



July 6, 2021

GENERAL NEWS

HUD Publishes Final Rule Revoking Requirements for Issuing Guidance Documents

Today in the *Federal Register*, HUD's Office of General Counsel ([OGC](#)) published a [final rule](#) that implements [Executive Order \(EO\) 13992](#), "Revocation of Certain Executive Orders Concerning Federal Regulation," issued on January 20, 2021. EO 13992, among other things, revoked [EO 13891](#) and directed agencies to promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or related portions, that implemented or enforced the EOs revoked.

On November 10, 2020, [HUD](#) published an [interim final rule](#) (IFR) implementing EO 13891, "Promoting the Rule of Law Through Improved Agency Guidance Documents," which required federal agencies to publish regulations that establish processes and procedures for issuing guidance documents. The IFR established a new [part 11 in title 24](#) of the Code of Federal Regulations (CFR) that required HUD to follow certain procedures in issuing guidance documents. These procedures included establishing a single agency website where the public could find all HUD guidance in effect, OMB review of significant guidance, public comment on significant guidance, and a procedure for the public to request withdrawal or modification of a guidance document.

According to today's notice, given the revocation of EO 13891, and after considering the public comments HUD received in response to the IFR, HUD has decided to remove 24 CFR part 11. HUD concluded that the IFR deprives HUD of necessary flexibility to determine when and how to best issue guidance documents based on particular facts and circumstances, and unduly restricts HUD's ability to provide timely guidance on which the public can confidently rely.

The effective date of the final rule is **August 5, 2021**.

Treasury Posts ERA Reporting Guidance

The U.S. Department of Treasury ([Treasury](#)) has posted an [ERA Reporting Guidance](#), which provides all entities that received Emergency Rental Assistance ([ERA](#)) awards directly from Treasury with overall information on required reporting, including expectations, procedures, and submission deadlines. It also establishes the required data that each ERA award recipient must submit as part of their progress and financial reporting. The guidance will be updated periodically.

Additionally, Treasury is providing an [ERA Data Dictionary](#) and [Wireframes for the ERA Reporting Portal](#). According to the webpage, a user guide along with bulk upload file templates and instructions will be provided soon.

You can find the links to these documents and other ERA resources on the [ERAP website](#).



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