

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4512-N-03]

Notice of Regulatory Waiver Requests Granted

AGENCY: Office of the Secretary, HUD.

ACTION: Public notice of the granting of regulatory waivers from July 1, 1999 through September 30, 1999.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the "HUD Reform Act"), requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers it has approved. Each notice must cover the quarterly period since the most recent **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the quarter beginning on July 1, 1999 and ending on September 30, 1999.

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

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

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

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

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

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

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

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

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives issued by HUD on April 22, 1991 (56 FR 16337). This notice covers HUD's waiver-grant activity from July 1, 1999 through September 30, 1999.

For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Housing, the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the section of title 24 being waived. For example, a waiver-grant action involving the waiver of a provision in 24 CFR part 58 would come before a waiver of a provision in 24 CFR part 570.

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, 1999 through December 31, 1999.

In addition to listing the HUD waivers granted during the third quarter of 1999,

this notice corrects two typographical errors contained in HUD's **Federal Register** notice of HUD waivers granted during the second quarter of 1999 (64 FR 55378, October 12, 1999). Waiver item number 56 of that notice incorrectly identified the HUD office requesting the waiver as the "Boston Multifamily HUB." The correct office is the "Buffalo Multifamily HUB." Additionally, the prefix number of the multifamily project involved was incorrectly identified as "013-EE033." The correct prefix is "014-EE033." (See 64 FR 55386.) For the convenience of readers, this notice republishes the corrected summary as waiver action number 58 of this notice.

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

Dated: December 21, 1999.

Andrew Cuomo,
Secretary.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development, July 1, 1999 through September 30, 1999

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.

I. Waivers Granted by the Office of Community Planning and Development

For items 1 through 35, waivers for 24 CFR parts 42, 91, 92, 576, and 582, contact: Cornelia Robertson-Terry, Office of Community Planning and Development, 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.

1. Regulation: 24 CFR 42.375.

Project/activity: The State of Ohio requested this waiver for four of its grantees: Jackson City, Salisbury Township (Meigs County), Lawrence County, and Ripley Village (Brown County).

Nature of requirement: HUD's regulation at 24 CFR 42.375 requires 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: Cardell Cooper, Assistant Secretary for Community Planning and Development.

Date granted: July 30, 1999

Reasons waived: HUD determined that there was good cause for the waiver. The waiver was granted under the authority of Title II, Chapter 10 of the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters and for Overseas Peacekeeping Efforts, Including Those in Bosnia (Public Law 105-18, 111 Stat. 199). This action was taken so that acquisition of properties and relocation of persons out of the flood plain may be accomplished.

2. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Tulare, California requested a waiver of the submission date for the City's CDBG Performance Annual Evaluation Report (CAPER).

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

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

Date granted: September 23, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City's financial accounting system experienced a system failure and all financial data was temporarily inaccessible.

3. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Baltimore, Maryland requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 23, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City's accounting system did not provide expenditure data in time for the City to complete the CAPER before the deadline. Additionally, more than 1000 CDBG activities were initiated prior to HUD's implementation of IDIS, which resulted in additional staff time devoted to updating and closing out these activities in IDIS, including a review of all financial accounts supporting these activities.

4. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Bellflower, California requested a

waiver of the submission date for the City's CAPER.

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

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

Date granted: September 23, 1999.

Reasons waived: HUD determined that there was good cause for the waiver due to the departure of two City employees directly responsible for this assignment.

5. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Lakewood, California requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 23, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The staff member responsible for this assignment was on sick leave. It would have been a financial hardship for the City to hire and train a staff person to prepare this report in the absence of the official on sick leave.

6. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Johnson City, Tennessee requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 23, 1999.

Reasons waived: HUD determined that there is good cause for the waiver. The City's financial accounting system has not been fully implemented. In addition, the City must submit its financial records to auditors and hold public hearings.

7. Regulation: 24 CFR 91.520(a).

Project/activity: The County of Baltimore, Maryland requested a waiver of the submission date for the County's CAPER.

Nature of requirement: HUD's regulation at 24 CFR 91.520(a) requires

each grant recipient to submit a performance report to HUD within 90 days after the close of the grantee's program year.

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

Date granted: September 24, 1999.

Reasons waived: HUD determined that there was good cause for the waiver due to the workload demand created by HUD's request that the County staff review HOME program data in IDIS.

8. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Lompoc, California requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 24, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City's Finance Department was not able to provide a complete expenditure report through June 30, 1999. In addition, the City's Community Development Program has experienced a staff shortage because of an extended delay in filling the position of Grant Record Technician.

9. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Bristol, Virginia requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City experienced recent personnel changes. In addition, the City's financial data system has experienced network problems and the City is in the process of re-entering data that was lost. The financial data is needed to prepare the CAPER.

10. Regulation: 24 CFR 91.520(a).

Project/activity: The cities of Jacksonville, Wilmington, Goldsboro, Greenville, and Rocky Mount, North Carolina requested a waiver of the submission date for their CAPER.

Nature of requirement: HUD's regulation at 24 CFR 91.520(a) requires each grant recipient to submit a

performance report to HUD within 90 days after the close of the grantee's program year.

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The five cities requested an extension because the completion of the CAPER reports have been delayed due to the damage and flooding caused by Hurricane Floyd.

11. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Charlotte, North Carolina requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City was delayed in preparing its report because of recent post-HUD monitoring activities and other major project demands. The waiver will provide time for citizens to review and comment on the final CAPER before its submission to HUD.

12. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Irvine, California requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City has implemented a new financial system and has only recently been able to reconcile its financial data with data recorded in IDIS.

13. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Asbury Park, New Jersey requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City's program monitor/data technician recently departed and the remaining staff do not have experience with preparing the performance report using IDIS. The new program monitor did not receive her security access to IDIS in sufficient time to allow her to complete the report by the deadline.

14. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Fort Smith, Arkansas requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City requested additional time to correct data in IDIS and allow for public comment on the CAPER prior to submission to HUD.

15. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Charlottesville, Virginia requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City experienced a recent loss of key experienced staff members.

16. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Irvington, New Jersey requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the

waiver. The staff person who prepared the report is out of the office and was unable to complete the report before her scheduled leave.

17. Regulation: 24 CFR 91.520(a).

Project/activity: The City of St. Cloud, Minnesota requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City did not receive its performance data from the non-profit sub-recipients that were assisted last year. As a result, the City was not able to meet the publication and public comment requirements before the deadline.

18. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Nashua, New Hampshire requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The extension was needed due to recent personnel changes in the community development staff and technical problems with IDIS.

19. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Portsmouth, Virginia requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for granting the waiver. The City staff that prepare the CAPER have been involved in resolving monitoring and audit issues. Further, the City experienced extensive damage as a result of Hurricane Floyd.

20. Regulation: 24 CFR 91.520(a).
Project/activity: The City of Alhambra, California requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City needs additional time for the new Assistant City Manager to learn the CAPER reporting requirements.

21. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Oakland, California requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City recently experienced a reorganization of its Housing and Community Development Division.

22. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Union City, New Jersey requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City recently replaced the computer which contained HUD's Community 2020 software as well as the CAPER and IDIS data. The workload associated with backing up and replacing the information within those systems prevented the City from submitting the report before the deadline.

23. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Elizabeth, New Jersey requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City staff members who normally prepare the report were temporarily re-assigned to work on job training and implementation requirements for a CDBG-funded economic development project.

24. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Norwalk, California requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City needs additional time to meet the public comment period.

25. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Virginia Beach, Virginia requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City was delayed by Hurricanes Floyd and Dennis.

26. Regulation: 24 CFR 91.520(a).

Project/activity: The Town of Islip, New York requested a waiver of the submission date for the Town's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The Director of the Town's Community Development Agency has been incapacitated for an extended period of time. This person plays an integral role in the preparation of the CAPER.

27. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Bridgeport, Connecticut requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City experienced difficulty in extracting financial data from the internal information technology system. This data is used to complete the CAPER.

28. Regulation: 24 CFR 91.520(a).

Project/activity: Jefferson County, Kentucky requested a waiver of the submission date for the County's CAPER.

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

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

Date granted: September 28, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The extension is needed because the County has experienced recent personnel changes and has limited staff.

29. Regulation: 24 CFR 91.520(a).

Project/activity: The City of Florissant, Missouri requested a waiver of the submission date for the City's CAPER.

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

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

Date granted: September 29, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. The City has a new director and

the director is not familiar with IDIS. The new director did not join the staff until August 23, 1999 and the CAPER report was due August 31, 1999.

