



OFFICE OF PUBLIC & INDIAN HOUSING

March 29, 2023

Dear PHA Executive Directors,

The following is an important update on the status of HUD's implementation of the Build America, Buy America Act (BABA), enacted on November 15, 2021, as part of the Infrastructure Investment and Jobs Act. On March 15, 2023, the Department published a [Public Interest Phased Implementation Waiver](#). This waiver establishes HUD's schedule for applying BABA to its programs, including programs administered by PIH.

PIH has not yet obligated funding that is subject to any requirements of BABA. The first PIH program that will be required to apply BABA is the Choice Neighborhoods grant program, which will be subject to BABA's Buy America Preference for iron and steel purchases made with funds obligated by HUD on or after February 21, 2023, unless another waiver issued by HUD applies. PIH expects to award the new Choice Neighborhoods Implementation Grants that will be subject to the iron and steel purchase requirements in the late spring/early summer of this year.

The next significant date is February 22, 2024. Funding obligated by PIH on or after February 22, 2023, in all other PIH programs, will be required to apply the Buy America Preference for iron and steel purchases, unless the purchases are *for public housing maintenance activities* or another waiver issued by HUD applies.

The final date to note is August 23, 2024. Funding obligated by PIH on or after August 23, 2024, will be required to *fully* apply the Buy America Preference for all PIH programs, including maintenance activities. This means that funding obligated by PIH on or after August 23, 2023, will be subject to the Buy America Preference for the purchase of iron and steel products, construction materials, and manufactured products, unless another waiver issued by HUD applies.

HUD has published two other significant BABA waivers that are scheduled to apply to all of HUD's programs through November 2027.

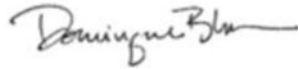
1. The "*De Minimis* and Small Grants" waiver, if applicable, waives application of BABA for all grants and projects that are equal to or less than the 2 CFR 200.1 small purchase threshold (currently \$250,000). It also waives the application of BABA to 5% of grants/projects that exceed the small purchase threshold up to \$1 million.
2. The "Exigent Circumstances" permits PHAs to make purchases required to quickly respond to situations where the protection of life, safety, and property of residents and community members are compromised.

A list of all BABA waivers issued by HUD is located on HUD's [BABA webpage](#).

In the coming weeks, the Department anticipates publishing further guidance on how it intends to implement BABA. We will keep you updated as more information becomes available.

Thank you for your attention to this important initiative.

Many thanks,

A handwritten signature in cursive script, appearing to read "Dominique Blom".

Dominique Blom
General Deputy Assistant Secretary
Office of Public and Indian Housing