

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4250-N-03]

Notice of Regulatory Waiver Requests Granted

AGENCY: Office of the Secretary, HUD.

ACTION: Public notice of the granting of regulatory waivers from July 1, 1997 through September 30, 1997.

SUMMARY: Under the Department of Housing and Urban Development Reform Act of 1989 (Reform Act), HUD is required to make public all approval actions taken on waivers of regulations. This notice is the twenty-seventh in a series, being published on a quarterly basis, providing notification of waivers granted during the preceding reporting period. The purpose of this notice is to comply with the requirements of section 106 of the Reform Act.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Camille E. Acevedo, Assistant General Counsel for Regulations, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-3055 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

For information concerning a particular waiver action for which public notice is provided in this document, contact the person whose name and address is set out for the particular item, in the accompanying list of waiver-grant actions.

SUPPLEMENTARY INFORMATION: As part of the Housing and Urban Development Reform Act of 1989 (the Reform Act), the Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by HUD. Section 106 of the Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (2 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary rank or equivalent rank, and the person to whom authority to waive is delegated must also have authority to *issue* the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has

approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

- a. Identify the project, activity, or undertaking involved;
- b. Describe the nature of the provision waived, and the designation of the provision;
- c. Indicate the name and title of the person who granted the waiver request;
- d. Describe briefly the grounds for approval of the request;
- e. State how additional information about a particular waiver grant action may be obtained.

Section 106 of the Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives issued by HUD on April 22, 1991 (56 FR 16337). This is the twenty-seventh notice of its kind to be published under section 106 of the Reform Act. This notice updates HUD's waiver-grant activity from July 1, 1997 through September 30, 1997.

For ease of reference, waiver requests granted by departmental officials authorized to grant waivers are listed in a sequence keyed to the section number of the HUD regulation involved in the waiver action. For example, a waiver-grant action involving exercise of authority under 24 CFR 58.73 (involving the waiver of a provision in 24 CFR part 58) would come early in the sequence, while waivers of 24 CFR part 990 would be among the last matters listed.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement in title 24 that is being waived as part of the waiver-grant action. (For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.)

Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver grant action.

Should HUD receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occurred between October 1, 1997 through December 31, 1997.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: March 23, 1998.

Andrew Cuomo,
Secretary.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development July 1, 1997 Through September 30, 1997

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly before each set of waivers granted.

For Items 1 Through 3, Waivers Granted for 24 CFR Part 5 Contact

Gloria Cousar, Deputy Assistant Secretary, Office of Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4126, Washington, DC 20410; Telephone: (202) 619-8201 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

1. Regulation: 24 CFR 5.613

Project/Activity: A request was made by the Aiken Housing Authority (AHA), of Aiken, SC, to permit the establishment of ceiling rents for its entire low-rent inventory.

Nature of Requirement: The total tenant payment a public housing agency (PHA) must charge shall be the highest of the following, rounded to the nearest dollar: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of monthly income; (3) if the family receives Welfare assistance from a public agency and a part of such payments is specifically designated by such agency to meet the family's housing costs, the monthly portion of such payments which is so designated; or (4) the minimum rent set by the PHA.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 21, 1997.

Reason Waived: The establishment of ceiling rents will permit the AHA to maintain more wage-earning, low-income applicants, and will help improve the AHA's current vacancy ratio.

2. Regulation: 24 CFR 5.613

Project/Activity: A request was made by the Clearwater Housing (CHA), Authority, of Clearwater, Florida, to permit the establishment of ceiling rents for its entire low-rent inventory.

Nature of Requirement: The total tenant payment a public housing agency (PHA) must charge shall be the highest of the following, rounded to the nearest dollar: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of Monthly Income; (3) if the family receives Welfare assistance from a public agency and a part of such payments is specifically designated by such agency to meet the family's housing costs, the monthly portion of such payments which is so designated; or (4) the minimum rent set by the PHA.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 15, 1997.

Reason Waived: The establishment of ceiling rents will permit the CHA to reduce unit turnover by retention of families who might otherwise seek housing on the private market; assist residents in their transition from welfare to work; and will help to improve the AHA's current vacancy ratio.

3. Regulation: 24 CFR 5.613

Project/Activity: Arlington Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides that the Total Tenant Payment for families whose initial lease is effective on or after August 1, 1982, shall be the highest of: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of Monthly Income; or (3) the Welfare Rent.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 29, 1997.

