



Build America, Buy America

March 19, 2024



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Meet the Presenter

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Agenda

- ❑ BABA Context
- ❑ Implementation Updates
- ❑ Waivers
- ❑ Notice 2024-01pihn



Implementation Dates by Program and Purchase Type

Program	FY23 Q1	FY23 Q2	FY23 Q3	FY23 Q4	FY24 Q1	FY24 Q2	FY24 Q3	FY24 Q4	FY25 Q1
CDBG Formula Grants	11/15/22 Iron and steel					FY24 Obligation Date (Varies) Construction materials – Specifically-Listed		FY25 Obligation Date (Varies) Construction materials – Not Listed Manufactured products	
Healthy Homes*		2/22/23 Iron and steel						8/23/24 • All construction materials • Manufactured products	
Recovery Housing Program ("RHP") Grants				8/23/23 Iron and steel	FY24 Obligation Date (Varies) Construction materials – Specifically-Listed			FY25 Obligation Date (Varies) Construction materials – Not Listed Manufactured products	
All other HUD FFA**					2/22/24 Iron and steel			8/23/24 • All construction materials • Manufactured products	
HOME***								8/23/24 • Iron and steel • All construction materials • Manufactured products	

*Choice Neighborhood, Lead Hazard Reduction, and Healthy Homes Production Grants

**All other HUD FFA except HOME, Housing Trust Fund, and Public Housing FFA used for maintenance projects

***HOME, Housing Trust Fund, and Public Housing FFA used for maintenance projects

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Implementation Updates

- Proposed waiver form:
https://www.hud.gov/program_offices/general_counsel/build_america_buy_america/waiver
- CPD Notice 2023-12:
<https://www.hud.gov/sites/dfiles/OCHCO/documents/2023-12cpdn.pdf>
- PIH Notice 2024-01:
<https://www.hud.gov/sites/dfiles/OCHCO/documents/2024-01pihn.pdf>
- Data-Based Request for Information:
<https://www.federalregister.gov/documents/2024/02/13/2024-02900/request-for-information-regarding-iron-steel-construction-materials-and-manufactured-products-used>



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Project-Specific Waiver Form

- Use proposed waiver form for project-specific waivers
- Proposed form is currently in-use
- Form will become a Salesforce online form
- HUD recently requested comments on the proposed form



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BABA and Proposed Waiver Form General Comments

1. Difficulties securing contractors and partner organizations,
2. Delays in addressing health and safety repair needs that will ensue when the proposed waiver expires,
3. Compliance and reporting burden concerns,
4. The new definition of housing as infrastructure, and
5. Cost and supply chain concerns.



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Proposed Waiver Form

NAHRO's Comments

1. Emphasize simplicity
2. Incorporate time constraints
3. Provide further guidance to support PHAs' ability to plan
 - submitting component waivers while BABA applies to whole projects;
 - the process for requesting waivers for multiple components as part of the same project;
 - submitting waiver requests for components of future or hypothetical projects;
 - whether waivers can void other waivers out; and
 - the requirements to secure project-specific public interest waivers.



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Data RFI

- Last chance to justify new waivers
- Using data and evidence, what will BABA cost recipients of FFA in terms of cost and time?
- **Take NAHRO's survey to provide evidence of how BABA will impact affordable housing**
 - Link: <https://www.surveymonkey.com/r/J9WLNBS>



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Data RFI

RFI Questions

1. *Domestic Materials Sourcing and Manufacturing* – Whether product categories are produced in the US, who manufactures materials, and production capacity questions,
2. *Market Readiness* – Your expectations about demand for specific products,
3. *Timing* – including supply chain concerns and length of time to deliver materials,
4. *Other Practical Considerations* – Other specific points about complying with the law, and
5. *BAP Compliance and Impact* – Specific recommendations that would allow for effective implementation.



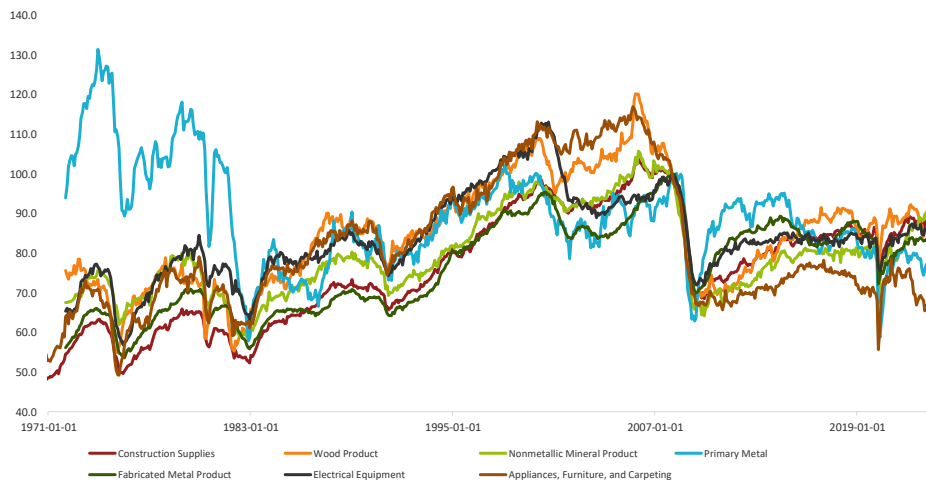
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Data RFI



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Domestic Production of the Metal, Construction, and Manufactured Goods that PHAs Buy
Slowed During the Great Recession and Never Recovered
 (index of 100 = real domestic production levels as of January 1, 2008)



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NAHRO's Focus and Next Steps

NAHRO's Current Focus

- Determining whether the BAP applies to your agency
- Waiver types
- When and how to request a waiver

Immediate Next Steps

- Data RFI: Comments due April 15, 2024
- NAHRO Survey: by April 5, 2024



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