

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

The HUD Reform Act addresses waiver requirements on actions impacting a benefit to, or removal of an obstacle to, participation by one or more specific individuals or entities. Waiver of directive requirements impacting only internal operations of HUD, or waivers affecting all persons equally, are not subject to the requirements of this section.

Provisions of this handbook are to be addressed unless a prior waiver is granted by the CHCO. To secure a waiver, the request must be documented, justified and made available for public inspection, in accordance with the requirements of section 106 of the Department of Housing and Urban Development Reform Act of 1989 (see 42 U.S.C. 3535(q)(4)) and HUD's Statement of Policy on Regulatory Waivers, which also addresses waivers of directives. OCHCO maintains an index of approved waivers for a period of not less than 3 years.

Waiver of provisions contained in a specific directive may be granted by the Secretary, Deputy Secretary, or HUD Principal authorized to issue a directive. The authority to grant waivers of directives may be redelegated to any officer or employee in the issuing official's organization, as well as to any officer or employee in a field office. Any such redelegation must be in writing. Any officer or employee with a redelegation of authority to waive a provision of a directive may grant waivers in accordance with this chapter, subject to any limitation contained in the redelegation of authority.

For each request for a waiver of a directive, the office originating the directive holds responsibility to:

1. Identify by title, date, number, or other identifying information, the directive to be waived, and the provisions for the requested waiver;
2. Justify both the cause for the request and the reason for granting a waiver;
3. Identify the person by name and title who is granting the waiver request and identify contacts for further information concerning it; and
4. Provide an index of requested, denied and granted waivers to the DDMO.

Unlike regulatory waivers, a summary of directive waivers is not published quarterly in the FR. However, similar to regulatory waiver requirements, the office granting a waiver of a directive maintains on file the original waiver request and subsequent actions. The file of directive waivers is available upon request for public inspection in accordance with statutory requirements. The DDMO is to be informed how requests for waivers are maintained in, and processed by, the originating HUD office.