

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4098-N-02]

## Notice of Regulatory Waiver Requests Granted

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Public notice of the granting of regulatory waivers. Request: April 1, 1996 through June 30, 1996.

**SUMMARY:** Under the Department of Housing and Urban Development Reform Act of 1989 (Reform Act), the Department (HUD) is required to make public all approval actions taken on waivers of regulations. This notice is the twenty-second 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; TTY: (202) 708-3259. (These are not toll-free numbers.)

For information concerning a particular waiver action, about 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 Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by the Department. Section 106 of the Act (Section 7(q)(3)) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(q)(3), 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 the Department 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 also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of today's document.

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives issued by HUD (56 FR 16337, April 22, 1991). This is the twenty-second notice of its kind to be published under Section 106. This notice updates HUD's waiver-grant activity from April 1, 1996 through June 30, 1996. The document also contains three (3) waivers that were granted October 5, 1995, December 1, 1995, and February 21, 1996, that have not previously been published in the Federal Register.

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 17.44(d)(1) (involving the waiver of a provision in 24 CFR part 17) would come early in the sequence, while waivers in the Section 8 and Section 202 programs (24 CFR chapter VIII) 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 § 811.105(b) and § 811.107(a) would appear sequentially in the listing under § 811.105(b).) Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver grant action.

Should the Department 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 occur between July 1, 1996 through September 30, 1996.

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

Dated: November 4, 1996.

Henry G. Cisneros,  
Secretary.

Appendix— Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development, April 1, 1996 Through June 30, 1996

*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 item 1, waivers granted for 24 CFR part 17, contact: John P. Opitz, Assistant General Counsel for Training and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10246, Washington, DC 20410, Phone: (202) 708-0622; hearing and speech-impaired individuals may call HUD's TTY toll free number at 1-800-877-8391.

### 1. Regulation: 24 CFR 17.44(d)(1)

*Project/Activity:* Payment of claims under the Military Personnel and Civilian Employees' Claims Act to HUD Headquarters employees for damage to motor vehicles as a result of mechanical or structural failures in the Headquarters parking garage.

*Nature of Requirement:* HUD's regulation at 24 CFR 17.44(d)(1) precludes payment by HUD of claims under the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 3721 *et seq.* (the Act) for damages to an employee-owned automobile used for travel to and from his/her duty station unless there had been prior specific authorization from the employee's supervisor that the use of the automobile was advantageous to the Government. The Act, however, authorizes Executive Branch agencies to pay up to \$40,000 to settle claims of agency employees for service related damages or destruction of personal property. The Act provides agency heads with discretion to make such payments and requires a determination that the possession of the property was reasonable or useful under the circumstances.

*Granted by:* Henry G. Cisneros, Secretary.

*Date Granted:* June 13, 1996.

*Reasons Granted:* This waiver is for the purpose of facilitating payment to HUD employees whose automobiles have been damaged by malfunctioning equipment or leaks of damaging substances in the HUD Headquarters parking garage. HUD's regulation at 24 CFR 17.44(d)(1) is intended to preclude the payment of claims for damages incurred while commuting, but this regulation also unreasonably precludes the payment of claims to employees for damage to, or loss of, their automobiles for damages which occur in the HUD Headquarters parking garage as the result of equipment failures or leaks of damaging substances.

For items 2 through 34, waivers granted for Public Law 102-368 and 24 CFR parts 91, 92,

570, 572, 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 20410-7000, Telephone: (202) 708-2565.

2. Regulation: Public Law 102-368

*Project/Activity:* Iberia Parish, Louisiana requested a waiver of the two-year deadline to commit funds; the second allocation of disaster funds for the Parrish.

*Nature of Requirement:* Under the FY 1993 HOME Program disaster fund program, each participating jurisdiction had 24 months to commit FY 1993 disaster funds.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 17, 1996.

*Reasons Waived:* The Assistant Secretary found that the waiver would facilitate the obligation and use of the funds and would not be inconsistent with the overall purpose of the regulation. Because of the Parish's staffing constraints and schedule to commit funds within a three-month period, the waiver was granted.

3. Regulation: 24 CFR 91.402

*Project/Activity:* The Orange County Consortium of New York requested a waiver of 24 CFR 91.402 of the Consolidated Plan to allow the City of Newburgh, which is a member of the Orange County Consortium, until FY 1999 to complete the transition of the City, aligning the start of the 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 CDBG, HOME, Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with Aids (HOPWA).

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 17, 1996.

*Reasons Waived:* The Assistant Secretary found good cause to grant the waiver of the regulations that require that all consortium members must have the same program start dates.

4. Regulation: 24 CFR 91.402

*Project/Activity:* The Contra Costa County Consortium of California requested a waiver of 24 CFR 91.402(b) of the Consolidated Plan regulations to allow the Consortium until FY 1998 to complete the transition of aligning the start of the program year for all its Consortium members.

