should avoid expediting a review only because they want to get it approved quickly.



Documents should be submitted in MS Word format for ease of review and redline. When it is necessary to submit a PDF (e.g., to show image formatting) an MS Word version of the document should be submitted as well. Directive items entering departmental clearance as a revision or change to a previously cleared and/or publicly distributed directive should include a clean copy of the original and a redline version for ease of review. Directives should be submitted in an accessible format in compliance with Section 508 requirements.

DMOs should ensure access to the directive by all appropriate reviewing offices.

6. Confirm mandatory transmittals: All directives must be reviewed, at a minimum, by the mandatory reviewing offices (OIG, OGC, OCFO, FHEO, PD&R, OCIO, and ExecSec).
7. Review responses: Originating offices are responsible for responding to clearance comments.
8. Re-clearance: If a directive receives a non-concurrence in terms of policy or legal premises, the document will be entered into re-clearance to the non-concurring office(s) and mandatory reviewers. The execution of a nonconcurrency on a directive in clearance may only be made by a HUD Principal or the Principal's designee to which such authority has been delegated.

The reviewing office must hold program or policy authority over the conflicting issue within a directive and make every effort to resolve the issue. The reviewing comment should clearly justify the basis for the non-concur, explain how the conflict impacts the reviewing office's operations or area of delegated authority, and contain a recommendation, including substitute language, where applicable, on how the non-concurrence may be resolved.

All re-clearances must be submitted through the official Departmental Clearance tool and must include a redline and Microsoft Word clean copy for ease of review. Re-clearances should be given a minimum of 5 business days for review. DMOs should contact ExecSec with re-clearance questions specific to their document.

**As noted in section D-2 item 3e, reviewing offices should make every effort to initiate discussions with the originating office before formally submitting a non-concurrence. Many non-concurrences can be resolved through outreach and collaboration between the reviewing office and originating office.**

**In addition, reviewing offices should only non-concur for policy related issues and be mindful to respect time constraints associated with a non-concurrence as that document will have to be entered into departmental clearance again which sets back the overall timeframe to obtain clearance.**



9. Secure final approvals: The HUD Principal reviews the proposed directive and related documents with their program office DMO to ensure that all required clearances are secured, that non-concurrences are lifted, as appropriate, and that failures to respond are updated by Exec Sec.

Under extreme time constraints, and with written approval from either the Secretary, the Deputy Secretary or their designee, the originating office may issue a directive without securing and/or resolving all clearance comments. The reviewing office must show that an effort was made to engage the overdue office and must notify the overdue organization in writing before proceeding.

10. ExecSec review: For departmental clearance to conclude, Exec Sec will confirm via the Clearance Calendar that the directive was cleared in accordance with this handbook. If this has been done, Exec Sec will provide concurrence, completing departmental clearance.
11. Final distribution (re-clearances only): Following the completion of a re-clearance, Exec Sec will circulate the document to all program office DMOs that were on the initial clearance. Program office DMOs will have 3 business days to review the final document for awareness and visibility prior to it being posted.
12. Distribute to the public: Exec Sec will forward the cleared document to the HUD Clips Manager for posting to HUD Clips.

**D-2 Reviewing Office Responsibilities:** Offices reviewing a proposed directive hold responsibility to:

1. Commence review upon receipt: The reviewing offices are responsible for meeting the clearance deadline set by the originating office. If a reviewing office determines a clearance deadline cannot be met, the reviewing office DMO will notify the originating office DMO by email. Reviewing offices may request additional time from the originating office; however, approval of the request is at the originating office's discretion.
2. Manage intra-office clearances: The DMO for the reviewing office coordinates the intra-office responses within their program area and ensures that a single clearance response is submitted to the originating office. Reviewing offices are to preclude non-concurrences to the extent possible by immediately contacting the originating office to present and resolve concerns. It is the responsibility of the DMO to ensure that a single response is registered in the Departmental Clearance tool by the deadline. The DMO must ensure that intra-offices responses are timely submitted such that a single response may be transmitted to the originating office. Intra-offices that fail to meet such deadlines may forego their opportunity to have their comments included in their office's comments. The reviewing HUD Principal should ensure the single response is clear and coherent without conflicting views or comments from multiple internal

divisions within the reviewing office.

HUD Principals, through the DMO, are to ensure understanding by managers and directive reviewers regarding the time constraints within clearance, and to support discussions between reviewing and originating offices before a non-concurrence is submitted to the originating office. If non-concurrences are submitted, appropriate staff are to be made available for resolution.

