

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4378-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, 1998 through September 30, 1998.

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 thirty-first 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:

- Identify the project, activity, or undertaking involved;
- Describe the nature of the provision waived, and the designation of the provision;
- Indicate the name and title of the person who granted the waiver request;
- Describe briefly the grounds for approval of the request;
- 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 thirty-first 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, 1998 through September 30, 1998.

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, 1998 through December 31, 1998.

Accordingly, information about approved waiver requests pertaining to

HUD regulations is provided in the Appendix that follows this notice.

Dated: March 2, 1999.

Andrew Cuomo,
Secretary.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development July 1, 1998 Through September 30, 1998

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 16, WAIVERS GRANTED FOR 24 CFR PARTS 91 AND 92, CONTACT: Cornelia Robertson Terry, Field management Division, Office of Executive Services, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 451 7th Street SW, Room 7184, Washington, DC, 20410; telephone (202) 708-2565 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by the calling toll-free Federal Information Relay Service at 1-800-877-8391.

1. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: Los Angeles County, California requested a waiver of the submission date for the County's 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: July 16, 1998.

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 1997 program year.

2. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: The City of Baltimore, Maryland requested a waiver of the submission date for the City's 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: August 26, 1998.

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 1997 program year.

3. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: The City of Mountain View, California requested a

waiver of the submission date for 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 17, 1998.

REASONS WAIVED: The City was unable to meet the due date because of a medical emergency experienced by the individual at the City with responsibility for preparing the CAPER. HUD granted the City of Mountain View an extension to November 30, 1998, to submit its CAPER.

4. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: Baltimore County, Maryland requested a waiver of the submission date for the County's 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 21, 1998.

REASONS WAIVED: The County requested this extension because of the staff workload needed to adjust and convert to the new computerized system known as the IDIS system. The workload associated with reporting in the IDIS system can be substantial, particularly with a grantee like Baltimore County which has more than 1000 activities in IDIS and also needs to make a significant number of adjustments related to the conversion of the data to the new system. Therefore, HUD granted Baltimore County an extension to November 30, 1998, to submit its 1997 CAPER to HUD.

5. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: The City of Moreno Valley, California requested a waiver of the submission date for the City's 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 25, 1998.

REASONS WAIVED: The malfunction of the City's financial tracking system impeded the City's ability to assure accurate information in the CAPER until the information had been corrected manually. HUD therefore granted Moreno Valley a 30-day extension until October 28, 1998, to submit its 1997 CAPER.

6. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: The County of Orange, California requested a waiver of the submission date for the County's 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 25, 1998.

REASONS WAIVED: The County experienced problems in its ability to download accurate reports and requests additional time to reconcile information in its new computerized system with project records. In addition, the County needs time to review and evaluate its progress in meeting the goals and objectives in its Consolidated Plan. HUD therefore granted the County a 30-day extension until October 28, 1998, to submit its 1997 CAPER.

7. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: Spokane County, Washington requested a waiver of the submission date for the County's 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 25, 1998.

REASONS WAIVED: The County requested an extension of its CAPER submission because the building which houses the Community Development Division was recently damaged by an arson fire. This hampered the County in its efforts to submit a timely report. Therefore, HUD granted the County an extension to February 28, 1999, to submit its 1997 CAPER.

8. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: The City of Glendale, California requested a waiver of the submission date for the City's 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 25, 1998.

REASONS WAIVED: The City requested additional time because program description data in its computerized system was lost. The City needed additional time to ensure an accurate and acceptable CAPER. HUD therefore granted the City a 30-day extension until October 28, 1998, to submit its 1997 CAPER.

9. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: The City of Stamford, Connecticut requested a waiver of the submission date for the City's 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 25, 1998.

REASONS WAIVED: The City requested an extension because of the loss of three key Community Development staff members who were instrumental in preparing the CAPER each year. HUD therefore authorized an extension to November 12, 1998.

10. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: The City of Anaheim, California requested a waiver of the submission date for the City's 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 25, 1998.

REASONS WAIVED: The City requested a 30-day extension to facilitate use of the IDIS for its CAPER. The City experienced problems with the data in reports that it was able to download. HUD granted the City a 30-day extension until October 28, 1998, to submit its 1997 CAPER.

11. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: The City of Camden, New Jersey requested a waiver of the submission date for the City's 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 25, 1998.