Reason Waived: Approval of the waiver permitted the elderly Section 8 program participant to pay more than 30 percent of her income so that she did not have to move from the unit where she had lived for many years.

For Items 4 Through 26, Waivers Granted for 24 CFR Parts 91, 92, 570, 574 and 576
Contact: Debbie Ann Wills, Field Management Officer, U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street, SW, Room 7152, Washington, DC 20410; Telephone: (202) 708-2565, Fax: (202) 401-9681. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8391. (With the exception of the "800" number, these are not toll-free telephone numbers.)

4. Regulation: 24 CFR 91.115(c)(2)

Project/Activity: The State of Texas requested a waiver of HUD's Consolidated Plan regulations (24 CFR part 91) to allow the State to grant the city of Jarrel CDBG funds to rebuild roads, and water and septic systems that were damaged by a tornado.

Nature of Requirement: HUD's regulation at 24 CFR 91.115(c)(2) requires that a State give the public 30 days to comment on any changes the State intends to make to its one year action plan for funds granted under the Consolidated Plan.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: July, 3 1997.

Reasons Waived: In order to permit the State to quickly provide funds to the City, the Assistant Secretary permitted the State to amend its action plan with only a 7 days public comment period, rather than the 30 days that is required by the regulation.

5. Regulation: 24 CFR 91.402

Project/Activity: The City of Overland Park, Kansas requested a waiver of HUD's Consolidated Plan regulations at 24 CFR 91.402 to allow the City, which is a member

of the Johnson County Kansas Consortium, until Fiscal Year 2000 to complete its transition of aligning the start of its program year with the Consortium.

Nature of Requirement: The regulations at 24 CFR 91.402 state that all units of local government that are members of the Consortium must be on the same program year for the CDBG program, the HOME program, the Emergency Shelter Grants (ESG) program, and the Housing Opportunities for Persons with AIDS (HOPWA) program.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development & Development.

Date Granted: July 15, 1997.

Reasons Waived: The Assistant Secretary allowed the transition period to allow the City sufficient time to identify local needs and resources, so that the City's Federal resources could be targeted to the highest priority needs.

6. Regulation: 24 CFR 91.402(a) and (b)

Project/Activity: The DuPage County, Illinois Consortium requested a waiver of the Consolidated Plan regulations (24 CFR part 91) to allow the City of Aurora to maintain a program year that is separate from the program year of the other consortium members.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.402(a) and (b) require that units of local government that are members of a consortium have the same program year for the CDBG program, the HOME program, the Emergency Shelter Grants (ESG) program, and the Housing Opportunities for Persons with AIDS (HOPWA) program.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Dated Granted: September 30, 1997.

Reasons Waived: The Assistant Secretary determined that compliance with the requirement would constitute a hardship on the City of Aurora. Accordingly, the waiver was granted.

7. Regulation: 24 CFR 91.520(a)

Project/Activity: Baltimore, Maryland requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Dated Granted: September 11, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

8. Regulation: 24 CFR 91.520(a)

Project/Activity: Kern County, California requested an extension of the deadline to submit its Consolidated Annual CDBG

Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) of the consolidated plan regulations require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Dated Granted: September 17, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the County from submitting a complete and accurate performance report on its 1996 program year.

9. Regulation: 24 CFR 91.520(a).

Project/Activity: The City of Dubuque, Iowa requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Dated Granted: September 24, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

10. Regulation: 24 CFR 91.520(a).

Project/Activity: The City of Santa Maria, California requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Dated Granted: September 29, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

11. Regulation: 24 CFR 91.520(a).

Project/Activity: The City of Pasadena, California requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) of the consolidated plan regulations require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 29, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

12. Regulation: 24 CFR 91.520(a)

Project/Activity: The City of Lompac, California requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Dated Granted: September 29, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

13. Regulation: 24 CFR 91.520(a)

Project/Activity: The City of Pomona, California requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 29, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

14. Regulation: 24 CFR 91.520(a)

Project/Activity: The City of Gardena, California requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 29, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

15. Regulation: 24 CFR 91.520(a)

Project/Activity: Tarrant County, Texas requested an extension of the deadline to submit its Consolidated Annual CDBG

Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulation at 24 CFR 91.520(a) requires that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the County from submitting a complete and accurate performance report on its 1996 program year.

