

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4378-N-01]

## Notice of Regulatory Waiver Requests Granted

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

**ACTION:** Public notice of the granting of regulatory waivers from January 1, 1998 through March 31, 1998.

**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-ninth 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-ninth notice of its kind to be published under section 106 of the Reform Act. This notice updates HUD's waiver-grant activity from January 1, 1998 through March 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 April 1, 1998 through June 30, 1998.

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

Dated: November 4, 1998.

**Andrew Cuomo,**  
Secretary.

## Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development January 1, 1998 through March 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 and 2, waivers granted for 24 CFR part 5, contact:* Gloria J. Cousar, Deputy Assistant Secretary for Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4126, Washington, DC 20410; telephone (202) 401-8812 (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 5.613.

*Project/activity:* A request was made by the Chicago Housing Authority (CHA), of Chicago, IL, to permit the establishment of ceiling rents for its entire low-rent inventory.

*Nature of requirement:* The total tenant payment a public housing agency (PHA) must charge shall be the highest of the following, rounded to the nearest dollar: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of monthly income; (3) if the family receives Welfare assistance from a public agency and a part of such payments is specifically designated by such agency to meet the family's housing costs, the monthly portion of such payments which is so designated; or (4) the minimum rent set by the PHA.

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

*Date granted:* February 25, 1997.

*Reason waived:* The establishment of ceiling rents will permit the CHA to attract wage-earning, low-income applicants, and will help improve the CHA's current vacancy ratio.

2. *Regulation:* 24 CFR 5.613.

*Project/activity:* A request was made by the Stevens Point Housing Authority (SPHA), of Stevens Point, WI, to permit the establishment of ceiling rents for certain of its hard-to-rent units.

*Nature of requirement:* The total tenant payment a public housing agency (PHA) must charge shall be the highest of the following, rounded to the nearest dollar: (1) 30 percent of Monthly Adjusted Income; (2) 10 percent of

Monthly Income; (3) if the family receives Welfare assistance from a public agency and a part of such payments is specifically designated by such agency to meet the family's housing costs, the monthly portion of such payments which is so designated; or (4) the minimum rent set by the PHA.

*Granted by:* Kevin Emanuel

Marchman, Acting Assistant Secretary for Public and Indian Housing.

*Date granted:* March 14, 1997.

*Reason waived:* The establishment of ceiling rents will permit the SPHA to reduce their vacancy rate and attract a wider range of low-income families.

*For items 3 through 24, waivers granted for 24 CFR parts 42, 91, and 92, contact:* Debbie Ann Wills, Field Management Officer, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7152, 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 1-800-877-8391.

*3. Regulation:* 24 CFR 42.375.

*Project/activity:* The State of Ohio requested a waiver of the one-for-one replacement requirements for the use of Community Development Block Grant (CDBG) supplemental disaster appropriations.

*Nature of requirement:* Section 101(c) of the Housing and Community Development Act of 1974, and the implementing regulations at 24 CFR 42.375 require that lower-income dwelling units that are demolished in connection with a CDBG-assisted activity be replaced with comparable lower-income dwelling units.

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

*Date granted:* January 8, 1998.

*Reasons waived:* HUD waived the regulations to allow the State to implement a voluntary program to acquire properties in a flood plain and maintain the properties for open space or recreational purposes. Such property use is required by the Hazard Mitigation Grant Program administered by the Federal Emergency Management Agency (FEMA).

*4. Regulation:* 24 CFR 42.375.

*Project/activity:* The State of Indiana requested a waiver of the one-for-one replacement requirements for the use of Community Development Block Grant (CDBG) supplemental disaster appropriations.

*Nature of requirement:* Section 101(c) of the Housing and Community Development Act of 1974, as amended

and implementing regulations at 24 CFR 42.375 require that lower-income dwelling units that are demolished in connection with a CDBG-assisted activity be replaced with comparable lower-income dwelling units.

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

*Date granted:* March 18, 1998.

*Reasons waived:* HUD waived the regulation to permit the State to acquire and demolish 79 properties in the flood plain, as part of the State's Hazard Mitigation Grant Program.

*5. Regulation:* 24 CFR 91.10(b).

*Project/activity:* The State of Maine requested a waiver of the requirement that a jurisdiction notify HUD in writing regarding changes in its program year.

*Nature of requirement:* HUD's Consolidated Plan regulations at 24 CFR 91.10(b) require that once a jurisdiction's program year is established, the jurisdiction may either shorten or lengthen its program year provided that it notifies HUD in writing at least two months before the change in the program year.

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

*Date granted:* March 26, 1998.

*Reasons waived:* The waiver permitted the State to: (1) Expedite the distribution of funds to homeowners who may have not been eligible for disaster funds; (2) Respond to public forum requests for changes; and (3) Make the change prior to the beginning of citizen participation cycle for the five year consolidated plan.

