

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4250-N-02]

Notice of Regulatory Waiver Requests Granted

AGENCY: Office of the Secretary, HUD.

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

SUMMARY: Under the Department of Housing and Urban Development Reform Act of 1989 (Reform Act), HUD is required to make public all approval actions taken on waivers of regulations. This notice is the twenty-sixth 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 Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by HUD. 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 HUD has

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

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

Section 106 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-sixth notice of its kind to be published under Section 106. This notice updates HUD's waiver-grant activity from April 1, 1997 through June 30, 1997. It also contains a waiver for 24 CFR 882.605(c), granted on January 16, 1997, and two waivers for 24 CFR 901.120(a) and (b), granted on February 28, 1997 and March 31, 1997, respectively.

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 occur between July 1, 1997 through September 30, 1997.

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

Dated: February 3, 1998.

Andrew Cuomo,
Secretary.

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

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

For Item 1, Waiver Granted for Section 281(g) of the National Affordable Housing Act, Contact: Debbie Ann Wills, Field Management Officer, U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street, S.W., Washington, D.C. 20410-7000, Telephone: (202) 708-2565, Fax: (202) 401-9681. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8391.

1. Regulation: Section 281(g) of the National Affordable Housing Act.

Project/Activity: The City of Homestead, Florida, requested a waiver of the HOME funds obligations deadline to finish two disaster projects.

Nature of Requirement: Section 281(g) of the National Affordable Housing Act, requires that HOME funds be committed, with legally binding written agreements, to affordable housing projects within 24 months of funds award.

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

Date Granted: June 19, 1997.

Reasons Waived: Deobligation of the City's remaining unspent disaster HOME funds would create a hardship to residents by removing housing opportunities. The waiver will permit the City to retain, for an additional 90 days, uncommitted funds for the purpose of obligating funds to two projects.

For Item 2, Waiver Granted for Part 5, Contact: Gloria J. Cousar, Deputy Assistant Secretary for Public Housing Real Estate Performance, Funding, and Customer Service, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., 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 Federal Information Relay Service at 1-800-877-8391.

2. Regulation: 24 CFR 5.613(a).

Project/Activity: City of Scottsdale Housing Authority, Arizona; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides that the Total Tenant Payment for

families whose initial lease is effective on or after August 1, 1982, shall be the highest of: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of Monthly Income; or (3) the Welfare Rent.

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

Date Granted: May 27, 1997.

Reasons Waived: The assisted family was forced to move when their unit failed Housing Quality Standards inspection, and the landlord would not make required repairs. Approval of the waiver permitted the single parent family to lease a unit in the same neighborhood, permitting the child to remain in the same school.

For Items 3 Through 8, Waivers Granted for 24 CFR Parts 58, 91, 92, 570, 576, and 582, Contact: Debbie Ann Wills, Field Management Officer, U.S. Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street, S.W., Washington, D.C. 20410-7000, Telephone: (202) 708-2565, Fax: (202) 401-9681. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8391.

3. Regulation: 24 CFR 58.73; 24 CFR 91.115; 24 CFR 92.207; 24 CFR 92.209; 24 CFR 92.214(a)(7); 24 CFR 92.222(b); 24 CFR 92.250; 24 CFR 92.251; 24 CFR 92.300(a)(1); 24 CFR 92.303; 24 CFR 92.352; Section 414 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Project/Activity: The State of Minnesota, requested a waiver of the HOME Program and Consolidated Plan requirements to facilitate its efforts on behalf of victims of the recent flooding in the Red River Valley.

Nature of Requirement: Pursuant to 24 CFR 5.110, which grants the authority to suspend certain statutory requirements of Section 290 of the Cranston-Gonzalez National Affordable Housing Act, the following HOME regulations were waived:

24 CFR 58.73, environmental requirements; 24 CFR 91.115, citizen participation plan; 24 CFR 92.207, eligible administrative and planning costs; 24 CFR 92.209, tenant-based rental assistance;

24 CFR 92.214(a)(7), prohibited activities; 24 CFR 92.222(b), match reduction; 24 CFR 92.250, maximum per-unit subsidy limit;

24 CFR 92.251, property standards; 24 CFR 92.300(a)(1), Community Housing Development Organizations (CHDOs); 24 CFR 92.303, CHDO tenant participation plan;

24 CFR 92.352, environmental requirements; and

Section 414 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

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

Date Granted: May 28, 1997.

Reasons Waived: Because of the severity of flooding, the Assistant Secretary determined that there was good cause to grant the waivers and suspend certain statutory requirements, pursuant to Section 290 of the

Cranston-Gonzalez National Affordable Housing Act.