REASONS WAIVED: Staff turnover impeded the City's ability to complete an accurate CAPER within the required timeframe. HUD therefore granted the City an extension to November 28, 1998, to submit its 1997 CAPER.

12. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: The City of Murfreesboro, Tennessee requested a waiver

of the submission date for the City's 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 25, 1998.

REASONS WAIVED: The City requested an extension because the Community Development Director was temporarily on medical leave. Although there was a staff person working on the report, it was difficult to complete the report without the Director's input. HUD therefore granted the City an extension to October 30, 1998, to submit its 1997 CAPER.

13. REGULATION: 24 CFR 92.2 and 92.300(a)(1).

PROJECT/ACTIVITY: The City of Bethlehem, Pennsylvania requested that HUD consider the letter and the two City Council resolutions appropriating funds to the Moravian Project sufficient action to constitute a reservation of HOME funds to the Bethlehem Area Moravians, Inc., a Community Development Housing Organization (CHDO).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 92 describe the policies and procedures governing the HOME Investment Partnerships Program. Section 92.2 defines the term "commitment" to mean that a participating jurisdiction has executed a legally binding agreement with a state recipient, a sub-recipient, or a contractor to use a specific amount of HOME funds to produce affordable housing or provide tenant-based rental assistance; or has entered into a written agreement reserving a specific amount of funds to a CHDO. The written agreement requirement is referenced in 24 CFR 92.2 and 92.300(a)(1).

GRANTED BY: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: July 24, 1998.

REASONS WAIVED: Based on information provided by the City, HUD believes that the letter and two City Council resolutions appropriating funds to Moravian Project can be viewed as legally sufficient to constitute a reservation of HOME fund to the Bethlehem Area Moravian, Inc., a CHDO. Therefore, HUD waived the requirement for a written agreement, as prescribed in 24 CFR 92.2 and 92.300(a)(1).

14. REGULATION: 24 CFR 92.500(d)(1)(C).

PROJECT/ACTIVITY: The State of Iowa requested a waiver of the five year deadline for the expenditure of HOME program disaster grant funds.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 92 describe the policies and procedures governing the HOME Investment Partnerships Program. Section 92.500(d)(1)(C) states that HUD shall recapture any HOME funds not expended within five years after the last day of the month in which HUD notified the grantee of its execution of the HOME partnership

agreement. The State of Iowa's expenditure deadline for the FY 1993 HOME disaster funds was August 31, 1998. As of August 27, 1998, the State had an unexpended balance of \$499,703 in its grant.

GRANTED BY: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 18, 1998.

REASONS WAIVED: The State indicated that all costs related to the grant would be incurred by August 31, 1998, but additional time was needed for recipients to submit vouchers and for requests for final drawdowns of HOME funds to be made and processed. If the waiver had not been granted, the State would have had to use other State or Federal funds to reimburse grant recipients for costs incurred before the deadline. Therefore, HUD waived the expenditure requirement in 24 CFR 92.500(d)(1)(C) of the HOME regulations and granted the State of Iowa an extension until October 31, 1998, to expend its remaining FY 1993 HOME disaster funds.

15. REGULATION: 24 CFR 92.500(d)(1)(C).

PROJECT/ACTIVITY: The State of Kansas requested a waiver of the five year deadline for the expenditure of HOME program disaster grant funds.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 92 describe the policies and procedures governing the HOME Investment Partnerships Program. Section 92.500(d)(1)(C) states that HUD shall recapture any HOME funds not expended within five years after the last day of the month in which HUD notified the grantee of its execution of the HOME partnership agreement. The State of Kansas' expenditure deadline for the FY 1993 HOME disaster funds was August 31, 1998. As of August 27, 1998, the State had an unexpended balance of \$103,734.31 in its grant.

GRANTED BY: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 18, 1998.

REASONS WAIVED: The State indicated that projects that were supposed to be funded with HOME disaster funds were mistakenly funded with regular HOME funds. The State requested an extension to permit it to correct this error. If the waiver had not been granted, the State would have lost the unexpended funds and the opportunity to fund additional affordable housing units. Therefore, HUD waived the expenditure requirement in 24 CFR 92.500(d)(1)(C) of the HOME program regulations and granted the State of Kansas an extension until September 30, 1998, to expend its remaining FY 1993 HOME disaster funds.