*6. Regulation:* 24 CFR 91.225(b)(4).

*Project/activity:* Lakewood, Ohio requested that it be permitted to modify its selected time period for complying with the requirement that it expend at least 70 percent of its Community Development Block Grant (CDBG) funds for activities that benefit low and moderate income persons.

*Nature of requirement:* HUD's Consolidated Plan regulations at 24 CFR 91.225(b)(4) provide that each CDBG grantee must certify that it will achieve the primary objective of the CDBG program (using program money for activities that benefit low and moderate income persons).

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

*Date Granted:* January 9, 1998.

*Reasons Waived:* The City of Lakewood planned to address a critical infrastructure need of the City by undertaking a large slums and blight project. The City would have been unable to meet the financial needs of

this project if the waiver had been denied.

*7. Regulation:* 24 CFR 92.252(b).

*Project/Activity:* The City of New York requested a waiver of the HOME program regulation relating to the calculation of rents charged for units occupied by very low income households. The City requested that it be permitted to adjust the rents for 103 of these units by using the Section 8 program rents instead.

*Nature of Requirement:* HUD's HOME program regulations at 24 CFR 92.252(b) require that rental projects with five or more HOME-assisted rental units, 20 percent of the HOME-assisted units must be occupied by very low income families. Further, § 90.252(b) a cap on the maximum rent that can be charged to these families (30 percent of the family's annual or adjusted income, depending on the median income of the area).

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

*Date Granted:* February 18, 1998.

*Reasons Waived:* HUD granted the waiver because the restructuring of rents for 103 units would have imposed an administrative burden on the City.

*8. Regulation:* 24 CFR 92.254.

*Project/Activity:* Washington County, Oregon 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 low income first time homebuyers.

*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:* March 16, 1998.

*Reasons Waived:* The waiver was granted because it would allow potential lease purchasers of 14 new construction townhouses sufficient time to accumulate funds for downpayments and closing costs.

*For Item 9, Waiver Granted for 24 CFR Part 203, Contact:* Mark Holman, Chief, Mortgage Underwriting and Insurance Branch, Home Mortgage Insurance Division, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Room 9270, Washington, D.C. 20410-7000; telephone: (202) 708-1220 (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.

**9. Regulation:** 24 CFR 203.49(c).

**Project/Activity:** Waiver of the requirements of 24 CFR 203.49(c) to extend the initial adjustment dates for adjustable rate mortgage (ARM) loans beyond the 12 to 18 month window currently provided for in the regulation.

**Nature of Requirement:** The regulation provides that lenders may extend the initial interest rate adjustment dates on ARM loans thus rendering the loans eligible for placement in Ginnie Mae pools. Ineligibility of the loans for delivery to Ginnie Mae would result in financial hardship to the mortgagee and will not have an adverse impact on any mortgagors.

**Granted by:** Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner and Art Agnos, Acting General Assistant Secretary for Housing-Federal Housing Commissioner.

**Dates Granted:** Four waivers: two on March 23, 1998 and two on January 8, 1998.

**Reasons Waived:** Mortgagees (Banc One, Homeside Lending and HomeTrust) requested to extend the initial change date for ARM loans beyond the 12-18 month window period as required by 24 CFR 203.49(c). Approving the waiver enabled the lender to securitize the loans and rendered no harm to the borrowers or the Department.

**For Items 10 Through 25, Waivers Granted for 24 CFR Parts 570 and 576, Contact:** Debbie Ann Wills, Field Management Officer, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 7152, 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 1-800-877-8391.

**10. Regulation:** 24 CFR 570.1(c) (which codifies section 101(c) of the Housing and Community Development Act of 1974, as amended).

**Project/Activity:** Rapid City, South Dakota requested a waiver of the requirement that at least 50 of its HUD disaster recovery funds be used for activities which benefit low- and moderate-income persons.

**Nature of Requirement:** Section 101(c) of the Housing and Community Development Act of 1974, as amended (which HUD has codified in its CDBG regulations at 24 CFR 570.1(c)) requires that CDBG funds principally benefit low and moderate income persons.

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

**Date Granted:** February 27, 1998.

**Reasons Waived:** Chapter 10 of Title II of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters authorizes HUD to suspend certain statutory and regulatory provisions that would otherwise apply to the use of disaster recovery funds in a federal disaster area. The Assistant Secretary granted the waiver because the City indicated little disaster effect on low and moderate income residents.

**11. Regulation:** 24 CFR 570.1(c) (which codifies section 101(c) of the Housing and Community Development Act of 1974, as amended).

**Project/Activity:** Grand Forks County, North Dakota requested a waiver of the requirement that at least 50 of its HUD disaster recovery funds be used for activities which benefit low- and moderate-income persons.