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

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 27, 1996.

*Reasons Waived:* The Assistant Secretary found good cause to grant the waiver of the

regulations that require that all Consortium members must have the same program start dates.

5. Regulation: 24 CFR 92.2

*Project/Activity:* Spokane, Washington requested a waiver of the HOME definition of a project.

*Nature of Requirement:* Under the HOME Program, a project can only include more than one site if the sites are within a four-block area of one another.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*Reasons Waived:* The imposition of the four-block standard as the definition of a project under the HOME program would adversely affect the purposes of the National Affordable Housing Act. The waiver will allow the sponsoring CHDO to treat the multiple sites as one project and thus reduce its administrative burden.

6. Regulation: 24 CFR 92.2

*Project/Activity:* The State of Oregon, on behalf of the Oregon Department of Housing and Community Development, requested a waiver of 24 CFR 92.2 regulations that establish the composition of Community Housing Development Organization (CHDO) Boards.

*Nature of Requirement:* 24 CFR 92.2 requires that no more than one-third of the CHDO Board members be public officials. HUD considers any employee of the participating jurisdiction to be a public official.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*Reasons Waived:* A determination was made that undue hardship would result from the imposition of the definition of a public official under the regulations which would adversely affect the purposes of the Act.

7. Regulation: 24 CFR 92.2

*Project/Activity:* Columbus, Ohio requested a waiver of the HOME definition of a project.

*Nature of Requirement:* Under the HOME Program, a project can only include more than one site if the sites are within a four-block area of one another.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 27, 1996.

*Reasons Waived:* The imposition of the four-block standard as the definition of project under the HOME program would adversely affect the purposes of the National Affordable Housing Act. The waiver will allow the City of Columbus to designate its scattered sites as a single HOME project.

8. Regulation: 24 CFR 92.251

*Project/Activity:* The State of Indiana requested a waiver to permit rehabilitation which utilizes HOME funds to use FHA Single Family Minimum Property Requirements in lieu of HQS for its HOME assisted homebuyer activities.

*Nature of Requirement:* 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:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*Reasons Waived:* The waiver was granted because the State did not have the staff capacity to inspect all potential HOME properties for HQS compliance throughout the State. Also, it was determined FHA's standards are similar to HQS standards and that both address similar conditions and ensure that properties are structurally sound and present no health and safety issues. Therefore, it was determined that there was good cause to grant the waiver.

9. Regulation: 24 CFR 92.251

*Project/Activity:* The State of Oregon requested a waiver to permit a rehabilitation project which utilizes HOME funds to use FHA Single Family Minimum Property Requirements in lieu of HQS for its HOME assisted homebuyer activities.

*Nature of Requirement:* 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:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*Reasons Waived:* The waiver was granted to allow the State to provide emergency repairs to housing damaged by a flood which was declared a disaster on February 9, 1996. The waiver will allow a quicker response to flood victims to stabilize the damaged properties.

10. Regulation: 24 CFR 92.251

*Project/Activity:* The State of Illinois requested a waiver to permit rehabilitation which utilizes HOME funds to use FHA Single Family Minimum Property Requirements in lieu of HQS for its HOME assisted homebuyer activities.

*Nature of Requirement:* 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:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 27, 1996.

*Reasons Waived:* The waiver was granted because the State did not have the staff capacity to inspect all potential HOME properties for HQS compliance throughout the State. Also, it was determined FHA's standards are similar to HQS standards and that both address similar conditions and ensure that properties are structurally sound and present no health and safety issues. Therefore, it was determined that there was good cause to grant the waiver.

11. Regulation: 24 CFR 92.251

*Project/Activity:* The State of Idaho requested a waiver to permit rehabilitation

which utilizes HOME funds to use FHA Single Family Minimum Property Requirements in lieu of HQS for its HOME assisted homebuyer activities.

*Nature of Requirement:* 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:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 27, 1996.

*Reasons Waived:* The waiver was granted because the State did not have the staff capacity to inspect all potential HOME properties for HQS compliance throughout the State. Also, it was determined FHA's standards are similar to HQS standards and that both address similar conditions and ensure that properties are structurally sound and present no health and safety issues. Therefore, it was determined that there was good cause to grant the waiver.

12. Regulation: 24 CFR 92.254(c)(3)

*Project/Activity:* Iowa City, Iowa requested a waiver of requirements that the terms of the lease must be equal to the affordability period, which is five years for this project.

*Nature of Requirement:* The regulations at 24 CFR 92.254(c)(3) of the HOME program require that the purchase and/or rehabilitation of a manufactured housing unit qualifies for affordable housing only, if at the time of project completion, the unit is located on land that is held in a fee-simple title, land trust, or long term ground lease with a term at least equal to that of the project's affordability period.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 27, 1996.