4. Regulation: 24 CFR 92.214(a)(7).

Project/Activity: The City of Chicago, Illinois, requested a waiver, on behalf of Carlton Apartments, to reimburse the Lakefront SRO Development Corporation for out-of-pocket costs for the installation of fire safety enhancements.

Nature of Requirement: 24 CFR 92.214(a)(7), of the HOME Program regulations, states that HOME funds may not be used to provide additional assistance to a project previously assisted with HOME funds, during the period of affordability or after the project has been completed for more than a year.

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

Date Granted: June 9, 1997.

Reasons Waived: A waiver of 24 CFR 92.214(a)(7) was granted for good cause to reimburse the Lakefront SRO Development Corporation for the installation of fire safety enhancements.

5. Regulation: 24 CFR 570.201(e)(1).

Project/Activity: Delaware County, PA, requested a waiver of the method used for calculation of the public service cap.

Nature of Requirement: 24 CFR 570.201(e)(1), states that the amount of program income to be used in calculating the 15 percent public service cap, is the amount of program income received in the preceding program year.

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

Date Granted: April 3, 1997.

Reasons Waived: The County requested a waiver because it received a substantial amount of program income, from a property sale, in its current program year as opposed to the preceding year which is the year used in the public service cap calculation. The waiver will allow the County to use funds, available under the increased public service cap, for activities to provide services to the homeless at an emergency shelter, and to purchase equipment to provide training services for handicapped persons.

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

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

Date Granted: April 15, 1997.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the

program are already being carried out in the locality with other resources." The State provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

7. Regulation: 24 CFR 576.21.

Project/Activity: Hennepin County, Minnesota, requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

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

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

Date Granted: May 19, 1997.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act, the 30 percent cap on essential services may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources". The County 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.

8. Regulation: 24 CFR 576.21.

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

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

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

Date Granted: May 23, 1997.

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

9. Regulation: 24 CFR 582.305(a).

Project/Activity: The Los Angeles County Housing Authority, requested a waiver for one of its homeless projects to allow two persons to reside in a Single Room Occupancy (SRO) type unit.

Nature of Requirements: 24 CFR 582.305(a) states that assistance will not be provided for units that fail to meet Housing Quality Standards (HQS) unless the owner corrects any deficiencies within 30 days from the date of the lease agreement, and the recipient verifies that all deficiencies have been corrected. This section of the regulations also cross references the HQS standards at 24 CFR 882.109(p)(2), which states that each SRO unit should not be occupied by more than one person.

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

Date Granted: June 30, 1997.

Reasons Waived: The waiver was granted because the Secretary agreed with the housing authority's position that allowing two persons to share a room was a crucial part of the program to help chronic abusers build relationships and reconnect with society, which ultimately furthered purposes of the Act.

For Items 10 and 11, Waivers Granted for 24 CFR Parts 811 and 883, Contact: James B. Mitchell, Acting Director, Special Projects Division, Office of Asset Management and Disposition, U.S. Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410-7000, Telephone: (202) 708-1220. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8391.

10. Regulation: 24 CFR 811.108(a)(2).

Project/Activity: Defeasance and redemption of bonds, which financed a Section 8 assisted project in Campbell County, Wyoming, Parkside Apartments, FHA No. 109-35039.

Nature of Requirement: The regulation provides that upon full redemption of bond principal and interest, any remaining balance in the debt service reserve shall be remitted to HUD.

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

Date Granted: June 27, 1997.

Reasons Waived: Banc One Capital Corporation wishes to purchase the mortgage note from the bond trustee for a price which, when added to Series 1979 Bond reserves of \$342,838, will permit full discharge of outstanding bond principal. The Board of Campbell County Commissioners, has requested use of \$79,600, of such reserves, to complete construction of the County Homeless Shelter. HUD consents to this request.

11. Regulation: 24 CFR 883.606(b).

Project/Activity: Refunding of bonds, which financed Section 8 FAF-assisted projects, for which Housing Assistance Payments Contracts are administered by the Oregon Housing and Community Services Department, which issued bonds to provide mortgage loans for the projects.

Nature of Requirement: The Regulation provides that a State Housing Finance Agency (the "HFA") may not collect a contract administration fee and loan override for the same Section 8 project.

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

Date Granted: June 18, 1997.

