

guidance on processing such waivers will be provided to the Area Offices;

9. Authority to approve variances above the published Total Development Costs (TDC) for Affordable Housing under NAHASDA;

10. Authority to approve model activities under NAHASDA that have previously been determined by HUD to be designed to carry out the purposes of NAHASDA;

11. Authority to review performance reports submitted by a Tribe or a tribally designated entity and issue reports based on such review;

12. Authority to enter into Voluntary Compliance Agreements with recipients under the Indian Housing Block Grant Program, Native Hawaiian Housing Block Grant Program, or Community Development Block Grant Program for Indian Tribes and Alaska Native Villages prior to the issuance of a Notice of Intent to Impose Remedies; and

13. Authority to waive the applicability of the Indian Housing Plan requirements under section 101(b)(1) of NAHASDA in whole or in part for a period of not more than 90 days in accordance with the waiver authority provided in section 101(b)(2) of the Act, upon a determination that the recipient's failure to comply is due to exigent circumstances beyond its control.

#### **Section B. Authority Redelegated to Director of Office of Loan Guarantee**

Authority is redelegated from the Deputy Assistant Secretary for ONAP to the Director of the Office of Loan Guarantee for administration, oversight and enforcement of the following:

1. Indian Home Loan Guarantee Program authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a);

2. Native Hawaiian Loan Guarantee Program authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b); and

3. Title VI of NAHASDA (25 U.S.C. 4191-4195).

#### **Section C. Authority Excepted**

This redelegation of authority does not include any power or authority under law that specifically requires the action of either the Secretary of HUD, the Assistant Secretary of PIH, or the General Deputy Assistant Secretary. Authority excepted includes the authority to:

1. Issue or waive regulations. ONAP Area Office Administrators may not exercise this authority;

2. Issue notices to clarify regulations;

3. Issue notices of funding availability (NOFAs), handbooks, notices and other HUD policy directives;

4. Impose remedies for substantial noncompliance with the requirements of the NAHASDA (25 U.S.C. 4101 *et seq.*) and/or its implementing regulations; and

5. Declare a failure to comply with the regulations of the Community Development Block Grants for Indian Tribes and Alaska Native Villages.

#### **Section D. Exceptions to Authority of Deputy Assistant Secretary for ONAP To Redelegate**

Some authority may not be redelegated from the Deputy Assistant Secretary for ONAP to an ONAP Area Office Administrator or other ranking program official. The power and authority to take the following actions is not redelegated to an ONAP Area Office Administrator or other ranking program official and remains with the Deputy Assistant Secretary for ONAP:

1. Offer new legislative proposals to Congress;

2. Allocate or reallocate funding among area offices;

3. Approve grant extensions or grant requirements, unless specifically or otherwise noted; and

4. Issue a Notice of Intent to Impose Remedies under the Indian Housing Block Grant Program, Native Hawaiian Housing Block Grant Program, or Community Development Block Grant Program for Indian Tribes and Alaska Native Villages.

#### **Section E. Authority To Further Redelegate**

In accordance with a written redelegation of authority, ONAP Area Office Administrators or other ranking program officials may further redelegate specific authority. Other redelegated authority does not supersede the authority of a Deputy Assistant Secretary as designee of the Assistant Secretary for PIH.

#### **Section F. Authority Superseded**

All prior redelegations of authority between the Deputy Assistant Secretary for ONAP and ONAP officers are hereby revoked and superseded by this redelegation of authority, including the redelegations published on September 9, 2003 (68 FR 53195 through 53198).

#### **Section G. Actions Ratified**

Actions, including limited denials of participation (LDP), but not including actions that violate NAHASDA or federal regulations, previously taken by ONAP Area Office Administrators or other ranking program officials through

the effective date of this redelegation with respect to programs and matters listed in this redelegation of authority, are hereby ratified.

#### **Section H. Consultation and Coordination With the General Counsel**

The General Counsel shall consult and advise the Assistant Secretary for PIH, the General Deputy Assistant Secretary, Deputy Assistant Secretary for Native American Programs, Area Office Administrators and Officer Directors, and all others covered by this redelegation, as required and when requested, and shall enter into such protocols as administratively agreed to by the General Counsel and the Assistant Secretary for PIH or the General Deputy Assistant Secretary. This consolidated delegation of authority is to be exercised consistently with the delegation from the Secretary to the General Counsel.