*Reasons Waived:* The Assistant Secretary found that because Iowa City was a college town, it was standard operating procedure to offer no more than a one-year lease. Therefore, the imposition of the HOME rules would present a substantial obstacle to delivering affordable housing and the waiver was granted.

13. Regulation: 24 CFR 92.257

*Project/Activity:* The State of Indiana requested a waiver of the HOME regulations at 24 CFR 92.257 to allow the City of Albany to loan St. Elizabeth's Regional Maternity Center HOME monies to rehabilitate two rental housing units.

*Nature of Requirement:* The regulations at 24 CFR 92.257 provide that HOME funds may not be provided to primarily religious organizations, such as churches, for any activity including secular activities. The regulations further provide that HOME funds may not be used to rehabilitate or construct housing by primarily religious organizations or to assist primarily religious organizations in acquiring housing.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 5, 1996.

*Reasons Waived:* The Assistant Secretary found good cause to grant the waiver because

the loan agreement for the project requires the religious entity to operate the project in accordance with 24 CFR 570.200(j)(2) of the CDBG regulations regarding the rehabilitation of buildings owned by primarily religious entities, for the applicable affordability period defined in 24 CFR part 92.

14. Regulation: 24 CFR 92.258

*Project/Activity:* Baltimore County, Maryland requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

*Nature of Requirement:* 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*Reasons Waived:* The application of § 92.258 of the HOME regulations to the County's program would create an undue hardship for Baltimore County and its potential homeowners, and adversely affect the purposes of the Act.

15. Regulation: 24 CFR 92.258

*Project/Activity:* The City of Fort Worth, Texas requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

*Nature of Requirement:* 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*Reasons Waived:* The application of § 92.258 of the HOME regulations to the City's program would create an undue hardship for the City of Fort Worth and its potential homeowners, and adversely affect the purposes of the Act.

16. Regulation: 24 CFR 92.258

*Project/Activity:* The City of San Antonio, Texas requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

*Nature of Requirement:* 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 17, 1996.

*Reasons Waived:* The application of § 92.258 of the HOME regulations to the City's program would create an undue hardship for the City of San Antonio and its potential homeowners, and adversely affect the purposes of the Act.

17. Regulation: 24 CFR 92.258

*Project/Activity:* The City of Dallas, Texas requested a waiver of 24 CFR 92.258 of the

HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

*Nature of Requirement:* 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 17, 1996.

*Reasons Waived:* The application of § 92.258 of the HOME regulations to the City's program would create an undue hardship for the City of Dallas and its potential homeowners, and adversely affect the purposes of the Act.

18. Regulation: 24 CFR 92.258

*Project/Activity:* The City of Indianapolis, Indiana requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

*Nature of Requirement:* 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 27, 1996.

*Reasons Waived:* The application of § 92.258 of the HOME regulations to the City's program would create an undue hardship for the City of Indianapolis and its potential homeowners, and adversely affect the purposes of the Act.

19. Regulation: 24 CFR 92.258

*Project/Activity:* The Delaware County Consortium requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

*Nature of Requirement:* 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD-insured mortgage.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 27, 1996.

*Reasons Waived:* The application of § 92.258 of the HOME regulations to the County's program would create an undue hardship for the Delaware County Consortium and its potential homeowners, and adversely affect the purposes of the Act.

20. Regulation: 24 CFR 570.208(a)(3)

*Project/Activity:* The City of Santa Monica, California requested a waiver of the CDBG regulations at 24 CFR 570.208(a)(3) to permit the City to provide CDBG funds to a private, non-profit limited equity housing cooperative formed by the tenants of the Mountain View Mobile Home Inn for use in purchasing the mobile home park from the private corporation that is now the owner.

*Nature of Requirement:* The regulations at 24 CFR 570.208(a)(3) require, as a general rule, that CDBG-assisted housing structures

principally benefit low- and moderate-income households.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 30, 1996.

*Reasons Waived:* The application of the regulations would create undue hardship and adversely affect the purposes of the Act because if the housing cooperative is not able to purchase this property, the availability and affordability of these housing units to low- and moderate-income persons could be lost. This would negatively impact both the stability of the neighborhood and the income mix of residents in the neighborhood.

21. Regulation: 24 CFR 570.208(a)(3)

*Project/Activity:* Lake County, Indiana requested a waiver of the CDBG regulations at 24 CFR 570.208(a)(3).

*Nature of Requirement:* The regulations at 24 CFR 570.208(a)(3) require, as a general rule, that CDBG-assisted housing structures principally benefit low- and moderate-income households.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 24, 1996.

