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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5869-D-01]

**Consolidated Delegations of Authority for the
Office of Community Planning and Development**

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegations of authority.

SUMMARY: This notice updates, clarifies, and consolidates delegations of authority from the Secretary of Housing and Urban Development to the Assistant Secretary for Community Planning and Development, the Principal Deputy Assistant Secretary for Community Planning and Development and the General Deputy Assistant Secretary for Community Planning and Development.

DATES: Effective upon date of signature.

FOR FURTHER INFORMATION CONTACT: David H. Enzel, Director, Office of Technical Assistance and Management, Department of Housing and Urban Development, 451 7th Street, S.W., Room 7228, Washington, DC 20410-7000; telephone number 202-402-5557. (This is not a toll-free number.) For those needing assistance, this number may be accessed through TTY by calling the toll-free Federal Relay Service number at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: This notice updates, clarifies, and consolidates into one notice the authority delegated by the Secretary of Housing and Urban Development to the

Assistant Secretary for Community Planning and Development, the Principal Deputy Assistant Secretary for Community Planning and Development and the General Deputy Assistant Secretary for Community Planning and Development. This notice supersedes all previous delegations to the Assistant Secretary for Community Planning and Development, including the delegation published on May 30, 2012. The two existing redelegations of authority published on June 29, 2012 remain in effect.

Section A. Authority Delegated

Only the Assistant Secretary for Community Planning and Development is delegated the authority to issue a final regulation or a Notice of Funding Availability (NOFA). The authority delegated herein to the Assistant Secretary for Community Planning and Development, the Principal Deputy Assistant Secretary for Community Planning and Development, and the General Deputy Assistant Secretary includes the authority to waive regulations and statutes, but for the Principal Deputy Assistant Secretary and the General Deputy Assistant Secretary the authority to waive statutes is limited in Section B below.

Except as provided in Section B, the Secretary of HUD delegates to the Assistant Secretary for Community Planning and Development, the Principal Deputy Assistant Secretary for Community Planning and Development and the General Deputy Assistant Secretary for Community Planning and Development the authority of the Secretary with respect to the programs and matters listed below:

1. The AIDS Housing Opportunity Act, Title VIII, Subtitle D of the Cranston-Gonzalez National Affordable Housing Act, Pub. L. 101-625, 104 Stat. 4079 (1990) (codified as amended at 42 U.S.C. 12901-12912); 24 CFR part 574.

2. The Base Closure Community Redevelopment and Homeless Assistance Act of 1994, Pub. L. 103-421, 108 Stat. 4346 (codified as amended at 10 U.S.C. 2687 note); 24 CFR part 586.

3. Capacity Building for Community Development and Affordability Housing grants, Section 4 of the HUD Demonstration Act of 1993, Pub. L. 103-120, 107 Stat. 1148 (codified as amended at 42 U.S.C. 9816 note).

4. Comprehensive Housing Affordability Strategies (CHAS), Title I of the Cranston-Gonzalez National Affordable Housing Act, Pub. L. 101-625, 104 Stat. 4079 (1990) (codified as amended at 42 U.S.C. 12701 *et seq.*); 24 CFR part 91.

5. Economic Development Initiative grants, as provide for in annual HUD appropriations acts (e.g., the Consolidated Appropriations Resolution, Fiscal Year 2003, Pub. L. 108-7, 117 Stat. (2003)).

6. Urban Empowerment Zones (EZ), as authorized under Title 26, subtitle A, chapter 1, subchapter U of the Internal Revenue Code (codified as amended at 26 U.S.C. 1391 *et seq.*); 24 CFR parts 597 and 598.

7. The HOME Investment Partnerships Act, Title II of the Cranston-Gonzalez, National Affordable Housing Act, Pub. L. 101-625, 104 Stat. 4079 (1990) (codified as amended at 42 U.S.C. 12721 *et seq.*); 24 CFR part 92.

8. The Loan Guarantee Recovery Fund under Section 4 of the Church Arson Prevention Act of 1996, Pub. L. 104-155, 110 Stat. 1392 (codified at 18 U.S.C. 241 note); 224 CFR part 573.

