

Partial Waiver of 24 CFR § 214.300(a)(3) In-Person Service Housing Counseling Requirement

Pursuant to section 7(q) of the Department of Housing and Urban Development Act (codified at 42 U.S.C. § 3535(q)), and the waiver authority contained in 24 CFR § 5.110, I hereby waive the 24 CFR § 214.300(a)(3) requirement that “[a]ll agencies participating in HUD’s Housing Counseling program that provide services directly to clients must provide in-person counseling to clients that prefer this format.” This partial waiver is being issued due to public health concerns around the spread of Coronavirus Disease 2019 (COVID-19).

1. Pursuant to 24 CFR § 214.300(a)(3), “[c]ounseling may take place in the office of the housing counseling agency, at an alternate location, or by telephone, as long as mutually acceptable to the housing counselor and client. All agencies participating in HUD’s Housing Counseling program that provide services directly to clients must provide in-person counseling to clients that prefer this format.”
2. This partial waiver waives the 24 CFR § 214.300(a)(3) requirement that “... All agencies participating in HUD’s Housing Counseling program that provide services directly to clients must provide in-person counseling to clients that prefer this format.”

FINDINGS

1. On March 13, 2020, the Coronavirus (COVID-19) outbreak was declared to be a national emergency effective March 1, 2020. The Centers for Disease Control has issued guidelines on slowing the spread of COVID-19 by practicing social distancing and staying home if one is sick. On March 20, 2020, several municipal and state governments issued health and safety orders for residents to stay indoors. HUD’s requirement that all participating agencies are required to provide in-person counseling to clients that prefer this format was not practical given the public health recommendations to limit contact between individuals and to maintain at least 6 feet of distance from individuals not living together in order to contain the spread of COVID-19.
2. HUD issued a waiver of the regulations at 24 CFR § 214.300(a)(3), which expires on April 20, 2021.
3. On February 24, 2021, the President continued the COVID-19 national emergency. HUD recognizes that there continues to be a demand for housing counseling services by clients facing financial hardship due to the spread of the COVID-19 virus. This partial waiver allows participating agencies to provide continuous services without violating the in-person service provision requirement of 24 CFR § 214.300(a)(3).

DETERMINATIONS

1. To assist in ensuring the continued availability of housing counseling services, a partial waiver of 24 CFR § 214.300(a)(3) must be granted.

2. The granting of the partial waiver is consistent with the Department's objectives to assist consumers or households seeking assistance in preventing rental eviction or mortgage default, including Home Equity Conversion Mortgage default.
3. All other requirements of 24 CFR § 214.300(a)(3) remain unchanged except for the provision that has been waived.
4. Pursuant to the authority contained in 24 CFR § 5.110, the above findings constitute good cause for granting the partial waiver of 24 CFR § 214.300(a)(3).
5. This temporary waiver shall be in effect through December 31, 2021.

Issued April 20, 2021
Washington, DC

Lopa P. Kolluri

Lopa P. Kolluri
Principal Deputy Assistant Secretary for
Housing - Federal Housing Commissioner