Reasons Waived: HUD's criteria, for review and approval of FAF bond refundings, stated that a reduction in financing costs achieved by the refunding would not trigger a reduction of the dollar amount of HAP contract administration fees. HUD's case-by-case approvals of refunding proposals, in 1990 through 1993, allowed HFAs to take arbitrage spreads (override of up to 1.5 percent above the bond yield), as certified by bond counsel to be permissible under the Internal Revenue Code, without requiring the HFAs to reduce the contract administration fee. The Oregon HFA received HUD approval of refunding proposals which included both overrides and contract administration fees. HUD omitted to waive 24 CFR 883.606(b) for these refundings, which closed in September, 1991, and June, 1992, and hereby corrects that oversight by issuing this waiver.

For Item 12, Waiver Granted for Part 882, Contact: Office of the Deputy Assistant Secretary for Public and Assisted Housing Operations, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4226, Washington, DC 20410, Telephone, (202) 708-1842. (This is not a toll-free number.) Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8391.

12. Regulation: 24 CFR 882.605(c).

Project/Activity: Central Oregon Regional Housing Authority; Section 8 Rental Certificate Program.

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

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

Date Granted: January 16, 1997.

Reasons Waived: The waiver which authorized approval of a higher contract rent protected the elderly certificate holder from the threat of displacement and possible homelessness.

For Items 13 Through 21, Waivers Granted for 24 CFR Part 901, Contact: William C. Thorson, Director, Administration and Maintenance Division, Office of Public and Assisted Housing Operations, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 4214, Washington, DC 20410, (202) 708-4703. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8391.

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

Project Activity: Atlanta Housing Authority (AHA)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulation requires Field Offices to assess and notify each PHA of its PHMAP score within 180 days of its fiscal year end (FYE).

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

Date Granted: February 28, 1997.

Reasons Waived: There were concerns raised because of special circumstances

affecting AHA's performance due to the Olympic Legacy Program. The waiver provided an extension until March 31, 1997.

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

Project Activity: Oklahoma State Office—Public Housing Management Assessment Program (PHMAP).

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

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

Date Granted: April 28, 1997.

Reasons Waived: Additional time was needed because the Oklahoma State Office is in the process of transferring its financial files to its partnership office in Denver, for data entry into the PHMAP module in SMIRPH. The waiver provided an additional 30 days.

15. Regulation: 24 CFR 901.100(b).

Project Activity: Public Housing Management Assessment Program (PHMAP) for Public Housing Agencies (PHAs) with Fiscal Year End (FYE) March 31, 1997.

Nature of Requirement: The regulations require public housing agencies to submit their PHMAP certifications within 60 days after the end of a PHA's fiscal year.

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

Date Granted: May 1, 1997.

Reasons Waived: Due to delays in the printing and mailing of these two essential and informative documents, most PHAs did not receive the revised PHMAP Certification Form (form HUD-50072) and the Guidebook on time. The memorandum provides an extension of 30 calendar days for PHAs with FYE March 31, 1997, to submit their form HUD-50072 to local State/Area Office of Public Housing.

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

Project Activity: Biloxi Housing Authority (BHA)—Public Housing Management Assessment Program (PHMAP).

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

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

Date Granted: March 31, 1997.

Reasons Waived: Due to the time necessary to complete the review reports for confirmatory reviews, a time extension was granted until April 30, 1997.

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

Project Activity: Housing Authority of New Orleans (HANO)—Public Housing Management Assessment Program (PHMAP).

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

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

Date Granted: June 2, 1997.

Reasons Waived: Due to the scheduling, the Headquarters Confirmatory Review (HCR) report waiver was granted to provide an extension of the deadline until June 30, 1997, for completing the PHMAP assessment, and notifying HANO of its PHMAP score for the FYE September 30, 1996.

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

Project Activity: Yazoo City Housing Authority (YCHA) and Richton Housing Authority (RHA)—Public Housing Management Assessment Program (PHMAP).

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

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

Date Granted: June 4, 1997.

Reasons Waived: Extra time was necessary to complete the confirmatory reviews and subsequent reports. The waiver provided an extension until August 30, 1997.

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

Project Activity: Gonzales Housing Authority (GHA) and Waelder Housing Authority (WHA)—Public Housing Management Assessment Program (PHMAP).

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

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

Date Granted: June 26, 1997.

Reasons Waived: The waiver of 24 CFR 901.120(a) and (b) was concurrently granted to the San Antonio Office, to provide for time extension needed for HUD processing delayed by the above waiver to GHA and WHA. The regulation requires Field Offices to assess and notify each PHA of its PHMAP score within 180 days after the beginning of a PHA's fiscal year. The waiver of 24 CFR 901.120(a) and (b) provided an additional 30 days for GHA and WHA to submit their PHMAP certifications.

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

Project Activity: Gonzales Housing Authority (GHA) and Waelder Housing Authority (WHA)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulations require public housing agencies to submit their PHMAP certifications within 60 days after the end of a PHA's fiscal year.

