



August 22, 2024

Marion M. McFadden  
Principal Deputy Assistant Secretary for  
Community Planning and Development  
U.S. Department of Housing and Urban Development  
451 Seventh Street, SW  
Washington, DC 20410

RE: Delayed FY24 Award Agreements for HOME Investment Partnerships and Housing Trust Fund Programs

Dear Principal Deputy Assistant Secretary McFadden:

The National Council of State Housing Agencies (NCSHA),<sup>1</sup> on behalf of its state Housing Finance Agency (HFA) members, respectfully requests the Department of Housing and Urban Development (HUD) to exempt all Fiscal Year 2024 (FY24) HOME Investment Partnerships (HOME) and Housing Trust Fund (HTF) funding from “Buy America” Provision (BAP) requirements in light of the delay in issuing grant agreements for these programs for the current fiscal year. NCSHA is a nonprofit, nonpartisan organization created to advance, through advocacy and education, the efforts of the nation’s state HFAs and their partners to provide affordable housing to those who need it.

As you know, the HOME program is integral to NCSHA’s and HFAs’ affordable housing missions. Forty-five state and territorial HFAs and NCSHA associate members administer HOME; 43 of these acted as their state’s Participating Jurisdiction (PJ) and two administer a portion of their state’s HOME allocation as a subrecipient in most years. Similarly, 38 HFAs administer their state’s HTF allocation, either as grantee or subgrantee.

The Infrastructure Investment and Jobs Act (IIJA) established a “Buy America” Provision (BAP) requiring procurement of domestic goods and materials for certain infrastructure investments supported by federal financial assistance. To date, HUD has been very thoughtful in providing temporary relief from BAP requirements for critical affordable housing developments supported using the HOME and HTF; however, under the phased implementation schedule

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<sup>1</sup> NCSHA is a nonprofit, nonpartisan organization. None of NCSHA’s activities related to federal legislation or regulation are funded by organizations that are prohibited by law from engaging in lobbying or related activities.

currently in effect pursuant to Notice CPD-2023-12, that relief applies only to HOME and HTF funding obligated by HUD by August 23, 2024.

Due to significant delays by Congress in enacting full-year FY24 appropriations, HUD did not have the full amount of funding available for its programs for the current fiscal year until this spring, thus delaying the issuance of grant agreements for programs like HOME and HTF. While allocations for the HOME and HTF programs were announced in early May, at this time, our understanding is that some states have FY24 HOME and HTF grant awards in place, but others do not. As a result, rigid adherence to the August 23, 2024 implementation date for BAP requirements will result in bifurcation of the FY24 HOME and HTF awards, with one cohort of grantees remaining under the waiver mentioned above, and the other cohort of grantees subject to BAP requirements.

In addition to the unequal playing field this situation creates among HOME and HTF grantees, it will also likely impose significant administrative burden for HUD, which could have to establish parallel systems to track BAP compliance for FY24 HOME and HTF funding, depending solely on whether the FY24 grant agreement for each grantee was in place before or after August 23, 2024. Additionally, application of BAP requirements on HOME and HTF grantees at this time is likely to result in significant delays and cost increases for many housing developments, reducing the amount of units and affordability grantees could achieve with limited funds.

In the interest of equity among HOME and HTF grantees, increasing the supply and affordability of housing, and to improve the administrative efficiency of HUD's oversight of these important programs, we respectfully request that HUD exempt all FY24 HOME and HTF funding from BAP requirements, regardless of when that funding was awarded, through a small modification to CPD-2023-12 or other administrative action.

We thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Garth Rieman", with a long horizontal flourish extending to the right.

Garth Rieman  
Director of Housing Advocacy and Strategic Initiatives