

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4250-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, 1997 through December 31, 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-eighth in a series, being published on a quarterly basis, providing notification of waivers granted during the preceding reporting period. The purpose of this notice is to comply with the requirements of section 106 of the Reform Act.

**FOR FURTHER INFORMATION CONTACT:** For general information about this notice, contact Camille E. Acevedo, Assistant General Counsel for Regulations, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-3055 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

For information concerning a particular waiver action for which public notice is provided in this document, contact the person whose name and address is set out for the particular item, in the accompanying list of waiver-grant actions.

**SUPPLEMENTARY INFORMATION:** As part of the Housing and Urban Development Reform Act of 1989 (the Reform Act), the Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by HUD. Section 106 of the Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (2 U.S.C. 3535(q)), which provides that:

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

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

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has

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

- 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 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 twenty-eighth notice of its kind to be published under section 106 of the Reform Act. This notice updates HUD's waiver-grant activity from October 1, 1997 through December 31, 1997.

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

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

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

Should HUD receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occurred between October 1, 1997 through December 31, 1997.

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

Dated: May 22, 1998.

**Andrew Cuomo,**  
Secretary.

## Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development October 1, 1997 Through December 31, 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 ITEMS 1 THROUGH 11, WAIVERS GRANTED FOR 24 CFR Parts 91, 570, 574, 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, SW, Room 7152, Washington, DC 20410-7000; 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 1-800-877-8391.

1. REGULATION: 24 CFR 91.520(a).

PROJECT/ACTIVITY: The City of Harrisburg, Pennsylvania requested an extension of the deadline to submit its Consolidated Annual CDBG Performance and Evaluation (CAPER) report to HUD.

NATURE OF REQUIREMENT: HUD's Consolidated Plan regulations at 24 CFR 91.520(a) require that each grant recipient submit a performance report to HUD within 90 days after the close of the grantee's program year.

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

DATE GRANTED: December 22, 1997.

REASONS WAIVED: The Assistant Secretary determined that failure to grant the requested waiver would adversely affect the purposes of the CDBG program, because the City would not be able to submit a complete and accurate performance report on its 1996 program year.

2. REGULATION: 24 CFR 92.101(e) and (c).

PROJECT/ACTIVITY: The St. Louis County, Minnesota requested a waiver of § 92.101(e) and (c) of the HOME program regulations (24 CFR part 92) to allow the County, which is a member of the Northeast Minnesota Housing Consortium, to structure its consortium agreement for a four-year term. The County also has until March 31, 1998 to obtain the needed signatures on the consortium agreement.

NATURE OF REQUIREMENT: The regulations at 24 CFR 92.101(e) and (c) require consortium agreements be 3-years long.

GRANTED BY: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

DATE GRANTED: November 5, 1997.

REASONS WAIVED: The Acting Assistant Secretary added a six month transition period to allow the 76 small rural communities time to sign the agreement. The four year agreement was enacted so that it

will expire concurrently with St. Louis County's next urban county agreement.

3. REGULATION: 24 CFR 92.212(b).

PROJECT/ACTIVITY: The Longview/Kelso Consortium of Washington State, requested a waiver of the HOME program regulations to allow it to use HOME funds to reimburse planning and administration costs incurred in the development of its initial Consolidated Plan as a new HOME grantee.

NATURE OF REQUIREMENT: The HOME program regulations at 24 CFR 92.212(b) allow eligible administrative and planning costs to be incurred as of the beginning of the participating jurisdiction's consolidated program year, or the date the Consolidated Plan describing the HOME allocation is received by HUD.

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

DATE GRANTED: December 16, 1997.

REASONS WAIVED: The Assistant Secretary determined that failure to grant the requested waiver would adversely affect the purposes of the HOME program, because non-reimbursement of costs incurred in the development of the Consolidated Plan would pose a difficulty for the City in implementing its new HOME program, and place the financial burden for program start-up costs on local resources.