*Reasons Waived:* The application of the regulations would impair the financial feasibility of a low- and moderate-income home ownership program done in three phases.

22. Regulation: 24 CFR 570.606(c)(2) and 42 U.S.C. 5304(d)(2) (iii) and (iv)

*Project/Activity:* The State of Florida requested a waiver of relocation requirements for a joint buyout project with FEMA. The waiver will eliminate the disparity in the number of months rental assistance must be provided to displaced low- and moderate-income persons.

*Nature of Requirement:* The regulations at 24 CFR 570.606(c)(2) and 42 U.S.C. 5304(d)(2) (iii) and (iv) require that localities that displace families offer 60 months of comparable housing payments to low- and moderate-income families.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 17, 1996.

*Reasons Waived:* The waiver will result in low- and moderate-income families receiving 42 months of comparable housing payments for the joint FEMA/HUD project. The State received the waiver to help it avoid excessive administrative difficulties for local governments and to equalize the treatment of families affected by the project.

23. Regulation: 24 CFR 572.115(a)(1)

*Project/Activity:* The Urban Redevelopment Authority of Pittsburgh, Pennsylvania requested a waiver to extend the time permitted for the transfer of HOPE 3 properties to eligible families.

*Nature of Requirement:* The regulations at 24 CFR 572.115(a)(1) require that units in eligible properties must be transferred to eligible families within two years of the effective date of the HOPE 3 implementation grant. The HUD field office may approve a

request for an extension of a period not to exceed one year of that deadline.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* April 16, 1996.

*Reasons Waived:* Based on progress made in transferring the subject properties, the Assistant Secretary found good cause to extend the property deadline transfer for one year.

24. Regulation: 24 CFR 572.115(a)(1)

*Project/Activity:* The New York City Housing Authority of New York requested a waiver to extend the time permitted for the transfer of HOPE 3 properties to eligible families.

*Nature of Requirement:* The regulations at 24 CFR 572.115(a)(1) require that units in eligible properties must be transferred to eligible families within two years of the effective date of the HOPE 3 implementation grant. The HUD field office may approve a request for an extension of a period not to exceed one year of that deadline.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*Reasons Waived:* Based on progress made in transferring the subject properties, the Assistant Secretary found good cause to extend the property deadline transfer for one year.

25. Regulation: 24 CFR 572.115(a)(1)

*Project/Activity:* Mennonite Housing Services of Wichita, Kansas requested a waiver to extend the time permitted for the transfer of HOPE 3 properties to eligible families.

*Nature of Requirement:* The regulations at 24 CFR 572.115(a)(1) require that units in eligible properties must be transferred to eligible families within two years of the effective date of the HOPE 3 implementation grant. The HUD field office may approve a request for an extension of a period not to exceed one year of that deadline.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 27, 1996.

*Reasons Waived:* Based on progress made in transferring the subject properties, the Assistant Secretary found good cause to extend the property transfer deadline for one year.

26. Regulation: 24 CFR 572.115(a)(1)

*Project/Activity:* The City of Tucson, Arizona requested a waiver to extend the time permitted for the transfer of HOPE 3 properties to eligible families.

*Nature of Requirement:* The regulations at 24 CFR 572.115(a)(1) require that units in eligible properties must be transferred to eligible families within two years of the effective date of the HOPE 3 implementation grant. The HUD field office may approve a request for an extension of a period not to exceed one year of that deadline.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 27, 1996.

*Reasons Waived:* Based on progress made in transferring the subject properties, the Assistant Secretary found good cause to extend the property deadline transfer for one year.

27. Regulation: 24 CFR 574.310(b)(1)

*Project/Activity:* The Minnesota Department of Health, on behalf of the Metropolitan Council Housing and Redevelopment Authority, the project sponsor, requested a waiver that will permit it to use Section 8 Housing Quality Standards.

*Nature of Requirement:* The regulations at 24 CFR 574.310(b)(1) require grantees and project sponsors to carry out rental assistance programs in compliance with all applicable State and local codes.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 17, 1996.

*Reasons Waived:* The application of the regulations would create undue hardship and adversely affect the purposes of the Act because the substitution is consistent with the AIDS Housing Opportunity Act at Section 859, 42 U.S.C. 12908, which required that rental assistance under the HOPWA program, to the extent practicable, provide housing in the manner provided under Section 8 of the Housing Act of 1937.

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

*Project/Activity:* The Key West Housing Authority in Florida requested a waiver of the HOPWA regulations at 24 CFR 574.320(a)(2) to permit one of its project sponsors to establish rental standards for rental assistance at a rate that exceeds HUD's Section 8 fair market rent.

*Nature of Requirement:* The regulations at 24 CFR 574.320(a)(2) require that grantees and project sponsors establish rental standards for rental assistance that are no more than the published Section 8 fair market rent.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 26, 1996.