**Nature of Requirement:** Section 101(c) of the Housing and Community Development Act of 1974, as amended (which HUD has codified in its CDBG regulations at 570.1(c)) requires that CDBG funds principally benefit low- and moderate-income persons.

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

**Date Granted:** March 12, 1998.

**Reasons Waived:** Chapter 10 of Title II of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters authorizes HUD to suspend certain statutory and regulatory provisions that would otherwise apply to the use of disaster recovery funds in a federal disaster area. The Assistant Secretary determined that the County's proposal to use its allocation to rebuild county offices that would house social service offices, sheriff/correctional offices, and emergency offices, served a public purpose.

**12. Regulation:** 24 CFR 570.1(c) (which codifies section 101(c) of the Housing and Community Development Act of 1974, as amended).

**Project/Activity:** Traill County, North Dakota requested a waiver of the requirement that at least 50 of its HUD disaster recovery funds be used for activities which benefit low and moderate income persons.

**Nature of Requirement:** Section 101(c) of the Housing and Community Development Act of 1974, as amended (which HUD has codified in its CDBG regulations at 570.1(c)) requires that program funds principally benefit low and moderate income persons.

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

**Date Granted:** March 12, 1998.

**Reasons Waived:** Chapter 10 of Title II of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters authorizes HUD to suspend certain statutory and regulatory provisions that would otherwise apply to the use of disaster recovery funds in a federal disaster area. The requirement was waived because all unmet needs of low and moderate income disaster victims were addressed.

**13. Regulation:** 24 CFR 570.1(c) (which codifies section 101(c) of the Housing and Community Development Act of 1974, as amended).

**Project/Activity:** Pembina County, North Dakota requested a waiver of the requirement that at least 50 percent of its HUD disaster recovery funds be used for activities which benefit low- and moderate-income persons.

**Nature of Requirement:** Section 101(c) of the Housing and Community Development Act of 1974, as amended (which HUD has codified in its CDBG regulations at 24 CFR 570.1(c)) requires that CDBG funds principally benefit low and moderate income persons.

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

**Date Granted:** March 24, 1998.

**Reasons Waived:** Chapter 10 of Title II of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters authorizes HUD to suspend certain statutory and regulatory provisions that would otherwise apply to the use of disaster recovery funds in a federal disaster area. The Assistant Secretary granted the waiver to allow HUD Disaster Recovery Initiative funds to assist disaster victims at all income levels, since other resources were being used to address the needs of low- and moderate-income people.

**14. Regulation:** 24 CFR 570.1(c) (which codifies section 101(c) of the Housing and Community Development Act of 1974, as amended).

**Project/Activity:** Mercer County, North Dakota requested a waiver of the requirement that at least 50 of its HUD disaster recovery funds be used for activities which benefit low- and moderate-income persons.

**Nature of Requirement:** Section 101(c) of the Housing and Community Development Act of 1974, as amended (which HUD has codified in its CDBG regulations at 24 CFR 570.1(c)) requires that CDBG program funds principally benefit low- and moderate-income persons.

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

*Date Granted:* March 25, 1998.

*Reasons Waived:* Chapter 10 of Title II of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters authorizes HUD to suspend certain statutory and regulatory provisions that would otherwise apply to the use of disaster recovery funds in a federal disaster area. The Assistant Secretary granted the waiver because the community lacked sufficient concentrations of lower income populations. Also, without the waiver the County would not be able to implement critically needed mitigation and repair projects, and other safety measures.

*15. Regulation:* 24 CFR 570.208(a)(3).

*Project/Activity:* The City of Oakland, California requested a waiver of the Community Development Block Grant (CDBG) regulations at 24 CFR 570.208(a)(3) to permit the use of CDBG funds to assist in the development of a mixed income single family housing project.

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

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

*Date Granted:* January 9, 1998.

*Reasons Waived:* The application of the regulations would have created undue hardship and adversely affected the purposes of the CDBG program because the City would have been unable to sell 49 percent of the homes to families at 120 percent of the area median income. If the City had been prohibited from doing so, a high level of additional resources would have been needed to make the project financially feasible. HUD determined that making this project financially possible met the purposes of the CDBG program.

*16. Regulation:* 24 CFR 570.208(a)(3).

*Project/Activity:* The City of St. Louis, Missouri requested a waiver of the Community Development Block Grant (CDBG) regulations at 24 CFR 570.208(a)(3) to permit the use of CDBG funds to assist in converting two non-residential structures into mixed income residential structures where less than 51 percent of the units in each structure will be occupied by low and moderate income households.

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

benefit low- and moderate-income households.

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

*Date Granted:* January 9, 1998.