4. REGULATIONS: 24 CFR 92.214(a)(7) and 24 CFR 92.502(d).

PROJECT/ACTIVITY: The City of Mobile, Alabama requested a waiver of these regulations to allow the use of additional HOME program funds on property previously assisted with HOME monies. The subject properties were damaged by floods.

NATURE OF REQUIREMENT: HUD's HOME program regulations at 24 CFR 92.214(a)(7) and 24 CFR 92.502(d) prohibit a participating jurisdiction from using HOME funds on properties that have been previously assisted with HOME monies. This prohibition applies to properties that were completed more than one year after the original completion date.

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

DATE GRANTED: December 2, 1997.

REASONS WAIVED: The waiver was granted to allow three specific projects to reopen and to use HOME funds to correct flooding conditions.

5. REGULATION: 24 CFR 92.254(a).

PROJECT/ACTIVITY: The City of Cincinnati, Ohio requested a waiver of the requirement that property be transferred to a homebuyer within 42 months after project completion. This waiver would extend the maximum lease period to 60 months for an eight unit building.

NATURE OF REQUIREMENT: HUD's HOME program regulations at 24 CFR 92.254(a) require that property be transferred to a homebuyer within forty-two (42) months after project completion.

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

DATE GRANTED: December 16, 1997.

REASONS WAIVED: The waiver was granted because it would allow the City to

take advantage of the Historic Tax Credit associated with the project; enable six low income families to become homeowners; and increase the homeownership rate in a neighborhood with a high concentration of low-income rental properties.

6. REGULATION: 24 CFR 570.200(h)(1)(i).

PROJECT/ACTIVITY: The City of Rialto, California requested a waiver of these HUD regulations to allow it to use CDBG funds to reimburse planning and administration costs incurred while preparing its initial Consolidated Plan as a new CDBG entitlement grantee.

NATURE OF REQUIREMENT: The CDBG program regulations at 24 CFR 570.200(h)(1)(i) state that a grantee may only use CDBG funds to pay pre-award costs if the activity is included in a Consolidated Plan or an amended plan prior to the costs being incurred.

GRANTED BY: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

DATE GRANTED: November 6, 1997.

REASONS WAIVED: The Acting Assistant Secretary determined that failure to grant the requested waiver would adversely affect the purposes of the CDBG program, because the non-reimbursement of costs incurred in the development of the Consolidated Plan would pose a difficulty for the City in implementing its new CDBG program and put the financial burden for program start-up costs on local resources.

7. REGULATION: 24 CFR 570.200(h)(1)(i).

PROJECT/ACTIVITY: The City of Victorville, California, requested a waiver of these HUD regulations to allow the City to use CDBG funds to reimburse planning and administration costs incurred while preparing its initial Consolidated Plan as a new CDBG entitlement grantee.

NATURE OF REQUIREMENT: The CDBG program regulations at 24 CFR 570.200(h)(1)(i) state that a grantee may only use CDBG funds to pay pre-award costs, if the activity is included in a Consolidated Plan or an amended plan prior to the costs being incurred.

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

DATE GRANTED: December 18, 1997.

REASONS WAIVED: The Assistant Secretary determined that failure to grant the requested waiver would adversely affect the purposes of the CDBG program, because non-reimbursement of costs incurred in the development of the Consolidated Plan would pose a difficulty for the City in implementing its new CDBG program and put the financial burden for program start-up costs on local resources.

8. REGULATION: 24 CFR 570.206(g).

PROJECT/ACTIVITY: Pima County, Arizona requested a waiver of the CDBG program regulations to allow the County to use CDBG funds for pre-development costs related to the expansion of an existing senior citizen housing complex.

NATURE OF REQUIREMENT: The CDBG program regulations at 24 CFR 570.206(g) require that assistance under the regulations be limited to units which are identified in the recipient's HUD-approved housing assistance

plan (HAP). Because the Consolidated Plan includes non-housing activities and is not exclusively limited to low-and-moderate-income persons, HUD has determined that 24 CFR 570.206(g) cannot be read to automatically substitute costs related to the Consolidated Plan for costs formerly eligible in connection with the HAP.