16. REGULATION: 24 CFR 92.500(d)(1)(C).

PROJECT/ACTIVITY: The State of Illinois requested a waiver of the five year deadline for the expenditure of HOME program disaster grant funds.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 92 describe the policies and procedures governing the HOME Investment Partnerships Program. Section 92.500(d)(1)(C) states that HUD shall recapture any HOME funds not expended within five years after the last day of the month in which HUD notified the grantee of

its execution of the HOME partnership agreement. The State of Illinois' expenditure deadline for the FY 1993 HOME disaster funds was August 31, 1998. As of August 27, 1998, the State had an unexpended balance of \$2,685,014.84 in its grant.

GRANTED BY: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: September 18, 1998.

REASONS WAIVED: The State indicated that, due to staff turnover, it inadvertently had used \$2,321,850.00 in regular HOME funds for a disaster project. The State requested an extension of the deadline to permit it to retain the \$2,321,850.00 and take the necessary steps to correct the error. If the waiver had not been granted, the State would have lost the opportunity to use its regular HOME funds to produce more affordable housing units. Therefore, HUD waived the expenditure requirement in 24 CFR 92.500(d)(1)(C) of the HOME regulations and granted the State of Illinois an extension until October 31, 1998 to expend the \$2,321,850.00 mistakenly charged to its regular HOME grant.

FOR ITEM 17, WAIVER GRANTED FOR 24 CFR PART 291, CONTACT: Art Orton, Deputy Director, Asset Management Division, Office of Insured Single Family Housing, U.S. Department of Housing and Urban Development, 451 7th Street SW, Room 9172, Washington, DC, 20410; telephone (202) 708-1672 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by the calling toll-free Federal Information Relay Service at 1-800-877-8391.

17. REGULATION: 24 CFR 291.110(a).

PROJECT/ACTIVITY: Waiver of the requirement of 24 CFR 291.110(a) to provide authority for governmental entities and private nonprofit organizations to purchase HUD-owned single family properties offered with mortgage insurance on a direct sales basis and to provide discounts of 50 percent for use in HUD's Officer Next Door Program.

NATURE OF REQUIREMENT: HUD's regulations governing its single family property disposition program are found in 24 CFR part 291. The regulation at 24 CFR 291.110(a) permits direct sales of properties without mortgage insurance to governmental entities and private nonprofit organizations for use in homeless programs. These sales are made at deep discounts off the list price.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: August 28, 1998.

REASONS WAIVED: Based on HUD's experience with these types of direct sales, HUD has determined that it would not be detrimental to the Federal Housing Administration insurance fund to permit governmental entities and private nonprofit organizations to purchase properties offered with mortgage insurance. Approval of this waiver enabled governmental entities and nonprofit organizations the opportunity to fully participate in the Officer Next Door program by purchasing properties eligible for mortgage insurance at a 50 percent discount for resale to law enforcement personnel.

FOR ITEM 18, WAIVER GRANTED FOR 24 CFR PART 576, CONTACT: Cornelia

Robertson Terry, Field Management Division, Office of Executive Services, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 451 7th Street SW, Room 7184, Washington, DC, 20410; telephone (202) 708-2565 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by the calling toll-free Federal Information Relay Service at 1-800-877-8391.

18. REGULATION: 24 CFR 576.21.

PROJECT/ACTIVITY: The City of Lancaster, Pennsylvania requested a waiver of Emergency Shelter Grants (ESG) program 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: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

DATE GRANTED: August 11, 1998.

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 grantee submitted a letter, dated February 27, 1998, which stated that homeless activities are already being carried out with other Federal and State funding sources. Therefore, in view of this documentation, HUD granted the City a waiver.

FOR ITEMS 19 THROUGH 31, WAIVERS GRANTED FOR 24 CFR PART 891, CONTACT: Willie Spearmon, Director, Office of Business Products, Office of Housing, U.S. Department of Housing and Urban Development, 451 7th Street SW, Room 6132, Washington, DC 20410; telephone: (202) 708-3000 (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.

19. REGULATION: 24 CFR 891.100(d).

PROJECT/ACTIVITY: National Church Residences of Travis County, Texas (Project No. 115-EE041).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.100(d) provides that HUD may amend the amount of an approved capital advance only after initial closing has occurred.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: July 1, 1998.

REASONS WAIVED: HUD granted the waiver in order to ensure the economic feasibility of the project. Although the project

is economically designed, and the Owner has exerted all efforts to minimize the construction costs (including foregoing a portion of its developer's fee), the project would not have been feasible without the amendment funds.

