

§1.5, Waiver Applicability in the Case of State or Federally Declared Disasters

(a) When the federal government has provided the Department a waiver, suspension, or contract amendment of a federal programmatic regulation, federal statute, or contract term in response to a state or federally declared disaster, and the requirement waived, suspended, or amended had been codified in this title, the Executive Director or designee may waive, suspend, or modify the rule within this title, if:

- (1) the Executive Director or designee has determined that not doing so may negatively affect the health, safety, or welfare of program recipients;
- (2) such waiver, suspension, or modification to the rule within this title is clearly related to the federally provided waiver, suspension, or modification; and
- (3) such waiver or suspension would not have negatively affected the selection of an awardee who has received a competitive award of Department resources.

(b) When the state government has provided the Department a waiver or suspension of a state statute in response to a state or federally declared disaster, and the requirement waived or suspended had been codified in this title, the Executive Director or designee may waive, suspend, or modify the rule within this title, if:

- (1) the Executive Director or designee has determined that not doing so may negatively affect the health, safety, or welfare of program recipients;
- (2) such waiver, suspension, or modification to the rule within this title must be clearly related to the state provided waiver or suspension;
- (3) such waiver or suspension would not have negatively affected the selection of ~~an~~ awardee who has received a competitive award of Department resources; and
- (4) the Executive Director or designee has determined that doing so is not inconsistent with any applicable federal statute, regulations or contract requirements.