

# ***Build Housing Affordably Act***

Rep. Mike Flood (R-NE) and Rep. Maggie Goodlander (D-NH)

## **Section-by-Section Summary**

### **Section 1. Short Title**

Designates the bill as the "**Build Housing Affordably Act.**"

### **Section 2. Buy American Act Study and Report**

This section directs the Secretary of Housing and Urban Development (HUD) to conduct a comprehensive study on the impacts of the Build America, Buy America Act (BABA) on affordable housing development and preservation projects assisted through covered federal housing programs. Specifically, the study must evaluate:

- Direct costs associated with procuring construction materials for federally assisted housing projects;
- Indirect compliance costs, including administrative expenses, consultant costs, and expenses incurred while pursuing waivers;
- Project delays attributable to BABA compliance requirements and their associated costs;
- Housing projects left incomplete due to compliance burdens; and
- The number of affordable housing units not built as a result of BABA-related costs and delays.

The study must also assess HUD's BABA waiver process, including:

- HUD's policies and procedures for reviewing waivers;
- Waiver processing times;
- The number of waivers granted for housing projects;
- The use and effectiveness of public-interest waivers;
- The effectiveness of HUD's de minimis waiver; and
- The materials and products most frequently subject to waiver requests.

Requires HUD to submit a report containing the study's findings to the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs no later than 90 days after completion of the study.

### **Section 3. Requirement to Pause Implementation of Build America, Buy America Requirements**

This section temporarily suspends the application of Build America, Buy America requirements for covered affordable housing projects receiving assistance through covered federal housing programs.

The suspension remains in effect until 60 days after HUD submits the report required under Section 2 to Congress. This pause ensures policymakers have data regarding BABA's impact on affordable housing production before further implementation occurs.

#### **Section 4. Timing for Review of Waiver Applications**

This section establishes a 90-day deadline for HUD to approve or deny waiver requests submitted by entities undertaking covered affordable housing projects.

If HUD fails to render a decision within 90 days, the waiver is automatically deemed approved. Any waiver deemed approved under this provision is final, irrevocable, and may not be subjected to further federal review.

This provision provides certainty to housing developers, lenders, investors, and public housing agencies by preventing indefinite delays in project development caused by prolonged waiver review periods.

#### **Section 5. Definitions**

This section defines key terms used throughout the Act.

**Covered Program** includes major federal housing and community development programs administered by HUD and USDA, including:

- Public Housing;
- Section 8 Rental Assistance;
- HOME Investment Partnerships Program;
- Section 202 Housing for the Elderly;
- Section 811 Housing for Persons with Disabilities;
- Native American Housing Programs;
- Native Hawaiian Housing Programs;
- Housing Trust Fund;
- McKinney-Vento Homeless Assistance Programs;
- Housing Opportunities for Persons with AIDS (HOPWA);
- USDA Rural Rental Housing Programs;
- Community Development Block Grants (CDBG);
- Section 4 Capacity Building Program; and

- The Choice Neighborhoods Initiative.

**Covered Project** means a residential housing project that:

1. Receives assistance through a covered program;
2. Is subject to Build America, Buy America requirements; and
3. Has as its primary purpose the purchase, construction, rehabilitation, preservation, or improvement of residential housing.