

Request for Waiver of Housing Directive

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0029
(Expires 04/30/2020)


1. Field Office Santa Ana Homeownership Center	2. Program and DAS (e.g., multifamily development) Office of Single Family Housing
3. Waiver Requested by (person, entity, HUD employee) Don Doan, Director, Processing and Underwriting Division	
4. Waiver Item (directive number, date, page, paragraph, etc.) Handbook 4000.1 II.A.7.c	
Relief Sought Waiver of the requirement that the inspection required for a property in a Presidentially Declared Major Disaster Area (PDMDA) not be completed until after the close date for the Incident Period as determined by the Federal Emergency Management Agency (FEMA), which will permit inspections of properties in for lava flow zones 3-9 on the Big Island of Hawaii stemming from the Hawaii Kilauea Volcanic Eruption and Earthquakes (DR-4366) PDMDA to be conducted beginning September 4, 2018.	
5. Did a check of SharePoint indicate Prior Approval of a factually similar waiver? <input type="checkbox"/> Yes (skip No. 6) <input checked="" type="checkbox"/> No (go to No. 6)	If previously approved, give Counsel's name and date of approval.
6. Counsel Determination. The Waiver Proposal does not conflict <input checked="" type="checkbox"/> conflicts <input type="checkbox"/> with statutory or regulatory provisions (cite rule or provision)	

Counsel (signature) 	Date 8/30/18
--	-----------------

7. Employee Justification (attach additional pages if necessary)

FHA Single Family requires that all Properties with pending Mortgages or endorsements in Presidentially-Declared Major Disaster Areas (PDMDA) have a damage inspection report that identifies and quantifies any dwelling damage. The damage inspection report must be completed by an FHA Roster Appraiser even if the inspection shows no damage to the Property, and the report must be dated after the Incident Period (as defined by FEMA). At this time, FEMA has designated the incident period for the Hawaii Kilauea Volcanic Eruption and Earthquakes (DR-4366) as ongoing. FEMA defines the Incident Period in 24 CFR 206.32(f) as: "The time interval during which the disaster-causing incident occurs. No Federal assistance under the Act shall be approved unless the damage or hardship to be alleviated resulted from the disaster-causing incident which took place during the incident period or was in anticipation of that incident. The incident period will be established by FEMA in the FEMA-State Agreement and published in the Federal Register." While FHA insurance is not Federal Assistance under the Stafford Act, FHA's requirements adopt FEMA's definition to ensure properties are not endorsed during the time interval in which disaster causing incidents are ongoing. FHA believes that the situation in lava flow zones 3-9 has stabilized to the extent that further damage to properties appears unlikely despite FEMA not having closed its Incident Period for the PDMDA. As the risk of further property damage subsequent to the effective date of this waiver appears unlikely and the inability to begin inspections may be causing harm to consumers, FHA is waiving this requirement that the incident period be closed by FEMA in order to inspect.

Field Office Concurrence

Name Elissa Saunders	Title Director, Office of Single Family Program Development	Date
8. <input checked="" type="checkbox"/> Granted <input type="checkbox"/> Not Granted	Housing Director (signature) 	Date 9/4/18

Comments

Public reporting burden for this collection of information is estimated to average xx minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Distribution: (includes waivers granted and denied)
Original to Field Office;
One copy to each of the following: Director, Organizational Policy, Planning and Analysis Division, Room 9116, HUD Headquarters, HRO
Assistant General Counsel, Multifamily Mortgage Division, HUD Headquarters, Room 9230, CAHAA
Office of the Deputy Assistant Secretary for Single Family Housing, Room 9282, HUD Headquarters, HU
Office of the Deputy Assistant Secretary for Multifamily Housing, Room 6106, HUD Headquarters, HT