*Reasons Waived:* The application of the regulation would have adversely affected the purposes of the CDBG program by impeding the provision of affordable housing in the central business district. Denial of the waiver request would have adversely impacted affect the City's ability to create mixed income housing development in the central city.

*17. Regulation:* 24 CFR 570.309.

*Project/Activity:* Milwaukee and Waukesha Counties, Wisconsin requested a waiver of the regulation that restricts assistance of activities outside the jurisdiction of the Community Development Block Grant (CDBG) recipient to those that benefit residents within the grantee's jurisdiction.

*Nature of Requirement:* HUD's CDBG regulations at 24 CFR 570.309 provides that a grantee can only provide CDBG funds for an activity outside of the grantee's jurisdiction if certain conditions are met. First, the grantee must determine that the activity is needed to further the purposes of the CDBG program and the grantee's community's development objectives. Secondly, the grantee must determine that reasonable benefits from the activity will accrue to residents within the jurisdiction of the grantee.

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

*Date Granted:* March 13, 1998.

*Reasons Waived:* The 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters authorizes HUD to suspend certain statutory and regulatory provisions that would otherwise apply to the use of disaster recovery funds in a federal disaster area. The regulatory requirement was waived because the needs of low- and moderate-income disaster victims were being addressed by the Counties.

*18. Regulation:* 24 CFR 576.21.

*Project/Activity:* The Government of Puerto Rico, 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:* Saul Ramirez, Assistant Secretary for Community Planning and Development.

*Date Granted:* January 30, 1998.

*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 Commonwealth provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

*19. Regulation:* 24 CFR 576.21.

*Project/Activity:* The State of New York, 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:* Saul Ramirez, Assistant Secretary for Community Planning and Development.

*Date Granted:* January 30, 1998.

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

*20. Regulation:* 24 CFR 576.21.

*Project/Activity:* New York City, New York 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:* Saul Ramirez, Assistant Secretary for Community Planning and Development.

*Date Granted:* February 10, 1998.

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

*21. Regulation:* 24 CFR 576.21.

*Project/Activity:* The State of Wisconsin 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:* Saul Ramirez, Assistant Secretary for Community Planning and Development.

*Date Granted:* February 17, 1998.

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

*22. Regulation:* 24 CFR 576.21.

*Project/Activity:* The City of Binghamton, New York 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:* Saul Ramirez, Assistant Secretary for Community Planning and Development.

*Date Granted:* February 26, 1998.

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

*23. Regulation:* 24 CFR 576.21.

*Project/Activity:* The City of Colorado Springs, Colorado 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:* Saul Ramirez, Assistant Secretary for Community Planning and Development.

*Date Granted:* March 10, 1998.

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

*24. Regulation:* 24 CFR 576.21.

*Project/Activity:* The State of California 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:* Saul Ramirez, Assistant Secretary for Community Planning and Development.

*Date Granted:* March 26, 1998.

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

*25. Regulation:* 24 CFR 576.35.

*Project/Activity:* The State of California requested a waiver of the Emergency Shelter Grants (ESG) Program regulations at 24 CFR 576.35(a)(2)(ii).

*Nature of Requirement:* HUD's regulations at 24 CFR 576.35(a)(2)(ii) requires that State recipients receiving grants for homeless prevention activities must spend the funds within 180 days from the date on which the State made the grant funds available to its recipient.

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

*Date Granted:* March 26, 1998.

*Reasons Waived:* The State requested the waiver in order to enable recipients to have funds available for prevention activities during the winter months.

*For Item 26, Waiver Granted for 24 CFR Part 761, Contact:* Bruce Knott, Director of Housing and Community Development, U.S. Department of Housing and Urban Development, National Office of Native American Programs, 1999 Broadway, Box 90, Denver, CO 80202; telephone (303) 675-1600 (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.

*26. Regulation:* 24 CFR 761.30(b).

*Project/Activity:* A request was made by the Pueblo of Acoma Housing Authority (PAHA) for an 18-month extension of their fiscal year 1995 Public and Indian Housing Drug Elimination Grant Program (PIHDEP) grant.

*Nature of Requirement:* The regulations state that the terms of the grant agreement may not exceed 24 months for the PIHDEP 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:* Deborah Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

*Date Granted:* March 18, 1998.

*Reason Waived:* The original grant was awarded to the All Indian Pueblo Housing Authority (AIPHA), an umbrella housing authority that served 11 tribes in New Mexico, including the PAHA. When AIPHA was terminated, the grant was transferred to the newly-created PAHA, which wanted to implement the drug prevention/intervention and youth activities that were specified in the approved drug elimination comprehensive plan. A waiver of the regulations was granted to PAHA so that they would be able to successfully implement all drug elimination activities in their community by the end of the extended time frame.

