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## Waivers to the Section 8 Regulations and the Section 8 Renewal Guide

The Department is committed to preserving the existing stock of affordable housing and will permit the local HUD office to request waivers to certain sections of the HUD Regulations and the Section 8 Renewal Guide.

Headquarters will consider the following Field Office requests on behalf of owners:

- Regulatory Waivers
  - 880.205(a), 881.205(a), or 883.306(a) to allow a nonprofit owner with a new regulation Section 8 contract to receive distributions.
- Section 8 Renewal Guide Waivers
  - The Note found after Section 3-2D that restricts rents to use restricted levels.
  - In Chapter 15:
    - the requirement in Section 15-8 that rents in a RCS reflect use restrictions on the property;
    - the requirement in Section 15-13 that the property have a REAC score of greater than 30, and
    - the prohibitions against for-profit owners who wish to comply with the requirements of Chapter 15 from obtaining the benefits under the chapter.

In order for the waiver to be approved by Headquarters, the Hub Director must approve the request and submit it, along with certain other material; including: the major features of the transaction, specific provisions to be waived, proposed sources of financing, proposed ownership changes, timing of the transaction, and how the waiver would facilitate the preservation of the project. The information from the Hub should also indicate if any related requests have been or will be submitted to allow for prepayment of the existing mortgage, decoupling of the Interest Reduction Payments, or deferral of flexibility subsidy loans.

**WAIVERS WILL NOT BE ISSUED FOR TRANSACTIONS THAT HAVE ALREADY CLOSED.**

For further information please contact your local field office.