

Build America Buy America Act (BABA)

Buy America Preference

What is BABA?

The Build America, Buy America Act (BABA) was enacted on November 15, 2021, as part of the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. No. 117-58). The Act created an incentive to increase domestic manufacturing across the country through the inclusion of BABA's "Buy America Preference" (BAP). BABA establishes a domestic content procurement preference known as the "Buy America Preference" (BAP) for Federal infrastructure spending.

How Does BABA Apply to HOME Projects?

The BAP requires that all iron, steel, manufactured products, and construction materials used in infrastructure projects funded with Federal financial assistance, including the HOME Investment Partnership Program (HOME), must be produced in the United States. Specific requirements are codified in 2 CFR 184.

HUD CPD notice 2023-12 lists construction materials.

Developers will be required to certify BAP compliance upon completion or request a waiver before starting construction.

How Can I Find Materials?

If you need help sourcing materials, the National Institute of Standards and Technology (NIST) Manufacturing Extension Partnership (MEP) provides a supplier scouting service that grantees, subrecipients, and contractors may use to conduct market research and identify manufacturers who can meet demand for American made products.

Are there Exceptions?

There are currently four general applicability waivers in effect for HUD programs that apply to CPD programs: 1) Phased Implementation Waiver, 2) Exigent Circumstances Waiver, 3) De Minimis, Small Grants, and Minor Components Waiver, and 4) Tribal Recipients Waiver. In addition to HUD's general waivers, HUD may also grant "project-specific" waivers on a limited, case-by-case basis. The details of each of these waivers can be found in Section IV of HUD CPD notice 2023-12.

If you would like to request a waiver, notify Clark County before starting construction.

Where Can I Get More Information?

For more information, trainings and resources, please visit the HUD BABA page: <https://www.hudexchange.info/programs/baba/> or <https://www.hud.gov/sites/dfiles/OCHCO/documents/2023-12cpdn.pdf>

Waiver details can be found at: <https://www.hudexchange.info/programs/baba/waivers/>

For help sourcing materials, visit: <https://www.nist.gov/mep/supply-chain/supplier-scouting>



Clark County Community Housing Office

500 S. Grand Central Parkway, 6th Floor
CCHOME@ClarkCountyNV.gov
ClarkCountyNV.gov