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

Date Granted: June 26, 1997.

Reasons Waived: Because of the unusual circumstance of the Executive Director being unable to carry out her duties at both authorities, due to illness, the waiver provided an additional 30 days for GHA and WHA to submit their PHMAP certifications.

Comments: A waiver of 24 CFR 901.120(a) and (b) was concurrently granted to the San Antonio Office, to provide for the time extension needed for HUD processing that was delayed by the above waiver, to GHA and WHA. The regulation requires Field

Offices to assess, and notify each PHA of its PHMAP score within 180 days after the beginning of a PHA's fiscal year.

21. Regulation: 24 CFR 901.130(e).

Project Activity: Biloxi Housing Authority—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulations require the PHA to appeal by the 15th calendar day after the date the Field Office mailed the notification letter.

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

Date Granted: May 15, 1997.

Reasons Waived: Due to the results of the confirmatory review being provided to the BHA at a closeout meeting, a 7 day extension was granted.

22. Regulation: 24 CFR 901.130(f).

Project Activity: Housing Authority of New Haven (HANH)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: The regulations require the Department to respond to the PHA's appeal within 30 days. An additional 30 day extension was granted. (See the June 2 Waiver).

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

Date Granted: April 1, 1997 and June 2, 1997.

Reasons Waived: Due to the scheduling of the Headquarters Confirmatory Review (HCR) report, a waiver was granted to provide an extension of the deadline, until June 30, 1997, for completing the PHMAP assessment and notifying HANH of its PHMAP score for the FYE September 30, 1996.

For Items 23 Through 35, Waivers Granted for Parts 5, 913, and 982, Contact: Gloria J. Cousar, Deputy Assistant Secretary for Public Housing Real Estate Performance, Funding, and Customer Service, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., 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 Federal Information Relay Service at 1-800-877-8391.

23. Regulation: 24 CFR 913.107(a).

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

Nature of Requirement: The total tenant payment charged by a public housing agency (PHA) is usually 30 percent of Monthly Adjusted Income, except that a PHA can request and HUD can authorize a system of maximum rents or ceiling rents for a project or a class of units. Ceiling rents, defined in statute to reflect fair market value of the units, were authorized in the Housing and Community Development Act of 1987 and implemented in a series of Notices, but have never been codified in regulations. Therefore, a PHA's use of ceiling rents requires waiver of the cited regulations, in which tenant rent is defined as a function of tenant income.

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

Date Granted: April 24, 1997.

Reasons Waived: The establishment of ceiling rents will permit the Deshler Housing Authority to serve greater numbers of low-income wage-earning applicants, and will help reduce the current vacancy rate.

24. Regulation: 24 CFR 982.303(b).

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

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

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

Date Granted: April 4, 1997.

Reasons Waived: The waiver which provides extra search time was approved to prevent hardship to a large family with five disabled members.

25. Regulation: 24 CFR 982.303(b).

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

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

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

Date Granted: April 7, 1997.

Reasons Waived: The waiver was granted to provide extra search time to a wheelchair bound certificate holder who had to move because the lift, which had made his unit accessible, could not be satisfactorily repaired.

26. Regulation: 24 CFR 982.303(b).

Project/Activity: Department of Housing and Community Development, Massachusetts; Section 8 Rental Certificate Program.

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

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

Date Granted: April 14, 1997.

Reasons Waived: Approval of the waiver will help protect the large, intact family from becoming homeless. The additional time provided by this waiver will contribute to the stability of the family by giving them the opportunity to remain in the same community.

27. Regulation: 24 CFR 982.303(b).

Project/Activity: Klamath Housing Authority, Oregon; Section 8 Rental Certificate Program.

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

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

Date Granted: April 22, 1997.

Reasons Waived: The waiver, which provides additional search time, was granted to give this single parent family the opportunity to establish a stable living

environment, and allow the family to obtain training and services to break a cycle of domestic violence and homelessness.

28. Regulation: 24 CFR 982.303(b).

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

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

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

Date Granted: April 28, 1997.

Reasons Waived: The certificate holder was unable to seek housing during nearly half of the term of her certificate because of an injury. Without the waiver, which grants the family additional search time, it is likely that the family, a single mother and three children, including an infant, would become homeless.

29. Regulation: 24 CFR 982.303(b).

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

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

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

Date Granted: May 5, 1997.

Reasons Waived: Approval of the waiver, which provides additional search time, will prevent hardship to a certificate holder who suffers from cerebral palsy. His housing search has been slowed by a number of serious obstacles, including lack of transportation and the difficulty of finding an eligible unit that meets his special requirements, in an extremely tight housing market.