3. Submit clearance response: The redelegated authority to submit a clearance response is issued in writing and transmitted to the DMO prior to action on a specific directive. The clearance response descriptions are below:
  - a. Concur-with-no-comment: The office, and all divisions or branches thereof, has reviewed the directive sufficiently to determine that no direct impacts or conflicts exist to their programs, operations, or authorities of the respective reviewing HUD Principal.
  - b. Concur-with-comments: Requires clearly stated recommended changes, additions, or omissions in redline to the directive, stating the basis for such recommendations and indicating the level of importance in terms of incorporating the recommendation. For example, an incorrect legal citation or an incorrect phone number/website link may be a typographical error, but the necessity to make the change is crucial to the directive's end user. The reviewing office may opt to non-concur or concur-with-comment with respect to a technical error. The latter option identifies importance but avoids the need for formally lifting a non-concurrence. Apart from recommendations on technical errors submitted as a concur-with-comment, reviewing offices acknowledge that a concur-with-comment means the changes are recommended, but not mandatory.
  - c. Reviewed (For OIG, ODS, and OSEC use only): This option is to signify that the program office has reviewed the clearance item, and it is approved by the program office. This option effectively is the same as a concur.
  - d. Reviewed with Comments (For OIG, ODS, and OSEC use only): This option is solely for the use of OIG, ODS, and OSEC to provide comments without concurrence. The originating office must treat comments provided in this category the same as comments provided in "Concur-with-comments" (b) above.
  - e. Non-concur: All mandatory reviewing offices (OIG, OGC, FHEO, PD&R, OCFO, OCIO, and ExecSec) may respond with a non-concur as well as other offices that have program or policy authority over the conflicting issue within a directive, meaning if there is an impact to operations or delegated areas of authority. Reviewing offices should make every effort to initiate discussions with the originating office before formally submitting a non-concurrence, including the ExecSec directives team for visibility.

If non-concurrences are formally submitted, appropriate staff must be made available for resolution. The reviewing comment must clearly justify the basis for the non-concurrence, explain how the conflict impacts the reviewing office's operations or area of delegated authority, and contain a specific recommendation, including substitute language, where applicable, on how the non-concurrence may be resolved. Execution of a non-concurrence on a directive in clearance may only be made by a HUD Principal or the Principal's designee to which such authority has been delegated.

ExecSec will monitor non-concurrences and flag leadership if the non-concurrence does not meet guidelines outlined in this handbook.

- f. No position or no need to review: Reviewing offices may indicate that it is taking no position (NP) on the clearance item or that it has no need to review (NR) the clearance item.
- g. No response/review period closed: This selection will only be available for use by Exec Sec to ensure clearance items can move to a "closed" status in the Clearance Calendar in a timely manner. This option will be used for offices that do not provide a clearance response by the clearance item due date and are not responsive to requests from the originating office DMO or Exec Sec.

## **Section E: Waiver of Directives Handbook**

A waiver of a provision of this handbook by the Secretary or Deputy Secretary must be granted consistent with 42 U.S.C. 3535(q)(4).

The clearance process established by this handbook shall apply to all directives, as defined by this handbook, unless a HUD principal secures a waiver as described by this section. To secure a waiver, the request must be in writing and specify the grounds outlined in 42 U.S.C. 3535(q)(4) since the requirements are statutory for approving the waiver. Departmental clearance is vital to ensure documents are properly vetted prior to release or publication; therefore, waiver requests should be infrequent and limited to extenuating circumstances.

To request a waiver from the clearance process, a HUD Principal must submit a memo to the Director of Exec Sec using the designated “Waiver Request” template. The requesting office should ensure that:

1. The memo identifies the directive by title, date, number, or other identifying information for which the HUD principal is requesting such waiver;
2. The memo provides justification for the waiver request including the negative implications associated with entering the document into departmental clearance; and
3. The memo is accompanied by the final version of the document at issue.

The memo and accompanying documentation will be presented to the Secretary, the Deputy Secretary, or their designee, for consideration. Before approving a waiver, the Secretary, the Deputy Secretary, or their designee, will work with Exec Sec to solicit feedback from OGC.

A waiver is requested so that the directive can forgo the clearance process due to the urgency of the situation and impact on the public or program. Once the Secretary, the Deputy Secretary, or their designee, has made a decision on whether to grant a waiver, Exec Sec shall provide this decision to the HUD Principal in writing. The file of directive waivers is available upon request for public inspection in accordance with statutory requirements.

Exec Sec shall maintain the complete list of approved waiver requests and the final decision for a period of at least 3 years beginning on the date of the final decision. The waiver must be maintained in indexed form and made available for public inspection.