*For Items 27 Through 30, Waivers Granted for 24 CFR Part 761, Contact:* Gloria J. Cousar, Deputy Assistant Secretary for Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4126, Washington, DC 20410; telephone (202) 401-8812 (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.

*27. Regulation:* 24 CFR 761.30(b).

*Project/Activity:* Redevelopment and Housing Authority of the City of Portsmouth, Virginia; Public and Indian Housing Drug Elimination Program (Grant #VA36DEP0010195).

*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 E. Marchman, Assistant Secretary for Public and Indian Housing.

*Date Granted:* February 25, 1998.

*Reason Waived:* The waiver was granted in order to permit the Portsmouth Redevelopment and Housing Authority to complete its adult basic education and job training programs. These programs were not part

of the Authority's original grant. Accordingly, the Authority needed the additional time to establish evaluation criteria and negotiate contracts for these programs.

*28. Regulation:* 24 CFR 761.30(b).

*Project/Activity:* Housing Authority of the City of York, Pennsylvania; Public and Indian Housing Drug Elimination Grant Program (Grant #PA26DEP0220195).

*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:* Deborah Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

*Date Granted:* March 27, 1998.

*Reason Waived:* The waiver was granted in order to permit the York, Pennsylvania Housing Authority three additional months to complete its grant activities (such as foot patrols and other community police services). The extension will also allow the Housing Authority to purchase a van for drug-prevention activities.

*29. Regulation:* 24 CFR 761.30(b).

*Project/Activity:* Housing Authority of the City of Waycross, Georgia; Public and Indian Housing Drug Elimination Grant Program (Grant #GA06DEP0280195).

*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:* Deborah Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

*Date Granted:* March 27, 1998.

*Reason Waived:* The waiver was granted to provide the Waycross Housing Authority with six additional months for completing its grant activities. The extension was necessary to permit the Housing Authority to use grant funds originally budgeted for policing activities to be used for other drug-prevention activities.

*30. Regulation:* 24 CFR 761.30(b).

*Project/Activity:* Housing Authority of the City of Concord, New Hampshire; Public and Indian Housing Drug Elimination Program (Grant #NH36DEP005-0195).

*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:* Deborah Vincent, General Deputy Assistant Secretary for Public and Indian Housing.

*Date Granted:* March 27, 1998.

*Reason Waived:* The departure of the Concord Housing Authority's Executive Director and Drug Prevention Coordinator delayed the implementation of its Public and Indian Housing Drug Elimination Program grant. The extension of the grant term will permit the Housing Authority to use the remaining grant funds to install lighting in and around some of the Housing Authority buildings and on the street.

*For Item 31, Waiver Granted for 24 CFR Part 811, Contact:* James B.

Mitchell, Acting Director, Special Projects Division, U.S. Department of Housing and Urban Development, 451 7th 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 Federal Information Relay Service at 1-800-877-8391.

*31. Regulation:* 24 CFR 811.104(b).

*Project/Activity:* Refunding of bonds which financed a HODAG assisted project in Palm Beach County, Florida (Spinnaker Landing Apartments, Project No. FL002-HG402).

*Nature of Requirement:* The regulation prohibits payment of a fee to a Housing Authority other than for actual expenses of a bond refunding transaction.

*Granted by:* Art Agnos, Acting General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

*Date Granted:* March 15, 1998.

*Reasons Waived:* The refunding bonds were issued on terms which reduced debt service to strengthen the financial condition of the project, transferred ownership to a new entity, and redeemed 1988 bonds which were in default. The Palm Beach County Housing Authority received a fee of \$32,500 for its participation in this transaction. Because this fee was paid by the project owner and not from refunding bond proceeds or from debt service reserve residual balances, good cause existed to waive §811.104(b).

*For Items 32 and 33, Waivers Granted for 24 CFR Part 882, Contact:* Debbie Ann Wills, Field Management Officer, U.S. Department of Housing and Urban

Development, 451 Seventh Street, SW, Room 7152, 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 1-800-877-8391.

**32. Regulation:** 24 CFR 882.803(a)(3).

**Project/Activity:** The New England Shelter near Boston, Massachusetts proposed using Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) program funds to renovate a building located on the grounds of a Veterans Administration Memorial Hospital.

**Nature of Requirement:** HUD's regulation at 24 CFR 882.803(a)(3) provides that units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions are not eligible for Section 8 Moderate Rehabilitation SRO program funds.

**Granted by:** Saul Ramirez, Assistant Secretary for Community Planning & Development.

**Date Granted:** February 18, 1998.

**Reasons Waived:** The waiver was granted because of the organization's difficulty in finding an appropriate site. Failure to approve the waiver would have resulted in further delays for this project, which will provide much needed housing for the locality's homeless population.

