



February 13, 2020

GENERAL NEWS

HUD Publishes Proposed Rule on Faith-Based Organizations

Today in the *Federal Register*, the Department of Housing and Urban Development ([HUD](#)) published a [proposed rule](#), Equal Participation of Faith-Based Organizations in HUD Programs and Activities: Implementation of Executive Order 13831. In addition to implementing Executive Order 13831, the rule would amend HUD regulations to “provide clarity regarding the rights and obligations of faith-based organizations participating in HUD’s programs.” The aim would be to align HUD’s programs and activities “with the First Amendment of the Constitution and the requirements of federal law, including the Religious Freedom Restoration Act.” Specifically, the proposed rule would:

- Delete the requirement in 24 CFR 5.109(g) that faith-based social service providers with direct federal funding provide written notice to beneficiaries and refer beneficiaries objecting to the organization’s religious character to an alternative provider, and the requirement that faith-based organizations provide notices that are not required of secular organizations
- Clarify that a faith-based organization that applies for or requests to participate in, is assessed to participate in, or that actually participates in any HUD-funded program or activity “retains its autonomy, right of expression, religious character, and independence”
- Clarify that none of the guidance documents used in administering HUD’s financial assistance would require faith-based organizations to provide assurances or notices where similar requirements are not imposed on secular organizations, and that any restrictions on the use of grant funds apply equally to faith-based and secular organizations
- Require that HUD’s notices of funding availability (NOFAs), grant agreements, and cooperative agreements include language clarifying the rights and obligations of faith-based organizations that apply for and receive federal funding
- Maintain that faith-based organizations may apply for awards on the same basis as any other organization, that HUD will not discriminate against an organization on the basis of its religious exercise or affiliation, and that a faith-based organization

applying for, participating in, or assessed for eligibility to participate in a HUD program “retains its independence from the government and may continue to carry out its mission consistent with religious freedom protections in federal law, including the Free Speech and Free Exercise clauses of the First Amendment to the Constitution.”

Comments are due **April 13, 2020**.

PH PROGRAM NEWS

PIH Posts Updated CY 2020 Op Sub Tools

In an email yesterday to the Financial Management Division (FMD) [mailing list](#), HUD’s Office of Public and Indian Housing (PIH) announced that it has posted updated operating subsidy tools for calendar year 2020 to the [operating fund web portal](#). The updated HUD-52723 and HUD-52722 Excel tools, current as of February 12, now include the correction to the UEL inflation factor and additional upgrades to support the changes. As such, HUD has moved the deadline for submission to Tuesday, **March 3, 2020**.

As of 2019, the Excel tools and user guides are available only through the web portal. Access to the portal may be requested through the agency’s WASS coordinator. Questions may be directed to [REAC](#).

PIH Updates Op Sub Submission Schedule for CY 2020

HUD’s Office of Public and Indian Housing (PIH) has posted [version 1.3](#) of its schedule for calendar year (CY) 2020 public housing operating subsidy submissions. The revised schedule, dated February 12, contains the following submission dates:

- HUD publishes inventory of projects eligible for operating subsidy: **October 31**
- Deadline for PHAs to request corrections to inventory: **November 5**
- Forms HUD-52723 and 52722 made available to PHAs: **February 12**
- Forms due from PHAs to field offices: **March 3**
- Publication of preliminary eligibility based upon HUD-52723 submissions: **March 27**
- PHAs contact field offices with any issues regarding preliminary eligibility: **April 3**

PHAs will be funded based upon an estimate in January, February, March, and April. The schedule is available on the [2020 subsidy processing webpage](#).



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