9. Neighborhood Initiatives grants specifically designed in annual HUD appropriations acts (e.g., the Consolidated Appropriations Act 2010, Pub. L. 111-117, 123 Stat. 3034 (2009)).

10. The Homelessness Prevention and Rapid Re-Housing Program (HPRP), as authorized under the Homelessness Prevention Fund heading of Division A, Title XII of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, 123 Stat. 115.

11. The Housing Trust Fund (HTF), Section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, added by Section 1131 of Pub. L. 110-289, 112 Stat. 2654 (codified at 12 U.S.C. 4568); 24 CFR part 93.

12. Rural Innovation Fund grants as provided for in annual HUD appropriations acts (e.g., the Consolidated Appropriations Act 2010, Pub. L. 111-117, 123 Stat. 3084 (2009)).

13. The Tax Credit Assistance Program (TCAP), as authorized under the HOME Investments Partnerships Program heading of Division A, Title XII of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, 123 Stat. 115, 220-21.

14. The Self-Help Housing Opportunity Program (SHOP) under section 11 of the Housing Opportunity Program Extension Act of 1996, Pub. L. 104-120, 110 Stat. 834 (codified at 42 U.S.C. 12805 note).

15. Technical Assistance and Capacity Building awards authorized under any program or matter delegated under Section A (e.g., Section 107 of the Housing and Community Development Act 1987, Pub. L. 100-242, 100 Stat. 1815 (1988)); and as provided for in annual and supplemental HUD appropriations acts (e.g., the Consolidated Appropriations Act 2010, Pub. L. 111-117, 123 Stat. 3093 (2009)).

16. Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383, 88 Stat. 633 (codified as amended at 42 U.S.C. 5301 *et seq.*); 24 CFR part 570, including the following:

- a. The Community Development Block Grant (CDBG) program;
- b. The Section 108 loan guarantee program;
- c. Economic development grants pursuant to Section 108(q);
- d. Neighborhood Stabilization programs under the Housing and Economic Recovery Act of 2008, Pub. L. 110-289, 122 Stat. 2850; Title XII of Division A of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, 123 Stat. 115; and Section 1497 of the Wall Street Reform and Consumer Protection Act of 2010, Pub. L. 111-203, 124 Stat. 1376 (codified as amended at 42 U.S.C. 5301 note);
- e. CDBG Disaster Recovery Grants as provided for in annual and supplemental HUD appropriations acts; and
- f. Appalachian Regional Commission grants pursuant to Section 214 of the Appalachian Regional Development Act of 1965, Pub. L. 89-4, 79 Stat. 5 (codified as amended at 40 U.S.C. 14507) and consistent with the CDBG program authorized under Title I of the Housing and Community Development Act of 1974, Pub. L. 93-393, 88 Stat. 633 (codified as amended at 42 U.S.C. 5301 *et seq.*).

17. Title IV of the McKinney-Vento Homeless Assistance Act, Pub. L. 100-77, 101 Stat. 482 (1987) (codified as amended at 42 U.S.C. 5301 *et seq.*), renamed by an Act of October 30, 2000, Pub. L. 106-400, 114 Stat. 1675 (2000), including the following:

- a. The Emergency Shelter Grants/Emergency Solutions Grants program, 24 CFR 576;
- b. The Supportive Housing Program, 24 CFR part 583;
- c. The Shelter Plus Care Program, 24 CFR part 582;
- d. The Moderate Rehabilitation for Single Room Occupancy program 24 CFR part 882, Subpart H;
- e. The Continuum of Care program, 24 CFR part 578; and
- f. The Rural Housing Stability Assistance program.

18. Title V of the McKinney-Vento Homeless Assistance Act, Pub. L. 100-77, 101 Stat. 482 (1987) (codified as amended at 42 U.S.C. 1411 *et seq.*), renamed by an Act of October 30, 2000, Pub. L. 106-300, 114 Stat. 1675 (2000), 24 CFR part 581.