**33. Regulation:** 24 CFR 882.408(a).

**Project/Activity:** The Metro Dade 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 regulation 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:** March 10, 1998.

**Reasons Waived:** The waiver was granted because the Housing Authority documented that the SRO rents in its locality were higher than the published FMR.

**For Items 34 Through 38, Waivers Granted for 24 CFR Part 891, Contact:** Willie Spearmon, Director, Office of Business Products, Office of Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6134, Washington, DC 20410; 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 1-800-877-8391.

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

**Project/Activity:** Dorothea Dix House.

**Nature of Requirement:** HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.100(d) provides that HUD may amend the amount of an approved capital advance only after initial closing has occurred.

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

**Date Granted:** January 15, 1998.

**Reasons Waived:** HUD approved the waiver request in order to assure the feasibility of the Dorothea Dix House.

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

**Project/Activity:** Valentine Good Samaritan Housing Project.

**Nature of Requirement:** HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.100(d) provides that HUD may amend the amount of an approved capital advance only after initial closing has occurred.

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

**Date Granted:** February 3, 1998.

**Reasons Waived:** HUD approved the waiver request in order to assure the feasibility of the Valentine Good Samaritan Housing Project. The Sponsor had explored all avenues to save money in the design, labor and materials for the project before the approval of the waiver.

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

**Project/Activity:** Jeffersontown Good Samaritan Housing Project.

**Nature of Requirement:** HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.100(d) provides that HUD may amend the amount of an approved capital advance only after initial closing has occurred.

**Granted by:** Art Agnos, Acting General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

**Date Granted:** March 11, 1998.

**Reasons Waived:** HUD approved the waiver request in order to assure the feasibility of the Jeffersontown Good Samaritan Housing Project.

**37. Regulation:** 24 CFR 891.310(b).

**Project/Activity:** ARC HUD III, Inc.

**Nature of Requirement:** HUD's regulations at 24 CFR part 891 describe

the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.310(b) establishes several accessibility requirements for the Section 811 Program of Supportive Housing for Persons with Disabilities and to Section 202 projects for non-elderly disabled families and individuals. Specifically, the regulation requires that all entrances, common areas, units to be occupied by resident staff, and amenities must be readily accessible to and usable by persons with disabilities. In projects for developmentally disabled or physically disabled persons, all dwelling units in an independent living facility (or all bedrooms and bathrooms in a group home) must be designed to be accessible or adaptable for persons with physical disabilities.

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

**Date Granted:** February 23, 1998.

**Reasons Waived:** HUD approved the waiver to maintain project feasibility and facilitate project development. Requiring all four of the group homes involved in the project to be accessible would have made the project financially infeasible. The sponsor will make one of the homes fully accessible in accordance with the requirements § 891.310(b). Further, the project, as a whole, will comply with the requirements of Section 504 of the Rehabilitation Act of 1973.

**38. Regulation:** 24 CFR 891.310(b).

**Project/Activity:** Project Share V.

**Nature of Requirement:** HUD's regulations at 24 CFR part 891 describe the policies and procedures governing supportive housing for the elderly and persons with disabilities. The regulation at § 891.310(b) establishes several accessibility requirements for the Section 811 Program of Supportive Housing for Persons with Disabilities and to Section 202 projects for non-elderly disabled families and individuals. Specifically, the regulation requires that all entrances, common areas, units to be occupied by resident staff, and amenities must be readily accessible to and usable by persons with disabilities. In projects for chronically mentally ill individuals, a minimum of 10 percent of all dwelling units in an independent living facility (or 10 percent of all bedrooms and bathrooms in a group home, but at least one for each such space) must be designed to be accessible or adaptable for persons with disabilities.

**Granted by:** Art Agnos, Acting General Deputy Assistant Secretary for



Housing-Federal Housing Commissioner.

*Date Granted:* March 18, 1998.

*Reasons Waived:* HUD approved the waiver to maintain project feasibility and facilitate project development. Requiring all four of the group homes involved in the project to be accessible would have imperiled project feasibility. The sponsor will make one of the homes fully accessible in accordance with the requirements § 891.310(b). Further, the project, as a whole, will comply with the requirements of Section 504 of the Rehabilitation Act of 1973.

*For Items 39 Through 64, Waivers Granted for 24 CFR Part 982, Contact:* Gloria J. Cousar, Deputy Assistant Secretary for Public and Assisted Housing Delivery, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4126, Washington, DC 20410; telephone (202) 401-8812 (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.

*39. Regulation:* 24 CFR 982.201(b).

*Project/Activity:* Southwestern Idaho Cooperative Housing Authority; Section 8 Rental Certificate Program.

*Nature of Requirement:* The regulation limits eligibility for both the Section 8 rental certificate and rental voucher programs to specified categories of families.