16. Regulation: 24 CFR 91.520(a)

Project/Activity: The City of Memphis, Tennessee requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

17. Regulation: 24 CFR 91.520(a)

Project/Activity: Sioux City, Iowa requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

Nature of Requirement: HUD's Consolidated Plan regulation at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 30, 1997.

Reasons Waived: The Assistant Secretary determined that failure to grant the requested waiver would prevent the City from submitting a complete and accurate performance report on its 1996 program year.

18. Regulation: 24 CFR 92.251

Project/Activity: Lake County, Indiana requested a waiver to permit a rehabilitation project that used HOME funds to be discontinued without completing all required rehabilitation work.

Nature of Requirement: HUD's regulation at 24 CFR 92.251 provides that housing assisted with HOME funds meet, at a minimum, HUD housing quality standards (HQS), and provides other minimum standards for substantial rehabilitation and new construction.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: July 7, 1997.

Reasons Waived: The waiver was granted because of the unusual circumstances associated with the rehabilitation which forced the project to be cancelled (the property owner was abducted and murdered by an employee of the electrical contractor.)

19. Regulation: 24 CFR 570.200(a)(3)

Project/Activity: Grand Forks, North Dakota requested a waiver of the requirement that at least 70 of CDBG funds be used for activities which benefit low- and moderate income persons, to facilitate disaster relief efforts.

Nature of Requirement: The CDBG program regulations at 24 CFR 570.200(a)(3) implement the statutory requirement that 70 percent of program funds principally benefit low and moderate income persons.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: August 14, 1997.

Reasons Waived: Sections 208 and 234 of the Multifamily Property Disposition Reform Act of 1994 authorize HUD to suspend certain statutory and regulatory provisions that would otherwise apply to the use of CDBG and HOME funds in order to address the damage in an area that the President has declared a disaster under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

20. Regulation: 24 CFR 570.201(c) and 24 CFR 570.703

Project/Activity: Fairfax County, Virginia requested a waiver of the Community Development Block Grant (CDBG) program regulations (24 CFR part 570) to allow the County to use \$100,000 in Section 108 Loan Guarantee funds to reconstruct streets on land under private ownership.

Nature of Requirement: The CDBG regulations at 24 CFR 570.201(c) state that public facilities and improvements funded with CDBG funds must be owned by either a public entity, a public or private non-profit entity or by a subrecipient. The regulation at 24 CFR 570.703 lists eligible activities for Section 108 Loan Guarantee funds.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: August 8, 1997.

Reasons Waived: The regulation was waived because the community was willing to commit to obtain legally binding evidence that the streets in question would be operated so as to be used by the public during all normal hours of operation.

21. Regulation: 24 CFR 574.310(d)

Project/Activity: The State of Illinois requested a waiver of HUD's regulations governing the Housing Opportunities for Persons with AIDS (HOPWA) program. Specifically, the State sought the authority to offer tenant-based rental assistance to HOPWA eligible individuals and families in conformance with its existing tenant based rental assistance program. The State program pays \$100 per month to each eligible

household, rather than require the tenant to pay rent based on the tenant's income.

Nature of Requirement: HUD's regulation at 24 CFR 574.310(d) requires that tenant-based rental assistance be calculated at a rate where tenants pay no more than 30 percent of the family's monthly adjusted income for rent.

Granted By: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: July 15, 1997.

Reasons Waived: The Assistant Secretary granted this waiver for a one-year demonstration to determine if this approach more adequately provides for client needs.

22. Regulation: 24 CFR 574.320(a)(2)

Project/Activity: The City of Philadelphia, Pennsylvania requested a waiver to increase the Fair Market Rent (FMR) in its Housing for Persons with AIDS (HOPWA) program rental assistance program.

Nature of Requirement: HUD's regulation at 24 CFR 574.320(a)(2) provides that occupants of rental housing assisted with HOPWA funds cannot be charged rents that exceed the current Section 8 FMR.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning & Development.

Date Granted: September 8, 1997.

Reasons Waived: The waiver was granted because the City documented that the rents presently charged and received for efficiency and one bedroom units in Bucks County, Pennsylvania, where the project is located, were significantly higher than the published FMRs.

23. Regulation: 24 CFR 576.21

Project/Activity: The City and County of Honolulu requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: HUD's regulation at 24 CFR 576.21 state that recipients of ESG grant funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse, and education to homeless persons.