**Authority:** Section 7 (d) of the Department of Housing and Urban Development Act, as amended, (42 U.S.C. 3535(d)).

Dated: July 15, 2011.

**Rodger J. Boyd,**

*Deputy Assistant Secretary, Office of Native American Programs.*

[FR Doc. 2011-19730 Filed 8-3-11; 8:45 am]

**BILLING CODE 4210-67-P**

## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5545-D-04]

### **Redelegation of Authority to Regional Public Housing Directors**

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice of redelegation of authority.

**SUMMARY:** Section 7(d) of the Department of Housing and Urban Development Act, as amended, authorizes the Secretary to delegate functions, powers, and duties as the Secretary deems necessary. By separate notice published in today's **Federal Register**, the Secretary delegates to the Assistant Secretary for Public and Indian Housing and the General Deputy Assistant Secretary for Public and Indian Housing authority for the administration of certain Public and Indian Housing (PIH) programs, and authorizes the Assistant Secretary to further redelegate such authority. In this Redelegation of Authority for Public and Indian Housing (PIH), the Assistant Secretary for PIH redelegates authority through the PIH General Deputy

Assistant Secretary to the Regional Public Housing Directors for the administration of certain PIH programs. This notice also supersedes all prior redelegations of authority to the Regional Public Housing Directors.

**DATES:** *Effective Date:* July 15, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Linda Bronsdon, AICP, Program Analyst, Office of Policy, Program and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 490 L'Enfant Plaza, Suite 2206, Washington, DC 20024, e-mail address

*Linda.K.Bronsdon@hud.gov*, telephone number 202-402-3494. (This is not a toll-free number.) This number may be accessed through TTY by calling the toll-free Federal Relay Service at telephone number 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** By separate notice published in today's **Federal Register**, the Secretary delegates to the Assistant Secretary for PIH and the General Deputy Assistant Secretary for PIH authority for the administration of certain PIH programs, and authorizes the Assistant Secretary to further redelegate such authority. In this consolidated redelegation of authority, the Assistant Secretary for PIH redelegates authority through the General Deputy Assistant Secretary for PIH, to the Regional Public Housing Directors for the administration of certain PIH programs. All previous redelegations of authority to the Regional Public Housing Directors, including the "Redelegation of Authority Regarding Local Public Housing Program Center Coordinators" (70 FR 1454, published January 7, 2005 with an effective date of December 23, 2004), are hereby revoked and superseded by this redelegation of authority. This consolidated redelegation of authority implements, in part, the Department's Strategic Plan to transform the way HUD does business.

**Section A. Authority Redelegated**

Authority is hereby redelegated by the Assistant Secretary, through the Deputy Assistant Secretary for PIH, to Regional Public Housing Directors for administration of the following:

1. Programs under the jurisdiction of the Secretary of HUD that are carried out pursuant to the authority transferred from the Public Housing Administration under section 5(a) of the HUD Act (42 U.S.C 3534) as amended;

2. Programs authorized pursuant to the United States Housing Act of 1937 (1937 Act) (42 U.S.C. 1437 *et seq.*) as amended, including but not limited to the Public Housing Program, Section 8

Programs (except the following Section 8 Project-Based programs: New Construction, Substantial Rehabilitation, Loan Management Set-Aside and Property Disposition); and predecessor programs that are no longer funded but have ongoing commitments;

3. PIH programs for which assistance is provided for or on behalf of public housing agencies (PHAs), public housing residents or other low-income households; and

4. Except as noted in section C, all powers and authorities of the Deputy Assistant Secretary of the Office of Field Operations necessary to carry out Public and Indian Housing Programs and matters.

**Section B. Program Specific Functions**

In addition to the general redelegations listed in section A, specific authority is hereby redelegated to Regional Public Housing Directors for administration of the following:

1. Annual Contributions Contract (ACCs) amendments for annual grants under the Capital Fund program, but excluding the waiver of ACC provisions;

2. Execution of ACC amendments or releases of Declarations of Trust (DOTs) for Capital Fund Financing or mixed finance transactions when requested pursuant to an approval letter by the Deputy Assistant Secretary for the Office of Public Housing Investments.