20. REGULATION: 24 CFR 891.100(d).

PROJECT/ACTIVITY: Shenango Housing for the Elderly (Project No. 033-EE084).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.100(d) provides that HUD may amend the amount of an approved capital advance only after initial closing has occurred.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: July 14, 1998.

REASONS WAIVED: HUD granted the waiver in order to ensure the economic feasibility of the project. The sponsors were forced to change the project site, which imperiled the feasibility of the proposed project.

21. REGULATION: 24 CFR 891.100(d).

PROJECT/ACTIVITY: Liberty Commons; Lexington, Kentucky (Project No. 083-EE048).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.100(d) provides that HUD may amend the amount of an approved capital advance only after initial closing has occurred.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: July 30, 1998.

REASONS WAIVED: HUD granted this waiver in order to ensure the economic feasibility of the project. In granting the waiver, HUD determined that the sponsors had made all reasonable efforts to contain the cost of the facility and to obtain financing from other sources before requesting the regulatory waiver from HUD.

22. REGULATION: 24 CFR 891.100(d).

PROJECT/ACTIVITY: Saco VOA Elderly Housing, Inc. (Project No. 024-EE030).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.100(d) provides that HUD may amend the amount of an approved capital advance only after initial closing has occurred.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: August 10, 1998.

REASONS WAIVED: HUD granted this waiver in order to ensure the economic feasibility of the project. Although the Owner explored every avenue to save money on design, labor and materials, and had secured grant funding from the Federal Home Loan Bank of Boston, the project could not have been completed without the amendment funds.

23. REGULATION: 24 CFR 891.100(d).

PROJECT/ACTIVITY: Robertson Residential Center, Greenville, Mississippi

(Project No. 065-HD013); Paul Braswell Residential Center, Cleveland, Mississippi (Project No. 065-HD014).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.100(d) provides that HUD may amend the amount of an approved capital advance only after initial closing has occurred.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: August 11, 1998.

REASONS WAIVED: HUD approved the waiver request in order to ensure the economic feasibility of the two projects. The owner could not obtain the necessary funds to develop the projects from other sources.

24. REGULATION: 24 CFR 891.100(d).

PROJECT/ACTIVITY: Mental Health Programs, Inc. (Project No. 023-EE079).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.100(d) provides that HUD may amend the amount of an approved capital advance only after initial closing has occurred.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: September 8, 1998.

REASONS WAIVED: HUD granted this waiver in order to ensure the economic feasibility of the project. Although modifications were made to the project's design and specifications to reduce the project's overall cost and the Sponsor had secured grant funding from the Federal Home Loan Bank of Boston, the project could not have been completed without the amendment funds.

25. REGULATION: 24 CFR 891.130.

PROJECT/ACTIVITY: St. Mary's Villa, Knoxville, Tennessee (Project No. 087-EE025).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.130 (entitled "Prohibited relationships") provides that Officers and Board members of either the Sponsor or Owner may not have any financial interest in any contract with the Owner or any firm which has a contract with the Owner. This restriction applies so long as the individual is serving on the Board and for a period of three years following resignation or final closing, whichever occurs later.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: July 30, 1998.

REASONS WAIVED: HUD approved the waiver in order to prevent delays in the construction of the project. The contractor who will serve as both design architect and general contractor was approved after problems surfaced with the original contractor.

26. REGULATION: 24 CFR 891.130.

PROJECT/ACTIVITY: Park Plaza Apartments, Cozad, Nebraska (Project No. 103-EE1-017).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.130 (entitled "Prohibited relationships") provides that Officers and Board members of either the Sponsor or Owner may not have any financial interest in any contract with the Owner or any firm which has a contract with the Owner. This restriction applies so long as the individual is serving on the Board and for a period of three years following resignation or final closing, whichever occurs later.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: September 29, 1998.

REASONS WAIVED: There are no property management firms currently located in Cozad and the Housing Authority, which is also the seller of the land, is not seeking to profit from this arrangement.

27. REGULATION: 24 CFR 891.205.

PROJECT/ACTIVITY: Knights of Peter Claver, Tunica, Mississippi (Project No. 065-EH127); Knights of Peter Claver, Phase II, Tunica, Mississippi (Project No. 065-EE020).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.205 sets forth the requirement that the Owner be a single purpose private nonprofit organization.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: August 10, 1998.

REASONS WAIVED: This waiver will provide for cost savings during the initial development stage as well as realize operational savings for the two adjacent projects if owned by the same corporation.