GRANTED BY: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

DATE GRANTED: November 6, 1997.

REASONS WAIVED: The regulation was waived because the community was using the CDBG funds to pay for pre-development activities associated with a proposal submitted to HUD under the Section 202 program. The waiver was granted because the funds were to be used for a HAP-type (meeting the needs of low and moderate income senior citizens) housing activity.

9. REGULATION: 24 CFR 574.540.

PROJECT/ACTIVITY: The City of Chicago, Illinois requested a waiver of the Housing Opportunities for Persons with AIDS (HOPWA) program regulations to authorize the placement of HOPWA funds in a housing subsidy trust fund for a period longer than the three years. The trust fund would be used for operating expenses.

NATURE OF REQUIREMENT: The HOPWA program regulations at 24 CFR 574.540 provide that HUD may de-obligate any amount of HOPWA grant funds that have not been expended within a three-year period from the date of the signing of the grant agreement.

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

DATE GRANTED: November 25, 1997.

REASONS WAIVED: The Assistant Secretary granted this waiver, extending for two years the period the City could use HOPWA funds placed in a trust for a specific project. This allowed the City to continue to provide support for the housing related needs of HOPWA program beneficiaries.

10. REGULATION: 24 CFR 576.21.

PROJECT/ACTIVITY: Jefferson County, Alabama requested a waiver of the Emergency Shelter Grants (ESG) program regulations at 24 CFR 576.21.

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

GRANTED BY: Fred Karnas, Jr., Deputy Assistant Secretary for Community Planning and Development.

DATE GRANTED: October 14, 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. Accordingly, HUD determined that the waiver was appropriate.

11. REGULATION: 24 CFR 582.105(e).

PROJECT/ACTIVITY: The Dane County, Wisconsin Department of Human Services requested that up to 15 percent of its Shelter Plus Care allocation be used for administration.

NATURE OF REQUIREMENT: HUD's Shelter Plus Care program regulations at 24 CFR 582.105(e) set the administrative cost allowance for project activities at 8 percent of the grant amount.

GRANTED BY: Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

DATE GRANTED: October 22, 1997.

REASONS WAIVED: The Acting Assistant Secretary determined that failure to grant the requested waiver would adversely affect the purposes of the Shelter Plus Care program, because the administrative burdens for the homeless initiative had doubled and the project had reached full capacity without using all the rental assistance available.

FOR ITEMS 12 THROUGH 17, WAIVERS GRANTED FOR 24 CFR PART 761  
CONTACT: Gloria Cousar, Deputy Assistant Secretary, Office of Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4126, 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 1-800-877-8391.

12. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Lackawanna County Housing Authority Youth Sports Program (Grant No. #PA26YSP0380194).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program and that only one, 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: March 12, 1997.

REASON WAIVED: The Lackawanna County Housing Authority was unable to complete the winter sports component of their grant within the regulatory time-frame, due to unseasonably warm weather. The waiver permitted the housing authority to continue its winter sports activities.

13. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Newark Housing Authority, Newark, New Jersey; Public Housing Drug Elimination Grant Program (PHDEP) (Grant #NJ39DEP0020194).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the PHDEP program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: May 23, 1997.

REASON WAIVED: The waiver was granted in order to permit the Newark Housing Authority (NHA) to revise its plan regarding the use of PHDEP funding. The revised PHDEP plan permits the NHA to conduct law enforcement (municipal police services), physical security, U.S. Attorney's anti-violence task force operations in the NHA, and other security and resident activities.

14. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Hoboken Housing Authority, Hoboken, New Jersey; Public Housing Drug Elimination Grant Program (Grant #NJ39DEP0430194).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the PHDEP program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: July 10, 1997.

REASON WAIVED: The waiver was granted in order to permit the Hoboken Housing Authority (HHA) to revise its plan regarding the use of PHDEP funding. The revised PHDEP plan permits the HHA to carry out law enforcement and resident activities.

15. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Camden Housing Authority, Camden, New Jersey; Public Housing Drug Elimination Grant Program (Grant #NJ39DEP0100194, #NJ39DEP0100195 and #NJ39DEP0100196).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: August 12, 1997.

REASON WAIVED: The waiver was granted in order to permit the Camden Housing Authority (CHA) to revise its plan regarding the use of PHDEP funding. The revised PHDEP plan permits the CHA to carry out law enforcement and resident activities.

16. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Charlottesville Redevelopment and Housing Authority, Charlottesville, Virginia; Public Housing Drug Elimination Grant Program (Grant #VA36DEP0160194).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

DATE GRANTED: August 18, 1997.

REASON WAIVED: The waiver was necessary to permit the Charlottesville Redevelopment and Housing Authority requested to reprogram small amounts (\$365.00) of grant funds from several budget line items into their drug prevention program.

17. REGULATION: 24 CFR 761.30(b).

PROJECT/ACTIVITY: Memphis Housing Authority, Memphis, Tennessee; Public Housing Drug Elimination Program (Grant #TN00DEP0010194).

NATURE OF REQUIREMENT: The regulations state that the terms of the grant agreement may not exceed 24 months for the Public and Indian Housing Drug Elimination Grant Program and that only one 6-month extension is allowed. If the grant funds are not expended at the end of the grant term, funds must be remitted to HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: September 26, 1997.

REASON WAIVED: The Memphis Housing Authority requested this extension to continue the implementation of Operation Safe Home II. The purpose of this extension is to obligate funds (contractually) regarding law enforcement activities for the MHA.

FOR ITEM 18, WAIVER GRANTED FOR 24 CFR PART 811, CONTACT: James Mitchell, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6164, Washington, DC 20410; telephone (202) 708-3730 (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.

18. REGULATION: 24 CFR 811.108(a).

PROJECT/ACTIVITY: Defeasance and redemption of bonds which financed a Section 8 assisted project in Columbus, Ohio (the Nelson Park Apartments, FHA No. 043-35233).

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: December 24, 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 1980 Bond reserves of \$616,157, will permit full discharge of outstanding bond principal. The Columbus Metropolitan Housing Authority has requested the use of \$200,000 of such reserves to finance repairs to seven public housing projects in its jurisdiction. HUD consented to this request, based on advice by the Ohio State Office that Nelson Park Apartments does not need additional funds for repairs or replacement reserves.

FOR ITEM 19, WAIVER GRANTED FOR 24 CFR PART 882 CONTACT: Debbie Ann Wills, Field Management Officer, U.S.

Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street, SW, Room 7152, Washington, DC 20410-7000; telephone (202) 708-2565 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

19. REGULATION: 24 CFR 882.408(a).

PROJECT/ACTIVITY: The Los Angeles Housing Authority requested a waiver, to increase the Fair Market Rent (FMR) in its Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) program, for a single project.

NATURE OF REQUIREMENT: HUD's regulations at 24 CFR 882.408(a) provides that rental housing assisted with SRO funds cannot charge rents that exceed the current Section 8 FMR.

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

DATE GRANTED: December 5, 1997.

REASONS WAIVED: The waiver was granted because the Housing Authority documented that the rents presently charged and received for efficiency and one bedroom units in Los Angeles, where the project is located, were significantly higher than the published FMRs.

FOR ITEMS 20 AND 21, WAIVERS

GRANTED FOR 24 CFR PART 901

CONTACT: William C. Thorson, Director, Administrative and Maintenance Division, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4124, Washington, DC 20410; telephone (202) 708-4703 (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.

20. REGULATION: 24 CFR 901.100(b).

PROJECT/ACTIVITY: The St. Louis Housing Authority (SLHA) requested a waiver of the above cited regulation to obtain an extension for submission of its Public Housing Management Assessment Program (PHMAP) certification.