*Reasons Waived:* The application of the regulations would create undue hardship and adversely affect the purposes of the Act because the current fair market rates are below the actual market rents in the area, making it impossible for the HOPWA grantee and sponsor to procure rental units for eligible persons living with HIV/AIDS.

29. Regulation: 24 CFR 576.21

*Project/Activity:* The City of Fall River, Massachusetts requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

*Nature of Requirement:* The City requested a waiver of the ESG expenditure limitation on essential services.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*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.

30. Regulation: 24 CFR 576.21

*Project/Activity:* The City of Miami, Florida requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

*Nature of Requirement:* The City requested a waiver of the ESG expenditure limitation on essential services.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*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.

31. Regulation: 24 CFR 576.21

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

*Nature of Requirement:* The City requested a waiver of the ESG expenditure limitation on essential services.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*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.

32. Regulation: 24 CFR 576.21

*Project/Activity:* The State of Wisconsin requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

*Nature of Requirement:* The City requested a waiver of the ESG expenditure limitation on essential services.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*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.

33. Regulation: 24 CFR 576.21

*Project/Activity:* Albany, New York requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

*Nature of Requirement:* The City requested a waiver of the ESG expenditure limitation on essential services.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* June 17, 1996.

*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.

34. Regulation: 24 CFR 576.55(a)(2)(ii)

*Project/Activity:* The Borough of State College, Pennsylvania requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.55(a)(2)(ii).

*Nature of Requirement:* The Stewart B. McKinney Homeless Assistance Act requires that each State recipient spend all of its grant amount within 24 months of the date on which the State made the grant amounts available to the State recipient.

*Granted by:* Andrew Cuomo, Assistant Secretary for Community Planning and Development.

*Date Granted:* May 3, 1996.

*Reasons Waived:* The Borough received a waiver of the 24-month ESG expenditure deadline because it needed to expand the shelter and provide the necessary facilities to accommodate homeless families and handicapped individuals. Therefore, the homeless population would suffer undue hardship without the renovation and expansion monies from the ESG needed for the expansion and renovation of this facility.

For items 35 through 38, waivers granted for 24 CFR parts 220 and 811, contact: Mr. James B. Mitchell, Director, Financial Services Division, U.S. Department of Housing and Urban Development, 470 L'Enfant Plaza East, Suite 3119, Washington, D.C. 20024, Phone: (202) 755-7450 x125; hearing and speech-impaired individuals may call HUD's TTY toll-free number at 1-800-877-8391.

35. Regulation: 24 CFR 811.106(d) and 811.107(d) of the 1977 Regulations, and 811.107(b), 811.114(b)(3), 811.114(d), and 811.115(b) of the 1979 Regulations

*Project/Activity:* The Elkhart, Indiana HFA refunding of bonds which financed an uninsured Section 8 assisted project,

Stratford Commons, HUD Project No. IN36-0053-0044.

*Nature of Requirement:* The regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

*Granted by:* Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner.

*Date Granted:* April 2, 1996.

*Reasons Waived:* The part 811 regulations cited above prohibited refundings and required that excess reserve balances be used for project purposes. The issuer has requested HUD permission to release excess reserve balances from the 1979 Trust Indenture for use in paying transaction costs of this McKinney Act refunding and generating funds for Project repairs and maintenance.

36. Regulation: 24 CFR 811.107(a)(2), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), and 811.115(b); 24 CFR 220.751 and 220.760

*Project/Activity:* The White Plains, New York refunding of bonds which financed a Section 8 assisted project, Armory Plaza Apartments, FHA No. 012-32230.

*Nature of Requirement:* The regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

*Granted by:* Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner.

*Date Granted:* April 29, 1996.

*Reasons Waived:* The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the HFA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on October 31, 1995. Refunding bonds have been priced to an average yield of 6.75%. The tax-exempt refunding bond issue of \$3,995,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 9% at the call date in 1996 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 9% to 7.2%, thus reducing FHA mortgage insurance risk, and provide \$128,000 for project repairs. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

37. Regulation: 24 CFR 811.107(a)(2), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), and 811.115(b); 24 CFR 220.751 and 220.760

**Project Activity:** The White Plains, New York refunding of bonds which financed a Section 8 assisted project, Battle Hill Apartments, FHA No. 012-57286.

**Nature of Requirement:** The regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

**Granted by:** Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner.

**Date Granted:** April 29, 1996.

**Reasons Waived:** The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the HFA mortgage amount, HUD also agrees not to exercise its option under 24 CFR 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on October 31, 1995. Refunding bonds have been priced to an average yield of 6.75%. The tax-exempt refunding bond issue of \$3,360,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11% at the call date in 1996 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 9.8% to 7.2%, thus reducing FHA mortgage insurance risk, and provide \$83,000 for project repairs. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

38. Regulation: 24 CFR 811.107(a)(2), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), and 811.115(b)

**Project/Activity:** The Utica, New York Housing Authority refunding of bonds which financed a Section 8 assisted project, Steinhorst Elderly Apartments, FHA No. 013-35077.