28. REGULATION: 24 CFR 891.310(b)(1) and (b)(2).

PROJECT/ACTIVITY: Options Supported Housing Project IV (Project No. 012-HD072).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. Section 891.310(b)(1) requires that all entrances, common areas, units to be occupied by resident staff, and amenities must be readily accessible to and usable by persons with disabilities. Section 891.310(b)(2) requires that projects for chronically mentally ill individuals have a minimum of 10 percent of all dwelling units in an independent living facility (or 10 percent of all bedrooms and bathrooms in a group home, but at least one of each such space) must be designed to be accessible or adaptable for persons with disabilities.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: July 27, 1998.

REASONS WAIVED: Requiring that all three group homes involved in this project

meet the accessibility requirements described above would have made the project financially infeasible. One of the group homes will be fully accessible, in accordance with 24 CFR 891.310. Further, the project as a whole will meet the accessibility requirements of section 504 of the Rehabilitation Act of 1973. The regulatory waiver maintained project feasibility and facilitated project development.

29. REGULATION: 24 CFR 891.310(b)(1).

PROJECT/ACTIVITY: Rockland ARC-Homes for the Exceptional II (Project No. 012-HD061).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. Section 891.310(b)(1) requires that all entrances, common areas, units to be occupied by resident staff, and amenities must be readily accessible to and usable by persons with disabilities.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: September 21, 1998.

REASONS WAIVED: The cost of achieving accessibility in all three group homes in the project would have rendered the project economically infeasible. One of the group homes will be fully accessible, in accordance with 24 CFR 891.310(b)(1). Further, the project as a whole will be in compliance with the accessibility requirements of section 504 of the Rehabilitation Act of 1973. Granting the regulatory waiver maintained project feasibility and facilitated the development of the project.

30. REGULATION: 24 CFR 891.310(b)(1) and (2).

PROJECT/ACTIVITY: Cherry Hill Condominiums (Project No. 023-HD077).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. Section 891.310(b)(1) requires that all entrances, common areas, units to be occupied by resident staff, and amenities must be readily accessible to and usable by persons with disabilities. Section 891.310(b)(2) requires that projects for chronically mentally ill individuals have a minimum of 10 percent of all dwelling units in an independent living facility (or 10 percent of all bedrooms and bathrooms in a group home, but at least one of each such space) must be designed to be accessible or adaptable for persons with disabilities.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: September 29, 1998.

REASONS WAIVED: All units in this project are condominium units, and, therefore, HUD funds are not available to make hallways, entrances and common areas accessible. None of the current 10 residents, who will remain as residents of the project, have mobility impairments requiring an accessible unit. Further, under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), accessibility modifications are not

required if they would impose undue financial and administrative burdens on the operation of the multifamily housing project. If a person with a mobility impairment applies for occupancy, the Sponsor must either modify the 811 unit or provide an accessible unit elsewhere in its inventory. The granting of the waiver will maintain project feasibility and facilitate the development of the project.

31. REGULATION: 24 CFR 891.310(b)(1) and (2).

PROJECT/ACTIVITY: Project No. 023-HD039.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. Section 891.310(b)(1) requires that all entrances, common areas, units to be occupied by resident staff, and amenities must be readily accessible to and usable by persons with disabilities. Section 891.310(b)(2) requires that projects for chronically mentally ill individuals have a minimum of 10 percent of all dwelling units in an independent living facility (or 10 percent of all bedrooms and bathrooms in a group home, but at least one of each such space) must be designed to be accessible or adaptable for persons with disabilities.

GRANTED BY: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

DATE GRANTED: September 29, 1998.

REASONS WAIVED: The project consists of two-bedroom units which are part of a larger development owned by the Sponsor that is comprised mostly of walk-up townhouses. Requiring the project to meet the accessibility requirements would make it financially infeasible. There are several accessible units in the development should the need arise. The population of the project consists of persons with chronic mental illness who do not have mobility impairments. The waiver maintains project feasibility and facilitates project development.

FOR ITEMS 32 THROUGH 40, WAIVERS GRANTED FOR 24 CFR PARTS 901, 982, AND 984, CONTACT: Gloria Cousar, Deputy Assistant Secretary, Office of Public and Assisted Housing Delivery, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 7th Street SW, Room 4204, Washington, DC 20410; telephone: (202) 708-1380 (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.