19. The Veterans Homelessness Prevention Demonstration program as provided for in annual HUD appropriations acts (e.g., Omnibus Appropriations Act, 2009, Pub. L. 111-8, 123 Stat. 524 (2009)).

20. Overall departmental responsibility for compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (1971) (codified as amended at 42 U.S.C. 4601 *et seq.*); 49 CFR part 24. (For departmental programs, only the Assistant Secretary for Community Planning and Development is delegated the authority to exercise the federal waiver authority provided under 49 CFR 24.7).

21. Overall departmental responsibility for compliance with the National Environmental Policy Act of 1969, Pub. L. 91-190, 83 Stat. 852 (1970) (codified as amended at 42 U.S.C. 4321-4347), and the related laws and authorities cited in 24 CFR 50.4, including (with regard to the Assistant Secretary for Community Planning and Development) the authority to issue and to waive, or approve exceptions or establish criteria for exceptions from provisions of 24 CFR parts 50, 51, 55, and 58.

22. Certain Office of Community Planning and Development Programs that are no longer authorized for funding (or future funding is not anticipated), but whose administration must continue until all departmental responsibilities are discharged and finally terminated.

These programs include the following:

- a. The Slum Clearance and Urban Renewal program under Title I of the Housing Act of 1949, Pub. L. 81-171, 63 Stat. 413 and any program which is superseded by, or inactive by reason of Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383, 88 Stat. 633 (codified as amended at 42 U.S.C. 5316);
- b. Area-wide grants, inequities grants, disaster grants and the authority to concur in final approval actions regarding innovative grants under Section 107 of Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383, 88 Stat. 633 (repealed 1981);
- c. Urban Development Action grants under Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383, 88 Stat. 633. (codified as amended at 42 U.S.C. 5318);

- d. The Rental Rehabilitation Program, United States Housing Act of 1937, § 17, Pub. L. 98-181, 97 Stat. 1196;
- e. The Section 312 Rehabilitation Loan Program, Housing Act of 1964, § 312 Pub. L. 88-560, 78 Stat. 769 (codified at 42 U.S.C. 1452(b)); 24 CFR part 510;
- f. The Urban Homesteading Program, Housing and Community Development Act of 1974 § 810, Pub. L. 93-383, 88 Stat. 633 (repealed 1990);
- g. Enterprise Zone Program under Title VII of the Housing and Community Development Act of 1987, Pub. L. 100-242, 100 Stat. 1815 (1988) (codified as amended at 42 U.S.C. 11501 *et seq.*);
- h. Grant for Urban Empowerment Zones (EZ) as provided for in annual HUD appropriations acts (e.g., Consolidated Appropriations resolution, Fiscal Year 2003, Pub. L. 108-7, 117 Stat. 11 (2003));
- i. HUD's Homeownership Zone initiative (HOZ) grants as provided for in Section 205 of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, Pub. L. 104-204, 110 Stat. 2874 (1996) and funded with recaptured Nehemiah grants authorized under Title VI of the Housing and Community Development Act of 1987, Pub. L. 100-242, 101 Stat. 1815 (1988) (codified at 12 U.S.C. 17151 note);
- j. The Innovative Homeless Initiatives Demonstration program under the HUD Demonstration Act of 1993, Pub. L. 103-120, 107 Stat. 1144;