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

*Date Granted:* February 11, 1998.

*Reason Waived:* The waiver permitted two single parent families, that would have been eligible if they had applied separately, to continue living as a household sharing both expenses and the care of three disabled children in the household.

*40. Regulation:* 24 CFR 982.303(b).

*Project/Activity:* Cuyahoga Metropolitan Housing Authority, Ohio; Section 8 Rental Certificate and Rental Voucher Programs.

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

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

*Date Granted:* January 6, 1998.

*Reason Waived:* The waiver covered 24 families who were issued rental certificates/vouchers for relocation as a result of termination of project-based

Section 8 contracts due to HUD contract enforcement activities. The waivers were granted to prevent further hardship to the families who did not appear to have received adequate relocation assistance.

*41. Regulation:* 24 CFR 982.303(b).

*Project/Activity:* Housing Authority of the City of Alameda, California; Section 8 Rental Certificate Program.

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

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

*Date Granted:* January 6, 1998.

*Reason Waived:* Approval of the waiver prevented further hardship to a certificate holder whose illness prevented him from seeking housing during the time his certificate was in effect.

*42. Regulation:* 24 CFR 982.303(b).

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

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

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

*Date Granted:* January 6, 1998.

*Reason Waived:* Approval of the waiver prevented further hardship to a certificate holder whose medical condition severely limited her ability to seek housing.

*43. Regulation:* 24 CFR 982.303(b).

*Project/Activity:* Portage Metropolitan Housing Authority, Ohio; Section 8 Rental Certificate Program.

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

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

*Date Granted:* January 22, 1998.

*Reason Waived:* The program participant was forced to move from her assisted housing due to the sale of the property. Approval of the waiver minimized disruption to the family. The waiver permitted the three children in the family to remain in the same school district, and the head of the household to continue her participation in HUD's Family Self-Sufficiency Program.

*44. 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 rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

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

*Date Granted:* January 28, 1998.

*Reason Waived:* Approval of the waiver prevented hardship for an elderly certificate holder who was confined to bed and unable to look for housing during much of the time his certificate was in effect.

*45. Regulation:* 24 CFR 982.303(b).

*Project/Activity:* Idaho Housing and Finance Association; Section 8 Rental Certificate Program.

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

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

*Date Granted:* January 28, 1998.

*Reason Waived:* Approval of the waiver provided extra search time for a certificate holder whose degenerative disorder made it difficult for him to seek housing.

*46. Regulation:* 24 CFR 982.303(b).

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

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

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

*Date Granted:* January 28, 1998.

*Reason Granted:* The waiver provided extra search time to a certificate holder who, as a result of her mobility impairment, faced special difficulties in locating a suitable unit.

*47. Regulation:* 24 CFR 982.303(b).

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

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

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



*Date Granted:* January 28, 1998.

*Reason Granted:* Approval of the waiver prevented hardship to the voucher holder who, as a result of serious illness, was unable to seek housing during much of the time her voucher was in effect.

*48. Regulation:* 24 CFR 982.303(b).

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

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

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

*Date Granted:* January 28, 1998.

*Reason Waived:* Approval of the waiver, which provided extra search time, helped prevent further hardship to this single parent family. The head of household could not seek housing during much of the time her rental certificate was in effect due to a variety of medical problems, including the serious injuries she suffered when struck by a car.

*49. Regulation:* 24 CFR 982.303(b).

*Project/Activity:* Housing Authority of the City of Alameda, California; Section 8 Rental Certificate Program.

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

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

*Date Granted:* January 28, 1998.

*Reason Waived:* Approval of the waiver prevented hardship to an elderly certificate holder, who was unable to complete her planned move due to a heart attack.

*50. Regulation:* 24 CFR 982.303(b).

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

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

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

*Date Granted:* January 30, 1998.

*Reason Waived:* Approval of the waiver allowed the program participant to move to another State where she could receive specialized medical treatment. She was unable to complete

the move at the time planned because of complications resulting from her illness.

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

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

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

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

*Date Granted:* February 11, 1998.

*Reason Waived:* Approval of the waiver prevented hardship to a homeless certificate holder who suffers from Multiple Sclerosis. Her search for suitable housing was made extremely difficult by her illness and by the lack of adequate support in her housing search.

*52. 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 rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

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

*Date Granted:* February 13, 1998.

*Reason Waived:* The waiver prevented hardship to an elderly certificate holder who, due to illness, was unable to seek housing during much of the time his certificate was in effect.

*53. 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 rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

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

*Date Granted:* February 13, 1998.

*Reason Waived:* The waiver permitted the disabled certificate holder to find permanent housing located near her doctors. She was unable to seek housing during the required time period due to her hospitalization after suffering a series of strokes.

*54. Regulation:* 24 CFR 982.303(b).