32. REGULATION: 24 CFR 901.100(b).

PROJECT/ACTIVITY: Reading Housing Authority, PA.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 901 governed the Public Housing Management Assessment Program. Section 901.100 concerned data collection for each of the management function indicators examined under PHMAP. Section 901.100(b) directed that a PHA provide certification as to data on indicators not derived from existing reporting and data

forms within 60 calendar days after the end of the fiscal year covered by the certification.

GRANTED BY: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

DATE GRANTED: July 6, 1998.

REASON GRANTED: HUD granted the waiver due to the loss of critical PHA staff involved in the preparation of the PHMAP certifications. As a result of these staff losses, PHA needed additional time to submit their PHMAP certifications.

33. REGULATION: 24 CFR 901.100(b)

PROJECT/ACTIVITY: Taylor Housing Commission.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 901 governed the Public Housing Management Assessment Program. Section 901.100 concerned data collection for each of the management function indicators examined under PHMAP. Section 901.100(b) directed that a PHA provide certification as to data on indicators not derived from existing reporting and data forms within 60 calendar days after the end of the fiscal year covered by the certification.

GRANTED BY: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

DATE GRANTED: July 6, 1998.

REASON GRANTED: An extension of the 60-day period specified in the regulation was required due to the illness of the PHA Executive Director.

34. REGULATION: 24 CFR 901.100(b).

PROJECT/ACTIVITY: Philadelphia Housing Authority (PHA).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 901 governed the Public Housing Management Assessment Program. Section 901.100 concerned data collection for each of the management function indicators examined under PHMAP. Section 901.100(b) directed that a PHA provide certification as to data on indicators not derived from existing reporting and data forms within 60 calendar days after the end of the fiscal year covered by the certification.

GRANTED BY: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

DATE GRANTED: July 7, 1998.

REASON GRANTED: HUD granted the waiver in order to provide the new PHA Executive Director adequate time to review the PHMAP data and certifications.

35. REGULATION: 24 CFR 901.100.

PROJECT/ACTIVITY: Muskegan Heights Housing Commission (MHHC).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 901 governed the Public Housing Management Assessment Program. Section 901.100 concerned data collection for each of the management function indicators examined under PHMAP. Section 901.100(b) directed that a PHA provide certification as to data on indicators not derived from existing reporting and data forms within 60 calendar days after the end of the fiscal year covered by the certification.

GRANTED BY: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

DATE GRANTED: July 8, 1998.

REASON GRANTED: HUD granted MHHC an extension of the 60-day time period due

to loss of critical MHHC staff involved in the preparation of the required certifications. Further, MHHC discovered errors in its PHMAP data too late in the fiscal year to correct them on a timely basis.

36. REGULATION: 24 CFR 901.100(b).

PROJECT/ACTIVITY: Waiver Request Housing Authority of the City of Arlington (HACA).

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 901 governed the Public Housing Management Assessment Program. Section 901.100 concerned data collection for each of the management function indicators examined under PHMAP. Section 901.100(b) directed that a PHA provide certification as to data on indicators not derived from existing reporting and data forms within 60 calendar days after the end of the fiscal year covered by the certification.

GRANTED BY: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

DATE GRANTED: August 10, 1998.

REASON GRANTED: HUD granted the waiver due to the resignation of the HACA Executive Director. HACA staff needed the additional time to reconstruct certain necessary files for the preparation of the PHMAP certifications.

37. REGULATION: 24 CFR 901.100(b).

PROJECT/ACTIVITY: Waiver Request Bald Knob Housing Authority, AK.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 901 governed the Public Housing Management Assessment Program. Section 901.100 concerned data collection for each of the management function indicators examined under PHMAP. Section 901.100(b) directed that a PHA provide certification as to data on indicators not derived from existing reporting and data forms within 60 calendar days after the end of the fiscal year covered by the certification.

GRANTED BY: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

DATE GRANTED: September 2, 1998.

REASON GRANTED: Due to the extended hospitalization of the Executive Director's husband, which required a great deal of her time, the housing authority required additional time to prepare the required PHMAP certifications.

38. REGULATION: 24 CFR 982.201(b)

PROJECT/ACTIVITY: Lebanon Housing Authority, New Hampshire; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 982 describe the policies and procedures governing Section 8 tenant based assistance. Section 982.201 limits eligibility for the Section 8 certificate and voucher programs to families that are either "very low income" or are "low income" and fall within one of the categories identified in §§ 982.201(b)(1)(ii)(A)-(F).

