

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4378-N-04]

## Notice of Regulatory Waiver Requests Granted

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

**ACTION:** Public Notice of the Granting of Regulatory Waivers from October 1, 1998 through December 31, 1998.

**SUMMARY:** Under the Department of Housing and Urban Development Reform Act of 1989 (the "HUD Reform Act"), HUD is required to make public all approval actions taken on waivers of regulations. This notice is the thirty-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 HUD 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 "HUD Reform Act"), the Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by HUD. Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (2 U.S.C. 3535(q)), which provides that:

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

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

3. Not less than quarterly, the Secretary must notify the public of all

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

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

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

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives issued by HUD on April 22, 1991 (56 FR 16337). This is the thirty-second notice of its kind to be published under section 106 of the HUD Reform Act. This notice updates HUD's waiver-grant activity from October 1, 1998 through December 31, 1998.

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

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

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

Should HUD receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occurred between January 1, 1999 through March 31, 1999.

Accordingly, information about approved waiver requests pertaining to

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

Dated: May 5, 1999.

**Andrew Cuomo,**  
Secretary.

## Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development October 1, 1998 through December 31, 1998

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

For Items 1 Through 15, Waivers Granted for 24 CFR Parts 91, 92, 511, 570, and 576, Contact: Cornelia Robertson Terry, Field Management Division, Office of Executive Services, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7184, Washington, DC, 20410; telephone (202) 708-2565 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877-8391.

1. Regulation: 24 CFR 91.402(a).

Project/Activity: The City of Kettering, Ohio requested that HUD waive 24 CFR 91.402(a) to permit the City to continue to operate its program year on a calendar year that starts January 1 and ends December 31. This cycle differs from the program year for the Montgomery County/Kettering Home Consortium, which starts October 1 and ends September 30.

Nature of Requirement: The consolidated planning regulations at 24 CFR 91.402 require that all units of general local government that are members of a HOME consortium must be on the same program year for purposes of the CDBG, HOME, ESG, and HOPWA programs.

Granted by: Joseph A. D'Agosta, Acting General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: October 28, 1998.

Reasons Waived: HUD determined that there was no need to require an administrative realignment for FY 1999 because the consortium's programs were well underway. If Montgomery County and Kettering wish to renew their Consortium Agreement for the next three year period beginning October 1, 1999, however, they must demonstrate that the program years of all members have been aligned.

2. Regulation: 24 CFR 91.520(a).

Project/Activity: The City of Dallas, Texas requested a waiver of the submission date for the City's Consolidated Annual Performance and Evaluation Report (CAPER).

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

Granted by: Cardell Cooper, Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 1998.

Reasons Waived: HUD determined that a waiver was justified based on the documentation and justification provided by the City explaining why it failed to meet its CAPER deadline.

3. Regulation: 24 CFR 91.520(a).

Project/Activity: The City of Washington, District of Columbia requested a waiver of its submission date for the City's Consolidated Annual CDBG Performance and Evaluation Report (CAPER).

Nature of Requirement: HUD's Consolidated Plan regulations at 24 CFR 92.520(a) require each recipient to submit a performance report to HUD within 90 days after the close of the grantee's program year.

Granted by: Cardell Cooper, Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 1998.

Reasons Waived: HUD determined that there was good cause for the waiver, due to the City's downsizing and staff realignment, which delayed submission of the City's CAPER.

4. Regulation: 24 CFR 92.205(e) and 92.503(b)(2).

Project/Activity: The Kentucky Housing Corporation requested a waiver of the HOME program regulations relating to the repayment requirements governing uncompleted housing projects funded with HOME dollars.

Nature of Requirement: Under most circumstances, the cancellation of a HOME-assisted project before completion triggers repayment of HOME funds under 24 CFR 92.205(e) and 92.503(b)(2).

Granted by: Joseph A. D'Agosta, Acting General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: October 20, 1998.