**Nature of Requirement:** The regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

**Granted by:** Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner.

**Date Granted:** May 10, 1996.

**Reasons Waived:** The part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. This refunding proposal was approved by HUD on January 31, 1996. Refunding bonds have been priced to an average yield of 6.90%. The tax-exempt refunding bond issue of \$3,510,000 at current low-interest rates will save Section 8

subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.5% at the call date in 1997 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rates at expiration of the HAP contract, from 10.48 to 7.25%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

For items 39 through 41, waivers granted for 24 CFR part 913, contact: Mary Ann Russ, Deputy Assistant Secretary for Public and Assisted Housing Operations, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 4204, Washington, DC 20410, (202) 708-1380 (This is not a toll-free number), Hearing- and speech-impaired persons may call HUD's TTY toll-free number at 1-800-877-8391.

39. Regulation: 24 CFR 913.107(a)

**Project/Activity:** A request was made by the Housing Authority of Anniston (HAA) of Anniston, AL, 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: 30 percent of Monthly Adjusted Income; 10 percent of Monthly Income; if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated; or the minimum rent as set by the housing authority.

**Granted by:** Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

**Date Granted:** April 10, 1996.

**Reason Waived:** HHA has had a sustained vacancy problem for several years. The establishment of ceiling rents will enable HHA to address its vacancy problem by improving its marketability to potential applicants.

40. Regulation: 24 CFR 913.107(a)

**Project/Activity:** A request was made by the Stevenson Housing Authority (SHA), Stevenson, AL, 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: 30 percent of Monthly Adjusted Income; 10 percent of Monthly Income; if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments

which is so designated; or the minimum rent set by the housing authority.

**Granted by:** Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

**Date Granted:** May 15, 1996.

**Reason Waived:** SHA has experienced turnover due to residents leaving when their rents begin to exceed those on the private market. The establishment of ceiling rents will enable SHA to keep working and rent paying residents.

41. Regulation: 24 CFR 913.107(a)

**Project/Activity:** A request was made by the Woonsocket Housing Authority (WHA) of Woonsocket, Rhode Island, 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: 30 percent of Monthly Adjusted Income; 10 percent of Monthly Income; if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated; or the minimum rent set by the housing authority.

**Granted by:** Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

**Date Granted:** May 23, 1996.

**Reason Waived:** The establishment of ceiling rents will permit WHA to retain higher-income working families. The inclusion of working families will establish role models in their developments. It will also serve as an incentive for residents to find employment without the fear of dramatic rental increases.

For items 42 through 44, waivers granted for 24 CFR part 950, contact: Mr. Dom Nessi, Deputy Assistant Secretary for Native American Programs, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room B-133, Washington, D.C. 20410, (202) 755-0032.

42. Regulation: 24 CFR 950.325

**Project/Activity:** Establishment of ceiling rents for Absentee Shawnee Housing Authority, Caddo Tribal Housing Authority, and Sac and Fox Housing Authority of Kansas.

**Nature of the Requirement:** Waiver of the regulation cited above is required to allow establishment of ceiling rents for their Low Rent Program.

**Granted by:** Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

**Date Granted:** July 19, 1996.

**Reason Waived:** This waiver was requested and granted to allow the Housing Authorities cited above to establish ceiling rents for their low rent program in accordance with PIH Notices 89-21 and 95-68, which provide for the establishment of ceiling rents in a low rent Indian housing program and the use of actual debt service.

## 43. Regulation: 24 CFR 950.325

*Project/Activity:* Establishment of ceiling rents for Chehalis Tribal Housing Authority.  
*Nature of the Requirement:* Waiver of the regulation cited above is required to allow establishment of ceiling rents for their Low Rent Program.

*Granted by:* Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* July 19, 1996.

*Reason Waived:* This waiver was requested and granted to allow the Chehalis Tribal Housing Authority to establish ceiling rents for their low rent program in accordance with PIH Notices 89-21 and 95-68, which provide for the establishment of ceiling rents in a low rent Indian housing program and the use of actual debt service.

## 44. Regulation: 24 CFR 950.325

*Project/Activity:* Establishment of ceiling rents for Kickapoo Housing Authority.

*Nature of the Requirement:* Waiver of the regulation cited above is required to allow establishment of ceiling rents for their Low Rent Program.

*Granted by:* Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* July 19, 1996.