GRANTED BY: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

DATE GRANTED: July 17, 1998.

REASON GRANTED: The waiver of the very low income requirement was granted to a single parent with a degenerative neurological disease to relieve the financial stress caused by her high rent burden. The

waiver allowed the certificate holder to continue her medication and prevented the breakup of the family, which would have resulted in her separation from her nine year old daughter.

39. REGULATION: 24 CFR 982.202(b)(3) and 982.205(a).

PROJECT/ACTIVITY: Leominster Housing Authority; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 982 describe the policies and procedures governing Section 8 tenant based assistance. The regulations require the housing agency to use a single waiting list for admissions to its Section 8 tenant-based programs (§ 982.205(a)) and prohibits the selection of families for admission to the program based on where the family will live (§ 982.202(b)(3)).

GRANTED BY: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

DATE GRANTED: July 30, 1998.

REASON GRANTED: Approval of the waiver prevented hardship to eight families who were ready to move into units in a specific project. These families were selected from a separate waiting list.

40. REGULATION: 24 CFR 984.105.

PROJECT/ACTIVITY: South Delta Regional Housing Authority, Family Self-Sufficiency Program.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR part 984 set forth the policies and procedures governing the public housing and Section 8 Family Self Sufficiency (FSS) program. Section 984.105 establishes the minimum size of an FSS program that may be operated by a Housing Authority.

GRANTED BY: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

DATE GRANTED: September 3, 1998.

REASON GRANTED: HUD granted the waiver to provide exemption from the FSS commitment for tenant-based assistance. The Housing Authority would not assist the families living in these Section 8 projects where the owner was opting out of the project-based Section 8 contracts because of the FSS requirement. The waiver was granted to prevent a hardship on the families who could not afford housing without Section 8 assistance.

FOR ITEMS 41 AND 42, WAIVERS GRANTED FOR 24 CFR PART 990 CONTACT: Joan DeWitt, Director, Funding and Financial Management Division, Office of Public and Assisted Housing Operations, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 7th Street SW, Room 4216, Washington, DC 20410; telephone: (202) 708-1872 (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.

41. REGULATION: 24 CFR 990.109.

PROJECT/ACTIVITY: Warner Robins, Georgia Housing Authority.

NATURE OF REQUIREMENT: Under HUD's Performance Funding System (PFS) regulations at 24 CFR part 990, the energy

conservation incentive that relates to energy performance contracting currently applies to only PHA-paid utilities.

GRANTED BY: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

DATE GRANTED: August 4, 1998.

REASON WAIVED: In September 1996, the Oakland Housing Authority was granted a waiver to permit the Authority to benefit from energy performance contracting for developments with tenant-paid utilities. The waiver was granted on the basis that the Authority presented a sound and reasonable methodology for doing so. The Warner Robins Housing Authority requested a waiver based on the same approved methodology. The waiver permits the HA to exclude from its PFS calculation of rental income, increased rental income due to the difference between updated baseline utility (before implementation of the energy conservation measures) and revised allowances (after for the duration of implementation of the

measures) for the project(s) involved for the duration of the contract period, which cannot exceed 12 years. The HA estimates that it could increase savings substantially if it were able to undertake energy performance contracting for both PHA-paid and tenant-paid utilities.

42. REGULATION: 24 CFR 990.109.

PROJECT/ACTIVITY: Lexington, Kentucky Housing Authority.

NATURE OF REQUIREMENT: Under HUD's Performance Funding System (PFS) regulations at 24 CFR part 990, the energy conservation incentive that relates to energy performance contracting currently applies to only PHA-paid utilities.

GRANTED BY: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

DATE GRANTED: August 4, 1998.

REASON WAIVED: In September 1996, the Oakland Housing Authority was granted a waiver to permit the Authority to benefit from energy performance contracting for

developments with tenant-paid utilities. The waiver was granted on the basis that the Authority presented a sound and reasonable methodology for doing so. The Lexington Housing Authority requested a waiver based on the same approved methodology. The waiver permits the HA to exclude from its PFS calculation of rental income, increased rental income due to the difference between updated baseline utility (before implementation of the energy conservation measures) and revised allowances (after for the duration of implementation of the measures) for the project(s) involved for the duration of the contract period, which cannot exceed 12 years. The HA estimates that it could increase savings substantially if it were able to undertake energy performance contracting for both PHA-paid and tenant-paid utilities.

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