Granted By: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: July 11, 1997.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources." The City and County provided a letter that demonstrated that other categories of ESG activities, such as rehabilitation and conversion activities, will be carried out locally with other resources. Accordingly, HUD determined that the waiver was appropriate.

24. Regulation: 24 CFR 576.21

Project/Activity: The State of Massachusetts requested a waiver of the

Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: HUD's regulations at 24 CFR 576.21 state that recipients of ESG funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse, and education to homeless persons.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 11, 1997.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources." The State provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

25. Regulation: 24 CFR 576.21

Project/Activity: The City of Lancaster, Pennsylvania requested a waiver of the Emergency Shelter Grants (ESG) regulation at 24 CFR 576.21.

Nature of Requirement: HUD's regulations at 24 CFR 576.21 state that recipients of ESG funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)). Essential services are commonly defined as services that provide health, employment, drug abuse, and education to homeless persons.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 19, 1997.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources." The City provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

26. Regulation: 24 CFR 576.35(a)(1)

Project/Activity: The State of Alabama requested a waiver of the Emergency Shelter Grants (ESG) program regulations (24 CFR part 576) to extend the time period that the State could make funds available to its ESG recipients.

Nature of Requirement: The HUD regulation at 24 CFR 576.35(a)(1) require that State governments make available to their recipients all ESG funds within 65 days of the grant award.

Granted by: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

Date Granted: September 11, 1997.

Reasons Waived: The Assistant Secretary granted the waiver to allow the State time to monitor a community which received ESG funds and then granted those funds to a subrecipient under indictment.

For Items 27 and 28, Waivers Granted for 24 CFR Part 761 Contact: Gloria Cousar, Deputy Assistant Secretary, Office of Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4126, Washington, DC 20410; Telephone: (202) 619-8201 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

27. Regulation: 24 CFR 761.30(b)

Project/Activity: A request was made by the All Mission Indian Housing Authority (AMIHA) to allow them to extend the term of their 1990 Public and Indian Housing Drug Elimination Program grant and reprogram the unexpended funds to implement additional drug prevention activities for youth and adult residents.

Nature of Requirement: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program (PIHDEP) and that only one, 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 16, 1996.

Reason Waived: Based on the comprehensive strategy submitted by the Executive Director of AMIHA and the memorandum of endorsement from the Southwest Office of Native American Programs, there was just cause for the AMIHA to reprogram the unexpended funds to implement additional drug prevention, crime-related activities.

28. Regulation: 24 CFR 761.30(b)

Project/Activity: A request was made by the Bristol Bay Housing Authority in Alaska to allow a six-month extension of their Fiscal Year (FY) 1995 Public and Indian Housing Drug Elimination Program grant and reprogram the unexpended funds to implement additional drug prevention activities.

Nature of Requirement: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 21, 1997.

Reason Waived: Due to the seasonal activities in the Alaskan region related to

subsistence and commercial fishing and submission of a comprehensive work plan that was consistent with their FY 1995 drug prevention activities for the residents of the Bristol Bay communities, an extension was granted.

For Item 29, Waiver Granted for 24 CFR Part 901 Contact: William C. Thorson, Director, Administrative and Maintenance Division, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development and Development, 451 7th Street, SW, Room 4124, Washington, DC 20410; Telephone: (202) 708-4703 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

29. Regulation: 24 CFR 901.120(a) and (b)

Project Activity: Pittsburgh Area Office—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulation requires HUD Field Offices to assess and notify each Public Housing Agency (PHA) of its PHMAP score within 180 days after beginning of a PHA's fiscal year.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 3, 1997.

Reason Waived: Due to scheduling necessities, the on-site confirmatory review of the ACHA could not be conducted until the week of April 7, 1997. The waiver was granted to provide a further 60 day extension of the regulatory guideline for completing the PHMAP assessment and notifying the ACHA of its PHMAP scores for its FY September 30, 1996 until July 31, 1997. The initial waiver for a 60 day extension was granted on April 14, 1997.