Reasons Waived: The intended beneficiary of the rehabilitation assistance was murdered before the project could be completed. Due to the tragic and unusual circumstances, the Kentucky Housing Authority was

released from the regulatory requirement to repay HOME funds.

5. Regulation: 24 CFR 92.251.

Project/Activity: The City of Ponce, Puerto Rico requested a waiver of the HOME property standards.

Nature of Requirement: The HOME program regulations at 24 CFR 92.251 set forth property standards that housing units assisted with HOME funds must meet. These standards vary according to the activity being undertaken.

Granted by: Cardell Cooper, Assistant Secretary for Community Planning and Development.

Date Granted: December 15, 1998.

Reasons Waived: This waiver was needed in order to use HOME funds as part of the Municipality's disaster recovery efforts.

6. Regulation: 24 CFR 92.254(a)(2)(iii).

Project/Activity: The Town of Brookline, Massachusetts and the Brookline Newton Waltham Watertown (BNWW) Consortium requested a waiver to permit the Town of Brookline to base its calculation of the 95 percent median area purchase price on the median purchase price of housing sales within the Town, rather than the median purchase price of sales within the entire Consortium.

Nature of Requirement: The HOME program regulations at 24 CFR 92.254(a)(2)(iii) require that an increase in the maximum allowable housing purchase price to 95 percent of the median area purchase price, must include all areas that are part of the BNWW Consortium.

Granted by: Joseph A. D'Agosta, Acting General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: October 20, 1998.

Reasons Waived: This waiver was requested because of the extreme range in median values among the four members of the consortium. HUD determined that the waiver was needed in order to continue to offer a homebuyer's assistance program that will reach large-sized, income eligible families.

7. Regulation: 24 CFR 92.257.

Project/Activity: The City of Stamford, Connecticut requested a waiver of 24 CFR 92.257 to permit Metcalf House, Inc., a secular non-profit corporation, to use HOME funds to rehabilitate a church-owned property for ten units of special needs housing.

Nature of Requirement: The HOME program regulations at 24 CFR 92.257 preclude the use of HOME funds to rehabilitate or construct housing owned by a primarily religious organization.

The regulation, therefore, prohibits the rehabilitation of this property because it is church-owned.

Granted by: Joseph A. D'Agosta, Acting General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: November 2, 1998.

Reasons Waived: The project would not have been feasible without the waiver. The waiver enabled the City to use HOME funds to rehabilitate a church-owned property to provide ten units of special needs housing. The City structured the HOME funds in the project as a loan rather than a grant.

8. Regulation: 24 CFR 92.500(d)(1)(C).

Project/Activity: The State of Nebraska requested an extension of the five-year deadline for the expenditure of HOME disaster grant funds.

Nature of Requirement: The HOME program regulations at 24 CFR 92.500(d)(1)(C) require HUD to recapture any HOME funds not expended within five years after the last day of the month in which HUD notified the grantee of its execution of the HUD partnership agreement.

Granted by: Saul N. Ramirez, Jr., Assistant Secretary for Community Planning and Development.

Date Granted: October 6, 1998.

Reasons Waived: HUD determined that the circumstances that caused the delay in expenditure of HOME funds provided good cause to extend the five year expenditure deadline.

9. Regulation: 24 CFR 92.500(d)(1)(C).

Project/Activity: The State of Kansas requested an extension of the five-year deadline for the expenditure of HOME disaster grant funds.

Nature of Requirement: The HOME program regulations at 24 CFR 92.500(d)(1)(C) requires HUD to recapture any HOME funds not expended within five years after the last day of the month in which HUD notified the grantee of its execution of the HUD partnership agreement.

Granted by: Cardell Cooper, Assistant Secretary for Community Planning and Development.

Date Granted: December 22, 1998.

Reasons Waived: HUD determined that the circumstances that caused the delay in expenditure of HOME funds provided good cause to extend the five year expenditure deadline.

10. Regulation: 24 CFR 511.76(c).

Project/Activity: The City of Fort Worth, Texas requested a waiver to permit the City to use program income from its Rental Rehabilitation Program, for homeownership activities.