NATURE OF REQUIREMENT: Public Housing Agencies submit their PHMAP certification within 60 days of fiscal year end. This certification along with information in the field office files and verification of data through on-site confirmatory reviews provide the basis for the PHMAP grades and total score determined by HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: November 21, 1997.

REASON WAIVED: The SLHA stated that a computer virus has been implanted in its on-line computer system. The virus was activated on September 14, 1997, and resulted in the master files for payroll, Section 8 program assistance, tenant accounting, general ledger, housing eligibility and work orders being deleted. Other files have randomly been deleted from the computer system corrupting the integrity of the SLHA's computerized data collection

system. In addition, the SLHA, a troubled agency, was having its Independent Assessment performed during November 10-21, 1997. The information obtained during this assessment was helpful to the St. Louis Office of Public Housing in assessing the SLHA for its FYE 1997, and provided accurate and up-to-date data for the 1997 PHMAP assessment.

21. REGULATION: 24 CFR 901.100(b).

PROJECT/ACTIVITY: The Williamsburg Redevelopment and Housing Authority, VA, (WRHA) requested a waiver of the above cited regulation to obtain a 30-day extension for submission of its Public Housing Management Assessment Program (PHMAP) certification.

NATURE OF REQUIREMENT: Public Housing Agencies submit their PHMAP certification within 60 days of fiscal year end. This certification along with information in the field office files and verification of data through on-site confirmatory reviews provide the basis for the PHMAP grades and total score determined by HUD.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: December 17, 1997.

REASON WAIVED: The WRHA stated that it discovered that its work orders had not been coded properly since April 1997, when new staff was hired, thus distorting the information necessary to complete the PHMAP certification. The WRHA was further hampered by a breakdown of the maintenance department's computer, which had to be repaired. HUD granted the waiver in order to ensure that the WRHA was reporting accurate information and that it scored correctly under the PHMAP.

FOR ITEM 22 THROUGH 39, WAIVERS GRANTED FOR 24 CFR PART 982, 984, AND 990 CONTACT: Gloria Cousar, Deputy Assistant Secretary, Office of Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 4126, 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 1-800-877-8391.

22. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority and Urban Renewal Agency of Lane County, Oregon; 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: October 3, 1997.

REASON WAIVED: Approval of the waiver prevented further hardship to a program participant who was forced to move from her assisted unit because it was damaged by fire. As a result of severe illness, she was unable to seek another unit when her certificate was reissued.

23. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of Lake County, Illinois; 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: October 9, 1997.

REASON WAIVED: Approval of the waiver prevented hardship to the severely developmentally disabled certificate holder whose special housing requirements made it difficult to find a suitable unit.

24. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of the County of Santa Clara, California; Section 8 Rental Voucher Program.

NATURE OF REQUIREMENT: The regulation provides for a maximum 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: October 12, 1997.

REASON WAIVED: Approval of the waiver prevented hardship to the single parent head of household and her family. Due to debilitating illness and mobility problems the family needed additional time to locate an accessible unit in a tight rental market with a vacancy rate of one percent.

25. 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: October 30, 1997.

REASON WAIVED: Approval of the waiver prevented hardship for a disabled certificate holder whose medical condition prevented her from seeking housing during a portion of the time her certificate was in effect.

26. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Commonwealth of Massachusetts, Department of Housing and Community Development; 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: November 19, 1997.

REASON WAIVED: Approval of the waiver prevented further hardship and possible homelessness for the certificate holder and her children. The family was forced to move from the unit where they had been assisted when the property went into foreclosure. Illness of the mother prevented the family

from seeking housing during the time the certificate was in effect.

27. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of the City of Los Angeles, 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: November 21, 1997.

REASON WAIVED: Approval of the waiver prevented further hardship to a disabled certificate holder who could not seek housing because she was hospitalized during the time her certificate was in effect.

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 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: November 21, 1997.

REASON WAIVED: Approval of the waiver prevented further hardship to a disabled certificate holder who was unable to seek housing during the time her certificate was in effect because she was ill.