## **Section F: Applicable Legal Authorities**

The content of a directive, the clearance process for such directives, and the establishment and maintenance of a directives system are both a HUD policy and statutory mandate. This handbook represents how directives are developed, reviewed, and issued. The requirements herein are consistent with, and within the parameters of, legal authorities, including:

1. The Paperwork Reduction Act of 1995 (Public Law No. 104-13, approved May 22, 1995), which regulates information that HUD offices may collect from program participants or required to be maintained as records;
2. Executive Order 12866 (Regulatory Planning and Review), and subsequent applicable Executive Orders, which require OMB review of certain guidance with significant impacts;
3. The Information Quality Act (section 515 of Public Law 106-554), which requires further OMB review; and
4. Section 508 of the Rehabilitation Act (29 U.S.C. § 794d), which requires accessible electronic and information technology; and

The Paperwork Reduction Act of 1995 (PRA) requires all federal agencies to obtain OMB approval before collecting information from the public (including from program participants and regulated entities). Methods of collecting information include questionnaires, applications, performance reports, studies and evaluations, interviews, forms, and any other means of requesting information from 10 or more respondents. The PRA also covers required recordkeeping.

The PRA may be applicable to directives because it is not unusual and can even be customary for directives to elaborate on information collection processes referenced in regulations. A directive may be the more appropriate document to address in detail an application process, reporting process, or recordkeeping system that is required of program participants by statute or regulation. A directive should not reference an information collection requirement unless that requirement has been approved by OMB and given an OMB control number, or unless the directive advises that the information has been submitted to OMB for review and OMB approval is pending. Questions related to PRA should be directed to the agencies PRA officers at [Anna.P.Guido@hud.gov](mailto:Anna.P.Guido@hud.gov) or [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov).

Obtaining OMB approval requires publication in the FR of a proposed information collection, which allows the public a period of 60 days to comment, followed by a second notice, which involves another 30-day period. For additional guidance, consult with the PRA Office in PD&R.

Section 515 of the Treasury and General Government Appropriations Act of 2001 (Public Law 106-554, approved December 21, 2007) known as the Information Quality Act, required

OMB to promulgate guidance to ensure the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by federal agencies. OMB published interim final guidelines on September 28, 2001 (66 FR 49718) and finalized on February 22, 2002 (67 FR 8452). The Act directs each agency to follow OMB's guidelines with their own guidelines, which guidelines must describe internal mechanisms to ensure standards of quality, objectivity, utility, and integrity. The mechanism allows affected persons to seek and obtain correction of information that fails to comply.

HUD ensures that information publicly disseminated is objective (accurate, clear, complete, and unbiased), is useful, and has integrity through the Information Quality Guidelines published on November 22, 2002 (67 FR 69641). HUD's guidelines require departmental clearance of directives. These guidelines capture other types of direct issuances such as reports and studies. HUD's Information Quality Guidelines are posted at <https://www.hud.gov/sites/documents/fr4769n02-final.pdf>.

Section 508 of the Rehabilitation Act requires Federal agencies to ensure that all of their electronic and information technology are accessible to and usable by individuals with disabilities, including employees with disabilities. HUD's Section 508 policy expressly applies to the creation of documents, including those intended to be placed into departmental clearance. HUD's Section 508 policy is posted at <https://www.hud.gov/sites/dfiles/OCIO/documents/s508103017.pdf>.

Creation and maintenance of federal records are required under 36 CFR part 1222. NARA is charged by statute to provide guidance and assistance to federal agencies with respect to ensuring adequate and proper documentation of policies and transactions of the Federal Government, including developing and issuing standards to improve the management of records.

## **Appendix A: Referenced Forms and Links**

1. Plain Writing Act of 2010: <https://www.plainlanguage.gov/law/>.
2. Form HUD-23, Transmittal: [www.hud.gov/sites/documents/23.PDF](http://www.hud.gov/sites/documents/23.PDF).
3. Form HUD-21.B Notice: <https://www.hud.gov/sites/documents/21B.PDF>
4. OGC link to explanation of rulemaking versus guidance:  
<https://www.govinfo.gov/content/pkg/FR-2020-10-05/pdf/2020-20799.pdf>

## Appendix B: Acronyms

CIO	Chief Information Officer
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
COO	Chief Operating Officer
CPO	Chief Procurement Officer
EXEC SEC	Executive Secretariat
DMO	Directives Management Officer
FR	<u>Federal Register</u>
GAO	Government Accountability Office
GC	General Counsel
Ginnie Mae	Government National Mortgage Association
HUD	Housing and Urban Development
HHQ	HUD Headquarters
NARA	National Archives and Records Administration
OCHCO	Office of the Chief Human Capital Officer
OGC	Office of General Counsel
OGE	Office of Government Ethics
OHHLHC	Office of Healthy Homes and Lead Hazard Control
OIG	Office of Inspector General
OMB	Office of Management and Budget
OSC	Office of Special Counsel
PD&R	Office of Policy Development and Research
PRA	Paperwork Reduction Act
PHA	Public Housing Agency
PIH	Office of Public and Indian Housing