



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 578, 582, and 583

[Docket No. FR-6583-F-01]

Removal of Regulations for the Shelter Plus Care and the Supportive Housing Programs

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This rule removes HUD's Shelter Plus Care program and Supportive Housing Program regulations from title 24 of the Code of Federal Regulations. HUD is removing these regulations and references to these regulations because the Shelter Plus Care and Supportive Housing Programs were consolidated into and replaced by the Continuum of Care (CoC) Program following the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act).

DATES: *Effective Date:* [INSERT DATE 30 DAYS FROM THE DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Wesley Armstrong, Department of Housing and Urban Development, 2415 Eisenhower Ave., Alexandria, VA 22314; telephone number 202-402-2107 (this is not a toll-free number); email Wesley.R.Armstrong@hud.gov. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit:

<https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

SUPPLEMENTARY INFORMATION:

I. Background

The McKinney-Vento Homeless Assistance Act (McKinney-Vento) contains emergency relief programs, preventive measures, and long-term solutions to address homelessness (Pub. L.

100-77, 101 Stat. 482, codified at 42 U.S.C. 11301 *et seq.*) McKinney-Vento authorized the Shelter Plus Care Program and Supportive Housing Program.¹ HUD promulgated numerous regulations governing the Shelter Plus Care Program and Supportive Housing Program. In 2009, the HEARTH Act (Division B, Pub. L. 111-22, 123 Stat. 1632), reformed McKinney-Vento and consolidated two homeless assistance programs administered by HUD, specifically the Shelter Plus Care Program and Supportive Housing Program, into the Continuum of Care (CoC) Program. HUD published an interim rule on July 31, 2012, implementing the CoC program regulations and the CoC regulatory framework at 24 CFR part 578 (77 FR 45422). HUD published the CoC interim rule, incorporating public comments in the *Federal Register*, on June 14, 2016 (81 FR 38581).

II. This Final Rule

This rule removes the Shelter Plus Care program and the Supportive Housing Program regulations located at 24 CFR parts 582 and 583, respectively, because they have been replaced by the CoC program following the enactment of the HEARTH Act and subsequent CoC regulations. For the Shelter Plus Care program, this rule removes 24 CFR part 582 because the program has been consolidated into the CoC Program, and specific Shelter Plus Care funds are no longer available and all renewals have been renewed through the CoC program. For the Supportive Housing Program, this rule removes 24 CFR part 583 because the program has been consolidated into the CoC Program, and specific Supportive Housing Program funds are no longer available, and all renewals have been renewed through the CoC program. HUD is making a conforming amendment to 24 CFR 578.33(d)(1) to remove cross-references to parts 582 and 583.

III. Justification for Final Rulemaking

In accordance with regulations at 24 CFR part 10, it is the practice of the Department to

¹ McKinney-Vento authorized the Shelter Plus Care program under title IV, subtitle F (42 U.S.C. 11403 *et seq.*) and authorized the Supportive Housing Program under title IV (42 U.S.C. 11381 *et seq.*).

offer interested parties an opportunity to comment on proposed regulations. 24 CFR part 10 provides narrow exceptions to the notice and comment requirements if the Department finds good cause to omit notice and public participation. The good cause requirement under 24 CFR 10.1 may be satisfied when notice and public comment are impracticable, unnecessary, or contrary to the public interest. To publish a rule prior to receiving and responding to public comments, the agency must find that at least one good cause exceptions is applicable.

HUD has determined that good cause exists to promulgate this final rule without prior notice and comment. Specifically, the Department has concluded that it is impractical and unnecessary to solicit and respond to public comments on the deletion of regulations that were consolidated in part 578 as a result of statutory changes. Accordingly, HUD has concluded there is good cause to publish this rule prior to receiving and responding to public comments.

IV. Findings and Certifications

Regulatory Review – Executive Orders 12866 and 13563

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether regulatory action is significant and, therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are “outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.” Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. This rule eliminates language that is no longer in use. Accordingly, this rule has been determined not to be a “significant regulatory action” as defined in section 3(f) of Executive Order 12866.

Regulatory Costs – Executive Order 14192

Executive Order 14192, entitled “Unleashing Prosperity Through Deregulation,” was issued on January 31, 2025. Section 3(c) of Executive Order 14192 requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations. OMB has determined that this final rule does not impose any regulatory costs as HUD already consolidated the regulations in 24 CFR part 578 and this action is a repeal of a regulation for purposes of Executive Order 14192.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because HUD has determined that good cause exists to issue this rule without prior public comment, this rule is not subject to the requirement to publish an initial or final regulatory flexibility analysis under the RFA as part of such action.

Environmental Impact

This rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Executive Order 13132, Federalism

Executive Order 13132 (entitled “Federalism”) prohibits an agency from publishing any rule that has federalism implications if the rule either: (i) imposes substantial direct compliance costs on State and local governments and is not required by statute, or (ii) preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive

Order. This rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 *et seq.*) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. This rule does not impose any Federal mandates on any State, local, or Tribal governments or the private sector within the meaning of the UMRA.

List of Subjects

24 CFR Part 578

Community development, Community facilities, Grant programs-housing and community development, Grant programs-social programs, Homeless, Reporting and recordkeeping requirements

24 CFR Part 582

Civil rights, Community facilities, Grant programs-housing and community development, Grant programs-social programs, Homeless, Individuals with disabilities, Mental health programs, Nonprofit organizations, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 583

Civil rights, Community facilities, Employment, Grant programs-housing and community development, Grant programs-social programs, Homeless, Indians, Individuals with disabilities, Mental health programs, Nonprofit organizations, Reporting and recordkeeping requirements, Technical assistance.

Accordingly, for the reasons discussed in the preamble, HUD amends 24 CFR chapter V as follows:

PART 578— CONTINUUM OF CARE PROGRAM

1. The authority citation for part 578 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701 x-1; 42 U.S.C. 11381 *et seq.*, 42 U.S.C. 3535(d).

2. Revise § 578.33(d)(1) to read as follows:

§ 578.33 Renewals.

* * * * *

(d) * * *

(1) Awards made under title IV of the Act, as in effect before August 30, 2012 are eligible for renewal in the Continuum of Care program even if the awardees would not be eligible for a new grant under the program, so long as they continue to serve the same population and the same number of persons or units in the same type of housing as identified in their most recently amended grant agreement signed before August 30, 2012. Grants will be renewed if HUD receives a certification from the Continuum that there is a demonstrated need for the project, and HUD finds that the project complied with program requirements applicable before August 30, 2012.

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PART 582—[REMOVED]

3. Under the authority of 42 U.S.C. 3535(d), remove part 582, consisting of §§ 582.1 through 582.410.

PART 583—[REMOVED]

4. Under the authority of 42 U.S.C. 3535(d), remove part 583, consisting of §§ 583.1 through 583.410.

Ronald Kurtz,

Assistant Secretary for Community Planning and Development