Nature of Requirement: The Rental Rehabilitation Program (RRP)

regulations at 24 CFR 511.76(c) limits the use of program income generated by the RRP that have not been closed out to: (1) the rehabilitation of RRP-eligible rental housing units; and (2) the provision of rental assistance to lower-income tenants occupying RRP-assisted properties at the time that the rehabilitation occurs.

Granted by: Joseph A. D'Agosta, Acting General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: November 2, 1998.

Reasons Waived: HUD determined that the RRP regulatory provisions relating to the eligible uses and timing of the use of program income, were limiting the City's flexibility in meeting its affordable housing needs.

11. Regulation: 24 CFR 570.200(h)(1).

Project/Activity: The City of Missoula, Montana requested a waiver of 24 CFR 570.200(h)(1) to allow the City to use CDBG funds to reimburse costs incurred for staff training and preparation of its first Consolidated Plan as a new Entitlement community.

Nature of Requirement: The CDBG regulations at 24 CFR 570.200(h)(1) state that a grantee may only use CDBG funds to pay pre-award costs if, among other things, the activity for which the costs are being incurred, is included in a Consolidated Plan or an amended Consolidated Plan prior to the costs being incurred. The City is a new Entitlement grantee and will have to incur planning and administrative costs in the preparation of its first Consolidated Plan.

Granted by: Cardell Cooper, Assistant Secretary for Community Planning and Development.

Date Granted: November 9, 1998.

Reasons Waived: It was never HUD's intent to put the financial burden for project start-up costs on local resources by prohibiting reimbursement from program funds. The November 1995 revision to the CDBG pre-award regulations was intended to broaden grantees' authority to use CDBG funds to pay reasonable pre-award costs. In making that revision, however, the authorization for new grantees to pay planning and administrative start-up costs with CDBG funds was inadvertently omitted. HUD determined that a waiver was needed to permit the City of Missoula to use CDBG funds to reimburse reasonable planning and administrative program start-up costs, including hiring staff and preparing the Consolidated Plan.

12. Regulation: 24 CFR 570.208(b)(1)(ii).

Project/Activity: The County of Los Angeles, California requested a waiver

of the criteria that activities must meet to qualify under the national objective of addressing slums and blight on an area basis. The County's waiver request will allow the participating City of Santa Fe Springs to use Section 108 funds to improve an area to support a large scale commercial and industrial development project.

Nature of Requirement: The CDBG regulations at 24 CFR 570.208(b)(1)(ii) state that an area delineated as slum, blighted, deteriorated or deteriorating under State or local law must have, throughout the area, a substantial number of deteriorated or deteriorating buildings or that the public improvement are in a general state of deterioration.

Granted by: Cardell Cooper, Assistant Secretary for Community Planning and Development.

Date Granted: December 21, 1998.

Reasons Waived: HUD determined that the County demonstrated good cause for a waiver by citing the fact that the area is a Brownfield. The FY 1999 HUD Appropriations Act (Pub. L. 105-276, approved October 21, 1998; 112 Stat. 2461), includes a legislative change that makes it clear that Brownfields redevelopment is an eligible CDBG activity. HUD has long recognized Brownfields as blighting influences.

13. Regulation: 24 CFR 576.21.

Project/Activity: Onondaga County requested a waiver of the Emergency Shelter Grants (ESG) program regulations at 24 CFR 576.21. Specifically, the County requested that the thirty percent limitation on essential services be waived.

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

Granted by: Fred Karnas Jr., Deputy Assistant Secretary for Economic Development.

Date Granted: October 20, 1998.

Reasons Waived: The County provided HUD the necessary documentation that other eligible ESG program activities are being carried out in the County with other resources.

14. Regulation: 24 CFR 576.21.

Project/Activity: The Commonwealth of Puerto Rico requested a waiver of the Emergency Shelter Grants (ESG) program regulations at 24 CFR 576.21.

