

Regulatory Waiver Requests Submitted To REAC/NASS (Through the OFO SharePoint site)

Pursuant to 24 CFR 5.110, subject to statutory limitations and procedures, waivers are relief from strict regulatory compliance upon a finding of good cause. In accordance with Notice PIH-2013-20 (HA), the authority to grant a waiver of regulations administered by the Office of Public and Indian Housing (PIH) is delegated to the Assistant Secretary for PIH. Each regulatory waiver request must identify the regulation from which relief is sought, and must also present a verifiable justification for finding good cause to waive.

Submission(s) of Field Office Request(s)

A Public Housing Authority/Agency (HA) seeking to obtain a waiver of Departmental regulations must submit requests to their local field office Director. Except as noted in Notice PIH-2013 (HA), waiver requests submitted directly to the Department will not be accepted for processing.

An HA may request relief from regulatory compliance for additional time submit, or to extend the submission due date, for its audited financial data under the Financial Assessment Subsystem (FASS) indicator. Waivers seeking to obtain extension of time to submit unaudited financial information under FASS is not warranted. **However, please NOTE:** The only exception for a waiver of time to submit the unaudited financial information will be within the stipulated guidance issued under a Federal Register Notice, and/or the allowable flexibilities pertained within a Presidentially-Declared Disaster Area(s) Notice. During those specified-timeframes only, a one-time-exception may also be applicable to the iNtegrated Assessment System Public Housing Assessment System (NASS/PHAS) scoring, to possibly include subsequent Program offices' indicator/sub-indicator (where necessary). Specifically, the indicators of Physical Assessment Subsystem (PASS); Management Assessment Subsystem (MASS), and Capital Fund Program (CFP).

Waivers of Unaudited Financial Data Submissions Are Not Warranted

Pursuant to 24 CFR 902.60 (Data Collection), in the event of extenuating circumstances, an HA must request an extension of time to submit its unaudited financial information 15 days before the submission due date, by electronically submitting the requests through the FASS-PH Secure System website. The HA's electronic request must include an objectively verifiable justification as to why the unaudited financial information cannot be submitted by the required due date. The final determination will be forwarded electronically back to the requesting HA.

Requirements of Submission of Waiver Requests on Behalf of PHAs

There are three (3) required documents that should be included within the submission of a field office waiver request to be accepted for processing by the REAC/NASS Processing Team. They are:

1. the requesting HA's letter, signed/dated on the agency's letterhead, addressed to the Director of the local field office
2. the local field office Director's signed/dated recommendation memorandum on HUD letterhead, addressed to the Assistant Secretary of PIH (or the Acting/Designate); and
3. the field office checklist – the assessable link of the form is located on the OFO SharePoint site's main page to print (first), then completely filled-out (with as much information as possible). Do not submit blank pages.

All three documents **must be** included and submitted within OFO SharePoint, or will be automatically rejected and returned to the submitting Program office.

IMPORTANT NOTE: Per Notice PIH 2013-20 (HA), requests submitted directly to HUD Headquarters (HHQ) program offices (via email, U.S. Postal or special delivery) are not permitted. However, a reviewing Program office may request and except emails (if necessary) for additional supporting information.

Final Signed Decision of PIH Response to Waiver of Compliance

Upon receipt of the dated signature response letter of the Assistant Secretary for PIH (or the designee) has been received by the REAC/NASS Processing Team, the letter will be uploaded into the OFO SharePoint site and returned to the submitting local field office for completion. This transaction is the last step of the final response to the HA and closes the submission for completion.