*Reason Waived:* This waiver was requested and granted to allow the Kickapoo Housing Authority to establish ceiling rents for their low rent program in accordance with PIH Notices 89-21 and 95-68, which provide for the establishment of ceiling rents in a low rent Indian housing program and the use of actual debt service.

For items 45 through 48, waivers granted for 24 CFR parts 961 and 964, contact: Gloria J. Cousar, Deputy Assistant Secretary, Office of Community Relations and Involvement, Department of Housing and Urban Development, 451 7th Street, SW., Room 4126, Washington, DC 20410-5000, (202) 619-8702.

## 45. Regulation: 24 CFR Part 961

*Project/Activity:* Kingsport Housing Authority (KHA), Kingsport, Tennessee.

*Nature of Requirement:* 24 CFR part 961 prohibits the use of Public Housing Drug Elimination Program (PHDEP) grant funds for the purchase of a vehicle.

*Granted by:* Kevin Emanuel Marchman, Deputy Assistant Secretary, Distressed and Troubled Housing.

*Date Granted:* February 21, 1996.

*Reason Waived:* The housing authority stated it intends to use a vehicle to support a variety of drug elimination activities. The authority has shown good cause and demonstrated compliance with applicable regulatory requirements and it was found there was good cause to grant a waiver of 24 CFR part 961 to purchase a vehicle.

## 46. Regulation: 24 CFR Part 961

*Project/Activity:* Housing Authority of the City of Bainbridge, Georgia.

*Nature of Requirement:* Waiver of 24 CFR part 961 to extend the term of the grant through June 30, 1996, and to reprogram PHDEP funds.

*Granted by:* Michael B. Janis, General Deputy Assistant Secretary.

*Date Granted:* December 1, 1995.

*Reason Waived:* To extend PHDEP grant #GA06DEP0640192 and reprogram PHDEP funds. The authority has shown good cause and demonstrated compliance with applicable regulatory requirements and it was found there was good cause to grant a waiver of 24 CFR part 961.

## 47. Regulation: 24 CFR 961.10(b)(6)

*Project/Activity:* Richmond Redevelopment and Housing Authority.

*Nature of Requirement:* 24 CFR 961.10(b)(6) limits drug prevention, intervention and treatment programs to reduce the use of drugs.

*Granted by:* Michael B. Janis, General Deputy Assistant Secretary.

*Date Granted:* October 5, 1995.

*Reason Waived:* To facilitate drug prevention, intervention and treatment efforts, to include outreach to community resources and youth activities, and facilitate bringing these resources onto the premises, or providing resident referrals to treatment programs or transportation to out-patient treatment programs away from the premises.

## 48. Regulation: 24 CFR 964.215(b)

*Project/Activity:* Public Housing Resident Management Program, Technical Assistance Grant Neighborhood Residents at Work, Inc. (GAO6RMA0020193).

*Nature of Requirement:* Waiver of 24 CFR 964.215(b) to extend the term of the grant through May 31, 1997.

*Granted by:* Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* July 1, 1996.

*Reason Waived:* The Housing Authority of Savannah requested waiver of the FY 1993 Public Housing Resident Management Program, Technical Assistance Grant for the Neighborhoods at Work, Inc., (NWI). The request is made to permit NWI to expend the remainder of its FY 1993 grant funds.

For items 49 through 59, waivers granted for 24 CFR part 966, 982, and 990, contact: Mary Ann Russ, Deputy Assistant Secretary, Office of Public and Assisted Housing Operations, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4226, Washington, DC 20410, (202) 708-1842 (This is not a toll-free number), Hearing- and speech-impaired persons may call HUD's TTY toll-free number at 1-800-877-8391.

## 49. Regulation: 24 CFR 966.4(e)

*Project/Activity:* A request was made by Vivienda Administracion De Vivienda Publica, San Juan, PR, to assign eligible families to dwelling units requiring minor repairs.

*Nature of Requirement:* A public housing agency is obligated under 24 CFR 966.4, to maintain dwelling units and projects in decent, safe and sanitary condition; comply with requirements of applicable building codes, housing codes, and Departmental rules materially affecting health and safety; and make necessary repairs to dwelling units. HUD expects that prior to assigning eligible families to dwellings, the public housing agency would make every effort to ensure that units are fully ready for occupancy and

comply with the aforementioned lease provisions.

*Granted by:* Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* April 4, 1996.

*Reason Waived:* The Administracion De Vivienda Publica has had problems of vandalism, illegal occupation of dwellings, and drug-related criminal activity in many units that are currently vacant awaiting repairs prior to resident occupancy. By assigning families to these dwellings when they initially become vacant, these problems can be minimized. Due to the unique and unusual circumstances experienced by this agency, the provisions of 24 CFR 966.4(e) were waived. Material deficiencies in units should be corrected within a reasonable period following occupancy by a family.