Specifically, the Commonwealth requested that the thirty percent limitation on essential services in the ESG program be waived.

Nature of Requirement: HUD's regulation at 24 CFR 576.21 state that recipients of ESG grant funds are subject to the limits on the use of assistance for essential services established in section 414(a)(2)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11374(a)(2)(B)).

Essential services are commonly defined as services that provide health, employment, drug abuse, and education to homeless persons.

Granted by: Cardell Cooper, Assistant Secretary for Community Planning and Development.

Date Granted: December 15, 1998.

Reasons Waived: The Commonwealth of Puerto Rico provided HUD the necessary documentation that other eligible ESG program activities are being carried out in the jurisdiction with other resources.

15. Regulation: 24 CFR 576.21.

Project/Activity: The City of New York, NY requested a waiver of the Emergency Shelter Grants (ESG) program regulations at 24 CFR 576.21. Specifically, the City requested that the thirty percent limitation on essential services be waived.

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

Granted by: Cardell Cooper, Assistant Secretary for Community Planning and Development.

Date Granted: December 15, 1998.

Reasons Waived: The City of New York provided HUD the necessary documentation that other eligible ESG program activities are being carried out in the City with other resources.

For Item 16, Waiver Granted for 24 CFR Part 811, Contact: James B. Mitchell, Eastern and Atlantic Servicing Branch, Office of Portfolio Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-3730 x2612 (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 (800) 877-8391.

**16. Regulation: 24 CFR 811.104.**

Project/Activity: The refunding of bonds that financed a HoDAG assisted project in Palm Beach County, Florida (Caribbean Villas Apartments, Project No. FL001-HG401).

Nature of Requirement: HUD regulations at 24 CFR part 811 prohibit payment of a fee to a Housing Authority, other than for actual expenses of a bond refunding transaction.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 29, 1998.

Reasons Waived: The refunding bonds are being issued on terms that will reduce debt service in order to strengthen the financial condition of the project, and to redeem outstanding 1989 Bonds. The low-income rent restrictions of sections 103 and 141-150 of the Internal Revenue Code (26 U.S.C. 103, 141-105) will apply during the new financing term to the year 2028. The Palm Beach County Housing Authority will receive a fee of \$32,500 for its participation in this transaction. This fee will be paid by the project owner and will not be paid from refunding bond proceeds or from debt service reserve residual balances.

For Items 17 Through 27, Waivers Granted for 24 CFR Part 891, Contact: Willie Spearmon, Director, Business Products, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-7000; telephone (202) 708-3000 (this is not a toll-free number). Hearing- or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877-8391.

**17. Regulation: 24 CFR 891.100(d).**

Project/Activity: The amendment of an approved capital advance for projects located in Nebraska (New Beginnings Plaza, Project No. 103-HDO18, Prairie Haven, Project No. 103-EE016, Park Plaza, Project No. 103-EE017) before initial closings had occurred.

Nature of Requirement: The amendment of an approved capital advance is prohibited before the initial closing has occurred.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: October 22, 1998.

Reasons Waived: The waiver is based on the fact that the sponsors, architects, contractors, and consultant explored every avenue to save money on design, labor, and materials. In addition, construction costs in rural areas of Nebraska are more expensive.

**18. Regulation: 24 CFR 891.100(d).**

Project/Activity: The amendment of an approved capital advance for a project located in Crossville, Tennessee (Micki Thompson Apartments, Project No. 087-HDO30) before the initial closing had occurred.

Nature of Requirement: The amendment of an approved capital advance is prohibited before the initial closing has occurred.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 7, 1998.

Reasons Waived: The waiver is based on the project's development cost being comparable in cost and design to similar projects in the area, and because the owner was unable to obtain additional funding from other sources.

**19. Regulation: 24 CFR 891.100(d).**

Project/Activity: The amendment of an approved capital advance for projects located in Warren, Michigan (Presbyterian Villages of Michigan (Warren Glenn), Project No. 044-EE044/MI28-S961-010) before the initial closing had occurred.