- k. The HOPE for Homeownership of Single-family Housing (HOPE 3) program, Title IV, Subtitle C of the Cranston-Gonzalez National Affordable Housing Act, Pub. L. 101-625, 104 Stat. 4079 (1990) (codified at 42 U.S.C. 12891);
- l. New Communities Program, Section 413 of the Housing and Urban Development Act of 1968, Pub. L. 90-448, 82 Stat. 476 (repealed 1983), Section 726 of the Housing and Urban –Rural Recovery Act of 1983, Pub. L. 91-609 (repealed 1983), 84 Stat. 1784, Section 474 of the Housing and Urban-Rural Act of 1983, Public Law 98-181, 97 Stat. 1237 (codified at 12 U.S.C. 1710g-5b), and any other functions, powers, and duties that may affect the liquidation of the New Communities program;
- m. Rural Housing and Economic Development grants specifically designed originally in the Fiscal Year 1998 HUD Appropriations Act, Pub. L. 105-65, 111 Stat. 1344 and subsequent annual HUD appropriations acts;
- n. Renewal Communities (RC), as authorized under Title 26, subtitle A, chapter 1, subchapter X of the Internal Revenue Code (codified as amended at 26 U.S.C. 1400E *et seq.*); 24 CFR part 599;
- o. Youthbuild Program, Title IV, Subtitle D of the Cranston-Gonzalez National Affordable Housing Act, Pub. L. 101-625, 104 Stat. 4079 (1990) (repealed 2006); 24 CFR part 585; and Youthbuild Transfer Act (TA) as authorized under Title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992, Pub. L. 102-550, 106 Stat. 3723 (1992) (repealed 2006); and

p. All programs consolidated in the Revolving Fund (Liquidating Programs) established pursuant to Title II of the Independent Offices Appropriations Act, Pub. L. 98-45, 97 Stat. 223 (1983) (codified as amended at 12 U.S.C. 1701g-5), including all authority of the Secretary with respect to functions, administration, and management of the Revolving Fund (Liquidating Programs).

23. Suspensions, and/or limited denial of participations under 2 CFR part 2424 with the concurrence of the General Counsel, or such other official as may be designed by the General Counsel.

Section B. Authority Excepted

There is excepted from the authority delegated under Section A:

1. The power to sue and be sued;
2. Under Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383, 88 Stat. 633 (codified as amended at 42 U.S.C. 5301 *et seq.*):
 - a. The power to administer the Indian Community Development Block Grant program, for which the authority has been delegated to the Assistant Secretary for Public and Indian Housing;
 - b. The power to administer section 107 programs delegated to the Assistant Secretary for Policy Development and Research;

- c. The power to issue obligations for purchase by the Secretary of the Treasury under section 108(g) of the Housing and Community Development Act (42 U.S.C. 5308); and
- d. The power and authority of the Secretary with respect to nondiscrimination under section 109 may be exercised only with the advice of the Assistant Secretary for Fair Housing Equal Opportunity.

3. Under the HOME Investment Partnerships Act, Title II of the Cranston-Gonzalez National Affordable Housing Act, Public Law 101-625, 104 Stat. 4079 (1990) (codified as amended at 42 U.S.C. 12721 *et seq.*), the power to administer grants to Indian tribes, for which the authority has been delegated to the Assistant Secretary for Public and Indian Housing.

4. For programs noted in Section A.22 of this delegation that are no longer authorized for funding;

- a. The power to establish interest rates; and
- b. The power to issue notes or obligations for purchase by the Secretary of the Treasury.

5. The authority delegated under Section A to the Principal Deputy Assistant Secretary and General Deputy Assistant Secretary does not include the authority to waive the following statutes:

- a. The authority under annual and supplemental HUD appropriations acts providing Community Development Block Grant funding for disaster recovery

(e.g., Pub.121212 L. 113-2) to waive, or specify alternative requirements for, statutory requirements;

- b. The authority under section 215(a)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745) to waive qualifying rents; and
- c. The authority under section 858(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12906) to waive requirements for short-term supported housing and services.

Section C. Authority to Redelegate

The Assistant Secretary, the Principal Deputy Assistant Secretary and the General Deputy Assistant Secretary for Community Planning and Development are authorized to redelegate to employees of the Department any authority delegated under Section A. Redelegated authority to

CPD Director, Assistant Secretaries or other CPD program officials does not supersede the authority of the Assistant Secretary as designee of the Secretary. The two existing redelegations published on June 29, 2012 at 77 FR 38851 and 77 FR 38853 remain in effect.

Section D. Delegations Superseded

This notice supersedes all prior delegations of authority from the Secretary to the Assistant Secretary for Community Planning and Development, including the delegation published on May 30, 2012 at 77 FR 31972.

Authority: Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 13, 2015. _____

Julián Castro,
Secretary of Housing and Urban Development.

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