*Project/Activity:* Linn-Benton Housing Authority, Oregon; Section 8 Rental Certificate Program.

*Nature of Requirement:* The regulation provides for a maximum

rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

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

*Date Granted:* February 13, 1998.

*Reason Waived:* The waiver permitted a disabled certificate holder to complete the necessary paperwork for moving into a suitable unit.

*55. 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 rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

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

*Date Granted:* February 17, 1998.

*Reason Waived:* Approval of the waiver provided the certificate holder with additional time to seek housing. Coronary artery disease and other medical conditions severely limited the certificate holder's ability to seek housing during the time her rental certificate was in effect.

*56. 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 rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

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

*Date Granted:* February 17, 1998.

*Reason Waived:* Approval of the waiver provided the elderly, mobility impaired certificate holder with additional time to find suitable housing. The certificate holder was unable to seek housing during the time her rental certificate was in effect due to poor health and lack of assistance in her housing search.

*57. Regulation:* 24 CFR 982.303(b).

*Project/Activity:* Housing Authority of St. Louis County, Missouri; Section 8 Rental Certificate Program.

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

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

*Date Granted:* February 17, 1998.

*Reason Waived:* The waiver granted the certificate holder additional time to find suitable housing. The certificate holder was unable to seek housing during the required time period due to surgery and rehabilitation treatments.

*58. 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 rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

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

*Date Granted:* February 17, 1998.

*Reason Waived:* The waiver was granted to protect the program participant from further hardship. The program participant was forced to move from her assisted unit because of domestic abuse. Her ability to find another suitable unit was severely limited by her serious health problems.

*59. 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 rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

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

*Date Granted:* February 17, 1998.

*Reason Waived:* The waiver was granted to protect the family from further hardship. The family has special housing needs due to the medical condition of a child in the family and the illness of other family members. The medical condition of these family members made it difficult for the family to locate suitable housing during the term of the rental certificate.

*60. Regulation:* 24 CFR 982.303(b).

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

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

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

*Date Granted:* March 6, 1998.

*Reason Waived:* The waiver was granted to prevent further hardship to a

homeless family. The waiver provided additional time for the family to locate housing near the school and medical facilities used by the disabled son.

*61. 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 rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

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

*Date Granted:* March 23, 1998.

*Reason Waived:* The waiver was granted to prevent hardship to a seriously ill certificate holder. The certificate holder was hospitalized during much of the time his certificate was in effect and was, therefore, unable to search for housing during that time.

*62. 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 rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

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

*Date Granted:* March 23, 1998.

*Reason Waived:* The waiver granted the certificate holder, who was seriously ill during much of the time her certificate was in effect, additional time to find suitable housing.

*63. Regulation:* 24 CFR 982.303(b).

*Project/Activity:* Metro Housing and Redevelopment Authority; St. Paul, Minnesota; Section 8 Rental Certificate Program.

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

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

*Date Granted:* March 26, 1998.

*Reason Waived:* Approval of the waiver prevented further hardship to a disabled certificate holder. The certificate holder's ability to seek housing during the required time period was severely limited by a mobility impairment.

*64. 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 rental certificate term of 120 days during which a certificate holder may seek housing to be leased under the program.

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

*Date Granted:* March 27, 1998.

*Reason Waived:* The waiver was granted to prevent hardship to a disabled certificate holder. The certificate holder suffers from multiple health problems that limited her ability to obtain suitable housing.

*For Item 65, Waiver Granted for 24 CFR Part 990, Contact:* Joan DeWitt, Director, Office of Funding and Financial Management Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4210, Washington, DC 20410; telephone (202) 708-1872 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

*65. Regulation:* 24 CFR 990.109.

*Project/Activity:* Pennington County, South Dakota Housing and Redevelopment Commission (PCHRC).

*Nature of Requirement:* Under HUD's Performance Funding System (PFS) regulations at 24 CFR part 990, the energy conservation incentive that relates to energy performance contracting currently applies to only PHA-paid utilities.

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

*Date Granted:* March 2, 1998.

*Reason Waived:* The PCHRC has both PHA-paid and tenant-paid utilities. A request was made to permit the PCHRC to benefit from energy performance contracting for developments which have tenant-paid utilities. The PCHRC estimates that it could increase savings substantially if it were able to undertake energy performance contracting for both PHA-paid and tenant-paid utilities. The waiver permits the PCHRC to exclude from its PFS calculation of rental income increased rental income due to the difference between updated baseline utility allowances (before implementation of the energy conservation measures) and revised allowances (after implementation of the measures) for the project(s) involved for the duration of the contract period, which cannot exceed 12 years.

[FR Doc. 98-30124 Filed 11-9-98; 8:45 am]

BILLING CODE 4210-32-P