Nature of Requirement: The amendment of an approved capital advance is prohibited before the initial closing has occurred.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 7, 1998.

Reasons Waived: The waiver is based on the fact that the sponsor incurred higher costs due to the shortage of skilled tradespeople, and design changes required for the project to blend into the neighborhood.

**20. Regulation: 24 CFR 891.165.**

Project/Activity: The duration of the fund reservation was extended for a project located in Berkeley, California (Maggie Kuhn Apartments, Project No. 131-EE093/CA39-S961-006).

Nature of Requirement: The duration of the fund reservation for a capital advance is 18 months with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 17, 1998.

Reasons Waived: The duration of the fund reservation was extended because additional time was required for HUD to review and approve secondary financing documents.

**21. Regulation: 24 CFR 891.165.**

Project/Activity: The duration of the fund reservation was extended for a project located in New York (Msgr. Joseph F. Stedman Residence, Project No. 012-EE198/NY36-S961-016).

Nature of Requirement: The duration of the fund reservation for a capital advance is 18 months with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 17, 1998.

Reasons Waived: The duration of the fund reservation was extended because the processing of some of the initial closing documents was delayed.

**22. Regulation: 24 CFR 891.165.**

Project/Activity: The duration of the fund reservation was extended for a project located in Richmond, California (North Richmond Senior Housing, Project No. 131-EE-098/CA39-S961-011).

Nature of Requirement: The duration of the fund reservation for a capital advance is 18 months with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 22, 1998.

Reasons Waived: The duration of the fund reservation was extended because the sponsor/owner was forced to change sites.

**23. Regulation: 24 CFR 891.165.**

Project/Activity: The duration of fund reservations was extended for four projects located in Kentucky (Bivins Place, Project No. 083-HDO40-NP-CNU, Cedar Lake Project No. 083-HDO38-NP-WDD, Marian Manor Project No. 083-EE050-NP-WAH, Rall Place Project No. 083-HDO43-NP-CMI).

Nature of Requirement: The duration of the fund reservation for a capital advance is 18 months with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Dates Granted: December 29, 1998.

Reasons Waived: The duration of the fund reservations was extended because the projects experienced delays due to owners trying to identify other funding resources. These other funding sources were necessary because the funds reserved were not sufficient to construct the projects.

**24. Regulation: 24 CFR 891.165.**

Project/Activity: The duration of the fund reservation was extended for a project located in Capitola, California (Capitola Supportive Housing, Project

No. 131-HD051-WPD/CA39-Q961-005).

Nature of Requirement: The duration of the fund reservation for a capital advance is 18 months with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 29, 1998.

Reasons Waived: The duration of the fund reservation was extended because the processing was delayed due to a redesign of the development to reduce cost. The project also had to seek secondary financing from other sources for the cost overruns.

25. Regulation: 24 CFR 891.165.

Project/Activity: The duration of the fund reservation was extended for a project located in Gilroy, California (Villa Esperanza, Project No. 121-HD053-WDD/CA39-Q961-007).

Nature of Requirement: The duration of the fund reservation for a capital advance is 18 months with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: December 29, 1998.

Reasons Waived: The duration of the fund reservation was extended because the project's original site was rejected due to environmental concerns.

26. Regulation: 24 CFR 891.165.

Project/Activity: The duration of the fund reservation was extended for a project located in Berkeley, California (Rosevine Supported Living Project, Project No. 131-HD050-WDD/CA39-Q961-004).

Nature of Requirement: The duration of the fund reservation for a capital advance is 18 months with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Dates Granted: December 29, 1998.

Reasons Waived: The duration of the fund reservation was extended because the process of seeking and obtaining approval of the secondary financing from the City of Berkeley delayed the initial closing. In addition, the project had to be redesigned to reduce costs.

27. Regulation: 24 CFR 891.310(b)(1).

Project/Activity: A project in Boston, Massachusetts (Supportive Living Program, Project No. 023-HD066) requested a waiver of additional accessibility requirements.