For Item 30, Waiver Granted for 24 CFR Part 950 Contact: Jacqueline Johnson, Deputy Assistant Secretary for Native American Programs, U.S. Department of Housing and Urban Development and Development, 451 7th Street, SW, Room 4100, Washington, DC 20410; Telephone: (202) 708-0950 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

30. Regulation: 24 CFR 950.650(b)(3)

Project/Activity: A request was made by the National Office of Native American Programs to permit Comprehensive Grant Program (CGP) formula funds for Fiscal Year 1997 to be used to fund three successful FY 1997 CGP appeals from Indian Housing Authorities (IHA). Since the Native American Housing Assistance and Self-Determination Act of 1996 was effective on October 1, 1997, IHAs are not eligible for the FY 1998 appropriation that is used to fund appeals.

Nature of Requirement: An IHA may appeal HUD's determination of its CGP formula amount on the basis of an error. Any adjustment resulting from successful appeals in a particular fiscal year shall be made from subsequent years' allocations of funds under 24 CFR part 950.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 12, 1997.

Reason Waived: The waiver of this regulatory provision will allow ONAP to process the successful CGP appeals for the following IHAs: Yankton Sioux (\$103,444), Mississippi Choctaw (\$87,391), and Laguna (\$3,605).

For Items 31 Through 46, Waivers Granted for 24 CFR Parts 882 and 982 Contact: Gloria Cousar, Deputy Assistant Secretary, Office of Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4126, Washington, DC 20410; Telephone: (202) 619-8201 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

31. Regulation: 24 CFR 882.605(c)

Project/Activity: Housing Authority of Yamhill County, Oregon; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation caps the amount of rent that can be paid for a manufactured home pad space at 110 percent of the applicable Fair Market Rent.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 21, 1997.

Reason Waived: The waiver protected an elderly couple, whose manufactured home had been modified to accommodate the wife's mobility impairment, from the threat of displacement and possible homelessness by enabling them to remain in their home.

32. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled certificate holder who faced additional problems in locating a unit due to a back injury.

33. Regulation: 24 CFR 982.303(b)

Project/Activity: Santa Clara County Housing Authority, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum voucher term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 8, 1997.

Reason Waived: Approval of the waiver prevented hardship to an elderly certificate holder whose poor health and mobility problems prevented him from finding a

suitable unit in an extremely tight housing market.

34. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 10, 1997.

Reason Waived: Approval of the waiver prevented hardship to an elderly certificate holder who suffered a severe stroke during the time his certificate was in effect. The waiver provided the certificate holder with an opportunity to find housing in his community which has services to allow frail elderly persons to continue to live independently.

35. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: July 10, 1997.

Reason Granted: Approval of the waiver prevented hardship to the certificate holder who was hospitalized and had surgery on two occasions while her certificate was in effect.

36. Regulation: 24 CFR 982.303(b)

Project/Activity: Minneapolis Housing Authority, Minnesota; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: August 1, 1997.

Reason Waived: Approval of the waiver prevented further hardship to a homeless disabled certificate holder whose illness prevented her from seeking housing during the time her certificate was in effect.

37. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: August 7, 1997.

Reason Waived: Approval of the waiver prevented hardship to the family which includes a disabled child. The family had difficulty locating a wheelchair-accessible unit with a bedroom of sufficient size to accommodate the medical equipment required for the child's care.

38. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority of the County of Santa Clara, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: August 8, 1997.

Reason Waived: Approval of the waiver protected the single parent and her three children from homelessness.

39. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority of Santa Clara County, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: August 11, 1997.

Reason Waived: Approval of the waiver prevented hardship to the certificate holder who faced multiple medical problems during the time her certificate was in effect, including two surgeries.

40. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the certificate holder

whose medical condition and need for an accessible unit contributed to her inability to locate suitable housing.

41. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority of Boston, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the certificate holder whose medical condition had to be stabilized before she could seek housing.

42. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled certificate holder whose medical condition made it difficult for her to locate an accessible unit.

43. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority of the County of Santa Clara, California; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled certificate holder who was incapacitated by illness during the time her certificate was in effect.

44. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority of the County of Santa Clara, California; Section 8 Rental Voucher Program.

Nature of Requirement: The regulation provides for a maximum voucher term of 120 days during which a voucher holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 2, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled voucher holder who was unable to seek housing while her voucher was in effect due to complications from congestive heart failure.

45. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 5, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled certificate holder who was hospitalized during the time her certificate was in effect.

46. Regulation: 24 CFR 982.303(b)

Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

Granted by: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: September 29, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled certificate holder who could not seek housing during the time her certificate was in effect because she was recuperating from surgery.

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