30. Regulation: 24 CFR 982.303(b).

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

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

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

Date Granted: May 27, 1997.

Reasons Waived: The waiver provides additional housing search time to a disabled certificate holder, whose ability to seek housing in an extremely tight housing market was severely restricted by her illness and by lack of adequate transportation.

31. Regulation: 24 CFR 982.303(b).

Project/Activity: Benicia Housing Authority, California; Section 8 Rental Voucher Program.

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

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

Date Granted: May 30, 1997.

Reasons Waived: The waiver provides extra search time for a disabled voucher holder whose medical condition has made it extremely difficult to find a suitable unit.

32. Regulation: 24 CFR 982.303(b).

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

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

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

Date Granted: May 30, 1997.

Reasons Waived: The waiver provides extra search time for a disabled certificate holder who was hospitalized during the time her certificate was in effect.

33. Regulation: 24 CFR 982.303(b).

Project/Activity: Vermont State Housing Authority; Section 8 Rental Certificate Program.

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

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

Date Granted: June 18, 1997.

Reasons Waived: Approval of the waiver allowed extra search time for a certificate holder with multiple disabilities, whose housing search was hampered by illness and severe winter weather during the time his certificate was in effect.

34. Regulation: 24 CFR 982.303(b).

Project/Activity: Montgomery County Housing Authority, Pennsylvania; Section 8 Rental Certificate Program.

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

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

Date Granted: June 19, 1997.

Reasons Waived: Approval of the waiver allows extra search time for a severely disabled certificate holder, who suffers from Multiple Sclerosis and complex environmental allergies. Her disabilities have made it difficult to seek housing and also greatly reduce the number of units suitable for her occupancy.

35. Regulation: 24 CFR 982.605(c).

Project/Activity: Central Oregon Regional Housing Authority; Section 8 Rental Certificate Program.

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

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

Date Granted: May 8, 1997.

Reasons Waived: The waiver which permits approval of a higher contract rent for the rental of the manufactured home pad will

prevent displacement of a disabled couple from their manufactured home.

For Items 36 Through 38, Waivers Granted for Part 990, Contact: Joan DeWitt, Director, Finance and Budget Division, Office of Public and Assisted Housing Operations, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 4210, Washington, D.C. 20410. Telephone (202) 708-1872. Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8391.

36. Regulation: 24 CFR 990.107(b)(1) and 990.110(c)(2)(ii).

Project/Activity: Cambridge, MA Housing Authority. A request was made for a waiver of the PFS with regard to the execution of an energy performance contract.

Nature of Requirement: The regulation requires that current utility rates be used in the calculation of savings under an energy performance contract.

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

Date Granted: May 6, 1997.

Reasons Waived: The PFS provides incentives for housing agencies to leverage private financing for the installation of energy conservation measures under the energy performance contracting program. The waiver will assist the CHA to enter into an energy performance contract, by allowing the use of a "floor rate", in the event that there are not sufficient funds to pay the debt service on the private financing because of a drop in rates, even if the contractor achieves the savings specified in the contract.

37. Regulation: 24 CFR 990.107(b)(1), 990.107(c), and 990.107(c)(2)(ii).

Project/Activity: Burlington, VT, Housing Authority (BHA). A request was made for two waivers of the PFS with regard to the execution of an energy performance contract between the BHA and the Vermont Energy Investment Corp.

Nature of Requirement: The regulation requires that current utility rates be used in calculation of savings under an energy performance contract. The regulation also requires that the Allowable Utilities Consumption Level be based on actual consumption during the rolling base period.

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

Date Granted: May 13, 1997.

Reasons Waived: The PFS provides incentives for housing agencies to leverage private financing for the installation of energy conservation measures, under the energy performance contracting program. The first waiver will assist the BHA to enter into an energy performance contract by allowing the use of a "floor rate" in the event that there are not sufficient funds to pay the debt service on the private financing because of a drop in rates, even if the contractor achieves the savings specified in the contract.

The BHA was also granted a waiver to permit an adjustment to its Allowable Utilities Consumption Level (AUCL) for purposes of the energy performance contract

to take into account increased lighting necessary to bring the building involved in the contract into compliance with current national codes and standards.

38. Regulation: 24 CFR 990.109.

Project Activity: Chicago Housing Authority (CHA)—Public Housing Management Assessment Program (PHMAP).

Nature of Requirement: PFS regulations regarding the computation of dwelling rental income.

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

Date Granted: June 19, 1997.

Reasons Waived: CHA needed relief to enter into an energy performance contract.

[FR Doc. 98-3682 Filed 2-12-98; 8:45 am]

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