Nature of Requirement: All entrances, common areas, units to be occupied by resident staff, and amenities must be readily accessible to and usable by persons with disabilities.

Granted by: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Dates Granted: October 23, 1998.

Reasons Waived: The project consists of two existing condominium units for 3 persons with developmental disabilities. The waiver was based on the fact that these units are condominiums and HUD funds were not available to make the hallways, entrances, and common areas accessible.

For Items 28 Through 31, Waivers Granted for 24 CFR Part 891, Contact: Jerold Nachison, Eastern and Atlantic Servicing Branch, Office of Portfolio Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6168, Washington, DC 20410; telephone (202) 708-3730 x2485 (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 (800) 877-8391.

28. Regulation: 24 CFR 891.410(c).

Project/Activity: The Fort Worth Multifamily Hub and the Houston Program Center requested a waiver of the age requirement for 22 non-elderly people with disabilities residing in a project located in Beaumont, Texas (Metro YMCA of Beaumont, Project No. 113-EE019/TX24-S931-003).

Nature of Requirement: HUD regulations at 24 CFR part 891 require that occupancy be limited to very low income (VLI) elderly persons (i.e., households composed of one or more persons, at least one of whom is 62 years of age at time of initial occupancy).

Granted by: Ira G. Peppercorn, General Deputy Assistant Secretary for Housing.

Date Granted: October 13, 1998.

Reasons Waived: The waiver is based on the special circumstances of this case, which relate to the unusual rent-up process utilized, reliance by the owner on erroneous advice from the Houston Multifamily Program Center and FH&EO, and potential hardship for both the project and occupants themselves.

29. Regulation: 24 CFR 891.410(c).

Project/Activity: Kansas City Hub requested an age waiver because of a continual vacancy problem for a project located in Appleton City, California (Appleton Estates, Project No. 084-EH068).

Nature of Requirement: HUD regulations at 24 CFR part 891 require that occupancy be limited to very low income (VLI) elderly persons (i.e., households composed of one or more persons, at least one of whom is 62 years of age at time of initial occupancy).

Granted By: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 6, 1998.

Reasons Waived: The waiver is based on the area's "soft" housing market and the difficulty in renting efficiency units. The waiver would allow project management additional flexibility in attempting to rent-up these units.

30. Regulation: 24 CFR 891.410(c).

Project/Activity: The Philadelphia Multifamily Hub requested a waiver of the age requirement for five non-elderly disabled families residing in a project located in Romney, West Virginia (Romney Unity, Project No. 045-EE019), and 17 non-elderly families residing in a project located in West Hamlin, West Virginia (Lincoln Unity, Project No. 045-EE098) who are under age 62.

Nature of Requirement: HUD regulations at 24 CFR part 891 require that occupancy be limited to very low income (VLI) elderly persons (i.e., households composed of one or more persons, at least one of whom is 62 years of age at time of initial occupancy).

Granted By: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 17, 1998.

Reasons Waived: The waiver is based on the circumstances of this case, which involves reliance by the owner resulting from erroneous advice from the Charleston Multifamily Program Center (MPC), and may result in potential hardship to both the project and tenants, if immediately displaced.

31. Regulation: 24 CFR 891.410(c).

Project/Activity: Greensboro Multifamily Hub requested a waiver of income and age requirements for 10 non-elderly people residing in a project located at James Island, South Carolina (St. James Place, Project No. 054-EE019).

Nature of Requirement: HUD regulations at 24 CFR part 891 require that occupancy be limited to very low income (VLI) elderly persons (i.e., households composed of one or more persons, at least one of whom is 62 years of age at the time of initial occupancy).

Granted By: William C. Apgar, Assistant Secretary for Housing-Federal Housing Commissioner.

Date Granted: November 17, 1998.