29. 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 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: November 21, 1997.

REASON GRANTED: Approval of the waiver prevented further hardship to the family. Extended illness of the mother prevented the family from seeking housing during the time their certificate was in effect.

30. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Commonwealth of Massachusetts Department of Housing and Community Development; Section 8 Rental Voucher Program.

NATURE OF REQUIREMENT: The regulation provides 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: November 21, 1997.

REASON WAIVED: Approval of the waiver prevented further hardship to the homeless voucher holder, a victim of domestic violence. Severe heart disease and an adverse reaction to her heart medication prevented the voucher holder from seeking housing during the time her voucher was in effect.

31. 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: November 21, 1997.

REASON WAIVED: Approval of the waiver prevented hardship to the family. The medical condition of the disabled head of household made it impossible for the family to seek housing during much of the time her rental certificate was in effect.

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: November 21, 1997.

REASON WAIVED: The waiver prevented hardship to the certificate holder who was unable to seek housing during a portion of the time her certificate was in effect because of multiple medical problems, including spinal arthritis.

33. 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: November 21, 1997.

REASON WAIVED: The waiver prevented hardship to the certificate holder who was forced to move from the unit where she had been assisted. She was unable to seek housing during much of the time her certificate was in effect because of serious health problems.

34. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of the City of Los Angeles, 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: November 21, 1997.

REASON WAIVED: The waiver prevented hardship to the disabled certificate holder who was unable to seek housing because she was hospitalized during much of the time her certificate was in effect.

35. REGULATION: 24 CFR 982.303(b).

PROJECT/ACTIVITY: Housing Authority of Oceanside, California; Section 8 Rental Voucher 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: December 16, 1997.

REASON WAIVED: The waiver prevented further hardship to the disabled voucher holder whose serious health problems prevented her from seeking a unit during much of the time her voucher was in effect.

36. REGULATION: 24 CFR 982.352(c)(8).

PROJECT/ACTIVITY: City of Minnetonka, Minnesota; Section 8 Rental Certificate Program.

NATURE OF REQUIREMENT: The regulation provides that a family may not receive the benefit of tenant-based assistance while also receiving any local or State rent subsidy for the same unit.

GRANTED BY: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: October 21, 1997.

REASON WAIVED: The monies to be provided by the city are not duplicative subsidy since they are being provided to fund the gap between the market rents and the Section 8 rents. Development of the units represents a public/private partnership to create affordable housing and approval of the waiver expands the housing choice of families enabling them to move to desirable housing in a nonimpacted area.

37. REGULATION: 24 CFR 984.306(b).

PROJECT/ACTIVITY: Housing Authority and Community Services Agency of Lane 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: Kevin Emanuel Marchman, Acting Assistant Secretary for Public and Indian Housing.

DATE GRANTED: October 21, 1997.

REASON WAIVED: Approval of the waiver permitted the Section 8 certificate program participant to move closer to her new employment while remaining in the FSS program.

38. REGULATION: 24 CFR 990.107(b)(1) and 990.110(c)(2)(ii).

PROJECT/ACTIVITY: Housing Authority of Wilmington, NC; Performance Funding System (PFS) regulations.

NATURE OF REQUIREMENT: The PFS regulations at 24 CFR part 990 require 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: November 6, 1997.

REASON 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 Housing Authority of Wilmington to enter into an energy performance contract by allowing the use of a "floor rate" in the event that there are insufficient 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.

39. REGULATION: 24 CFR 990.107(b)(1) and 990.110(c)(2)(ii).

PROJECT/ACTIVITY: Housing Authority of the City of Kinston, NC; Performance Funding System (PFS) regulations.

NATURE OF REQUIREMENT: The PFS regulations at 24 CFR part 990 require 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: December 17, 1997.

REASON 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 Housing Authority of the City of Kinston to enter into an energy performance contract by allowing the use of a "floor rate" in the event that there are insufficient 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.

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