## 50. Regulation: 24 CFR 982.153(b)(11)

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

*Nature of Requirement:* The regulations provide that the housing agency (HA) must inspect the unit at least annually during the assisted tenancy to insure that the unit continues to meet the Section 8 housing quality standards (HQS).

*Granted by:* Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* May 30, 1996.

*Reason Waived:* A family member suffers from obsessive compulsive disorder. If HQS inspections are conducted by an HA inspector, the family member could suffer a fatal panic attack. This waiver allows the HA to delegate to a family member the responsibility to annually inspect the unit.

## 51. Regulation: 24 CFR 982.303(b)

*Project/Activity:* The Massachusetts Executive Office of Communities and Development; Section 8 Certificate Program.

*Nature of Requirement:* The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

*Granted by:* Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* April 25, 1996.

*Reason Waived:* The certificate-holder faced special problems in locating a unit as a result of a medical condition. This waiver allows the family additional time to find an accessible unit.

## 52. Regulation: 24 CFR 982.303(b)

*Project/Activity:* Department of Housing Services of Washington County, Oregon; Section 8 Certificate Program.

*Nature of Requirement:* The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

*Granted by:* Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* June 21, 1996.

*Reason Waived:* The certificate-holder was disabled by a serious illness for two months

which limited the family's ability to locate a unit. This waiver allows the family additional time to find a unit.

53. Regulation: 24 CFR 982.303(b)

*Project/Activity:* Department of Housing Services of Washington County, Oregon; Section 8 Certificate Program.

*Nature of Requirement:* The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

*Granted by:* Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* June 21, 1996.

*Reason Waived:* A disabled family was able to find a suitable unit, but the request for lease approval could not be submitted before the maximum certificate term had been reached. Because of the difficulty in locating a suitable unit due to their disabilities, this waiver allows the family to complete the paperwork on the unit.

54. Regulation: 24 CFR 982.303(b)

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

*Nature of Requirement:* The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

*Granted by:* Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* June 21, 1996.

*Reason Waived:* This family is assigned to the experimental group in the Moving to Opportunity Program and receives special counseling to assist in the housing search, but has been unable to find suitable housing due to special problems. This waiver allows the family additional time to find suitable housing.

55. Regulation: 24 CFR 982.303(b)

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

*Nature of Requirement:* The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

*Granted by:* Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* June 21, 1996.

*Reason Waived:* This family is assigned to the experimental group in the Moving to Opportunity Program and receives special counseling to assist in the housing search, but has been unable to find suitable housing due to medical problems. This waiver allows the family additional time to find suitable housing.

56. Regulation: 24 CFR 982.303(b)

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

*Nature of Requirement:* The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

*Granted by:* Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* June 27, 1996.

*Reason Waived:* The certificate-holder underwent surgery and required bed rest during recovery which limited the certificate-holder's ability to search for a unit before the certificate term expired. This waiver allows the family additional time to find suitable housing.

57. Regulation: 24 CFR 982.303(b)

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

*Nature of Requirement:* The regulations provide for a maximum term of 120 days during which a certificate- or voucher-holder may seek housing to be leased under the program.

*Granted by:* Kevin E. Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* June 27, 1996.

*Reason Waived:* This family is assigned to the experimental group in the Moving to Opportunity Program and receives special counseling to assist in the housing search, but has been unable to find suitable housing due to a serious illness. This waiver allows the certificate-holder additional time to find suitable housing.

58. Regulation: 24 CFR 990.109(b)(3)(iv)

*Project/Activity:* Oglesby Housing Authority, TX. A request was made to use the HA's actual occupancy rate and recalculate its operating subsidy eligibility.

*Nature of Requirement:* The regulation requires a Low Occupancy PHA without an approved Comprehensive Occupancy Plan to use a projected occupancy percentage of 97%.

*Granted by:* Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* June 6, 1996.

*Reason Waived:* The HA was allowed to use its actual occupancy percentage of 64% for its fiscal year ending June 30, 1996, because of low operating reserves.

59. Regulation: 24 CFR 990.109(b)(3)(iv)

*Project/Activity:* Waynoka Housing Authority, OK. A request was made to use the HA's actual occupancy rate and recalculate its operating subsidy eligibility.

*Nature of Requirement:* The regulation requires a Low Occupancy PHA without an approved Comprehensive Occupancy Plan to use a projected occupancy percentage of 97%.

*Granted by:* Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date Granted:* June 21, 1996.

*Reason Waived:* The HA was allowed to use its actual occupancy percentage of 83% for its fiscal year ending December 30, 1996, because of considerable fluctuation in the agency's occupancy rate.

[FR Doc. 96-28841 Filed 11-8-96; 8:45 am]

BILLING CODE 4210-32-P