3. Release of DOTs pursuant to a section 18 approval;

4. Coordination with the respective program office to address specific programs including Family Self Sufficiency (FSS), Resident Opportunities and Supportive Services (ROSS), Family Unification, HOPE for Elderly Independence and Service Coordinators, HUD-Veterans Administration Supportive Housing, and Moving to Opportunity and Moving to Work;

5. Concurrent approval authority for energy performance contracts (EPC) (EPCs may be approved in the Field Offices or in Headquarters);

6. Actions associated with the renewal of designated housing plans;

7. Execution of letters of support and correspondence with local congressional offices for programs, projects and ventures within the appropriate region;

8. Approval of requests by PHAs to change their fiscal year end (FYE) dates subject to coordination with the Real Estate Assessment Center for PHAs with public housing units and with the Financial Management Division of the Housing Choice Vouchers program for vouchers-only PHAs;

9. Coordination of audit responses through PIH's Audit Liaison Officer on reports by the U.S. General Accounting Office and through PIH's Action Official (AO) for reports by HUD's Office of Inspector General; and

10. Approval of grant extensions under the Public Housing Family Self-Sufficiency (PH-FSS) and Resident Opportunities Self Sufficiency (ROSS) programs. Such grant extensions may be made at the field level for any length of time deemed reasonable by the Public Housing Director or designee; denials of FSS and ROSS extensions remain with the Deputy Assistant Secretary of the Office of Public Housing Investments.

**Section C. Excepted Authority That Remains With the Secretary or Assistant Secretary**

The redelegation of authority does not include any power or authority under law that specifically requires the action of either the Secretary of HUD, the Assistant Secretary of PIH, or the General Deputy Assistant Secretary for PIH. Such excepted authority includes, but is not limited to authority to:

1. Issue or waive regulations, including waivers pursuant to 24 CFR 982.161(c) which permits HUD field offices to act on waivers of conflict of interests. Regional Public Housing Directors and Public Housing Field Office Directors are to not exercise this authority;

2. Issue notices to clarify regulations;

3. Issue notices of funding availability (NOFAs), handbooks, notices and other HUD policy directives;

4. Waive any provision of an ACC including a determination of substantial breach or default; taking possession or title of property from a PHA; and declaring breach or default in response to any violation of statute or regulations.

**Section D. Excepted Authority That Remains With Deputy Assistant Secretaries**

The redelegation of authority does not include any power or authority under law that specifically requires the action of a PIH Deputy Assistant Secretary. This excepted authority includes, but is not limited to authority to:

1. Offer new legislative proposals to Congress;

2. Allocate or reallocate funding amongst field offices;

3. Approve remedies for noncompliance requiring notice and opportunity for administrative hearing;

4. Waive provisions or instructions of PIH directives relating to the obligation or payment of operating subsidies;

5. Solicit competitive proposals for the management of all or part of public housing administered by a PHA;

6. Approve special rent adjustments;

7. Conduct tax credit and/or subsidy layering reviews;

8. Approve PHA requests for exception payment standards that exceed 120 percent of the fair market rent (FMR); and

9. Approve grant extensions, unless specifically or otherwise noted. Approval of grant extensions under FSS and ROSS may be extended by Public Housing Directors. Extensions may be made by Regional Public Housing Directors for any length of time deemed reasonable; denials of FSS and ROSS extensions remain with the Deputy Assistant Secretary of the Office of Public Housing Investments.

#### Section E. Authority To Further Redelegate

The authority not excepted herein may be further redelegated, as appropriate, by Regional Public Housing Directors to Public Housing Hub Directors, Program Center Coordinators and other ranking program officials on site or out-stationed in accordance with a written redelegation of authority. Such subsequent redelegations may follow the format presented herein or may be a memorandum stating that specific authority is hereby designated. Time limits for such any further redelegated authority may be added.