Reasons Waived: The waiver is based on the special circumstances of this case, which concerns 8 non-elderly disabled residents who are VLI and 2 elderly residents who are low income but not VLI. The potential hardship posed for both tenants and the project necessitates this waiver.

For Items 32 Through 34 Waivers Granted for 24 CFR Parts 982 and 984, Contact: Gloria J. Cousar, Deputy Assistant Secretary for Public and Assisted Housing Delivery, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4204, Washington, DC 20410; telephone (202) 619-8201 (this is not a toll-free number). Hearing-or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877-8391.

32. Regulation: 24 CFR 982.303(b).

Project/Activity: Oakland Housing Authority, California; Section 8 Rental Certificate Program.

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

Granted By: Harold Lucas, Assistant Secretary for Public and Indian Housing.

Date Granted: November 21, 1998.

Reason Waived: The waiver was granted to reunite the family and to give the family (one adult and two children) the opportunity to break its cycle of homelessness.

33. Regulation: 24 CFR 982.303(b).

Project/Activity: Housing Authority of the County of Santa Clara (HACSA), San Jose, CA; Section 8 Rental Certificate Program.

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

Granted By: Harold Lucas, Assistant Secretary for Public and Indian Housing.

Date Granted: December 23, 1998.

Reason Waived: The waiver was granted to prevent further hardship for a family (consisting of one adult and three teenage children) and to prevent the possible separation of the family due to the lack of adequate housing.

34. Regulation: 24 CFR 984.306(b).

Project/Activity: Housing Authority of Jackson County, Oregon; Section 8 Family Self-Sufficiency (FSS) Program.

Nature of Requirement: The regulation provides that a Section 8 rental certificate or voucher program participant must lease a unit in the jurisdiction of the public housing agency that selected the family for the FSS program for a minimum of 12 months after the effective date of the FSS contract.

Granted By: Deborah Vincent, General Deputy Assistant Secretary Office of Public and Indian Housing.

Date Granted: October 16, 1998.

Reason Waived: Approval of the waiver permitted the Section 8 certificate program participant to complete her education and become self-sufficient.

For Items 35 and 36, Waivers Granted for 24 CFR Part 990, Contact: Joan DeWitt, Director, Funding and Financial Management Division, Office of Public and Assisted Housing Operations, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4216, Washington, DC 20410; telephone (202) 619-1872 (this is not a toll-free number). Hearing-or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877-8391.

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

Project/Activity: Dover Housing Authority, Dover, NH. A request was made for a waiver of the Performance Funding System (PFS) regulations regarding the execution of an energy performance contract.

Nature of Requirement: HUD's PFS regulations at 24 CFR 990 specifically refer to savings from *decreased* consumption which must be waived to

permit conversion from one utility source to another to qualify for the "freeze of the rolling base" energy incentive.

Granted by: Deborah L. Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: November 3, 1998.

Reason Waived: The Dover Housing Authority was granted a regulatory waiver to permit it to use the "freeze of the rolling base" methodology for a conversion from one energy source to another in an energy performance contract under the PFS energy cost savings incentives. Conversion from one utility source to another may result in significant cost avoidance, even though comprising a *shift* in consumption, rather than a reduction.

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

Project/Activity: New Bedford Housing Authority, New Bedford, MA. A request was made for a waiver of the Performance Funding System (PFS) regulations regarding the execution of an energy performance contract.

Nature of Requirement: HUD's PFS regulations at 24 CFR 990 specifically refers to savings from *decreased* consumption which must be waived to permit conversion from one utility source to another to qualify for the "freeze of the rolling base" energy incentive.

Granted by: Harold Lucas, Assistant Secretary for Public and Indian Housing.

Date Granted: November 13, 1998.

Reason Waived: The New Bedford Housing Authority was granted a regulatory waiver to permit it to use the "freeze of the rolling base" methodology for a conversion from one energy source to another in an energy performance contract under the PFS energy cost savings incentives. Conversion from one utility source to another may result in significant cost avoidance, even though comprising a *shift* in consumption, rather than a reduction.

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