#### Section F. Actions Ratified

The Deputy Assistant Secretaries hereby ratify all actions, including limited denials of participation, but not including actions that violate the 1937 Act, federal regulations or ACC provisions, previously taken by Regional Public Housing Directors, PIH Hub Directors, Deputy Directors, Program Center Coordinators, Division Directors of Public Housing in HUD Field Offices, under prior redelegations, including those noted below, through the effective date of this redelegation:

1. **Federal Register** Docket Number 4837–D–32 “Notice of Revocation and Redlegation of Authority for Indian and Alaska Native Programs”, (68 FR 53197, published September 9, 2003 with an effective date of July 18, 2003) revoked prior redelegations to the Deputy Director for Headquarter Operations and the Deputy for Field Operations;

2. **Federal Register** Docket Number 4837–D–56 “Redelegation of Authority Regarding Local Public Housing Program Center Coordinators”, (70 FR 1454, published January 7, 2005 with an effective date of December 23, 2004)

redelegated approval authority from the Assistant Secretary for PIH for renewals of designated housing plans pursuant to section 7 of the United States Housing Act of 1937. Approval of new designated housing plans was not redelegated.

3. **Federal Register** Docket Number 5076–D–13 “Delegation of Authority to the Deputy Assistant Secretary for the Office of Public Housing Investments”, (71 Federal Register 70783, published December 6, 2006 with an effective date of November 28, 2006) redelegated authority from the Assistant Secretary to Public Housing Field Office Directors to execute amendments to the ACC associated with proposals submitted by PHAs pursuant to section 30, which have been approved by either the Assistant Secretary, General Deputy Assistant Secretary, or the Deputy Assistant Secretary of OPHI.

#### Section G. Authority Superseded

All previous redelegations of authority to the Regional Public Housing Directors are hereby revoked and superseded, including the “Redelegation of Authority Regarding Local Public Housing Program Center Coordinators”, published on January 7, 2005 (70 FR 1454).

#### Section H. Consultation and Coordination With the General Counsel

The General Counsel shall consult and advise the Assistant Secretary for PIH, the General Deputy Assistant Secretary, Deputy Assistant Secretaries, Regional Public Housing Directors and all others covered by this redelegation, as required and when requested and shall enter into such protocols as administratively agreed to by the General Counsel and the Assistant Secretary for PIH or the General Deputy Assistant Secretary. This consolidated delegation of authority is to be exercised consistently with the delegation from the Secretary to the General Counsel.

**Authority:** Section 7 (d) of the Department of Housing and Urban Development Act, as amended, (42 U.S.C. 3535(d)).

Dated: July 15, 2011.

**Sandra B. Henriquez,**

*Assistant Secretary for Public and Indian Housing.*

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**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5545–D–03]

### Redelegation of Authority to the Deputy Assistant Secretaries for Public and Indian Housing

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice of redelegation of authority.

**SUMMARY:** Section 7(d) of the Department of Housing and Urban Development Act, as amended, authorizes the Secretary to delegate functions, powers, and duties as the Secretary deems necessary. By separate notice published in today’s **Federal Register**, the Secretary delegates to the Assistant Secretary for Public and Indian Housing and the General Deputy Assistant Secretary for Public and Indian Housing authority for the administration of certain Public and Indian Housing (PIH) programs, and authorizes the Assistant Secretary to further redelegate such authority. In this consolidated redelegation of authority the Assistant Secretary for PIH redelegates to the PIH Deputy Assistant Secretaries authority for the administration of certain PIH programs.

**DATES:** *Effective Date:* July 15, 2011.

**FOR FURTHER INFORMATION CONTACT:** Linda Bronsdon, AICP, Program Analyst, Office of Policy, Program and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 490 L’Enfant Plaza, Suite 2206, Washington, DC 20024, e-mail address, [Linda.K.Bronsdon@hud.gov](mailto:Linda.K.Bronsdon@hud.gov), telephone number 202–402–3494. (This is not a toll-free number.) This number may be accessed through TTY by calling the toll-free Federal Relay Service at telephone number 1–800–877–8339.

**SUPPLEMENTARY INFORMATION:** By separate notice published in today’s **Federal Register**, the Secretary delegates to the Assistant Secretary for Public and Indian Housing and the General Deputy Assistant Secretary for Public and Indian Housing authority for the administration of certain PIH programs, and authorizes the Assistant Secretary to further redelegate such authority. In this consolidated redelegation of authority, the Assistant Secretary for PIH redelegates, through the General Deputy Assistant Secretary for PIH, to the Deputy Assistant Secretaries authority for the administration of certain PIH programs. All previous delegations of authority from the