30. Regulation: 24 CFR 92.205(c) and 92.251.

Project/activity: The City of Oklahoma City, Oklahoma requested waivers of the HOME program requirements regarding property standards and the minimum amount of assistance that may be invested in a project.

Nature of requirement: Section 92.205(c) requires that the minimum amount of HOME funds that may be invested in a project is an average of \$1,000 per unit. Section 92.251 of the HOME program regulations requires that housing units assisted with HOME fund meet certain property standards.

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

Date granted: August 27, 1999.

Reasons waived: Oklahoma City was declared a disaster area pursuant to Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. HUD determined that there was good cause for the waiver since this will allow the City to assist homeowners by granting HOME funds to pay for emergency repair costs.

31. Regulation: 24 CFR 92.216(a).

Project/activity: The State of Kansas requested a waiver of the HOME Program income targeting requirements.

Nature of requirement: Section 214(1)(A) of the National Affordable Housing Act (NAHA) and its implementing regulations at 24 CFR 92.216(a) require that, for each allocation of HOME funds received by a participating jurisdiction, 90 percent of the families assisted through rental housing (*i.e.*, occupying HOME-assisted rental housing units or receiving HOME-funded tenant-based rental) must have incomes that do not exceed 60 percent of the median family income for the area.

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

Date granted: July 30, 1999.

Reasons waived: Sedgwick County sustained substantial damage to its housing stock as a result of tornadoes on May 3, 1999. Section 290 of NAHA allows HUD the authority to suspend statutory requirements of the HOME program to address damage in an area for which the President has declared a disaster under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

32. Regulation: 24 CFR 576.21.

Project/activity: The City of Knoxville, Tennessee requested a

waiver of the Emergency Shelter Grant (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: Cardell Cooper, Assistant Secretary for Community Planning and Development.

Date granted: July 30, 1999.

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 only eligible activity for which 1999 ESG funds would be used will be funded by the City through its Rental Rehabilitation Program. The City's April 15th letter clearly demonstrates that support services are a major gap in Knoxville's Continuum of Care Gap Analysis.

33. Regulation: 24 CFR 576.21.

Project/activity: The City of Fall River, Massachusetts requested a waiver of the 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: Cardell Cooper, Assistant Secretary for Community Planning and Development.

Date granted: August 10, 1999.

Reasons waived: HUD may waive this provision if the grantee demonstrates that other eligible activities under the program are already being carried out in the locality with other resources. The City certified that other eligible activities under the program are already being undertaken by the City with other resources.

34. Regulation: 24 CFR 576.35(b)(2).

Project/activity: The City of Minneapolis requested an extension of the 24-month expenditure deadline.

Nature of requirement: The ESG regulation at 24 CFR 576.35(b)(2) requires grantees to expend ESG funds within 24 months of the date of the grant award by HUD.

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

Date granted: July 16, 1999.

Reasons waived: Based on information in a letter from the City, dated May 14, 1999, HUD determined that there was good cause for granting the waiver. The Turning Point project was not able to secure the required matching funds until February 18, 1999 in order to proceed. Turning Point anticipates that its portion of the project will be expended in three months.

35. Regulation: 24 CFR 582.105(e).

Project/activity: The City of Longview, Texas requested a waiver of the eight percent administrative cap for its 1993 Shelter Plus Care grant.

Nature of requirement: This provision caps administrative expenses for Shelter Plus Care program grants at eight percent.

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

Date granted: August 10, 1999.

Reasons waived: HUD determined that there was good cause for the waiver. By raising the cap, the City will be able to continue to administer the grant for the entire projected term of the extension. The City will be allowed to use 13.36% of its grant for administrative expenses and the grant period will be extended to June 30, 2004.

II. Regulatory Waivers Granted by the Office of Housing

For item 36, waiver granted for 24 CFR part 207, contact: James B. Mitchell, Eastern and Atlantic Servicing Branch, Office of Portfolio Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, 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.

36. Regulation: 24 CFR 207.259.

Project/activity: Temple Courts Apartments.

Nature of requirement: HUD regulations prohibit payment of a fee to a Housing Authority other than for actual expenses of a bond refunding transaction.

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

Date granted: July 26, 1999.

Reasons waived: HUD determined that there was good cause to grant the waiver. The waiver was granted to assure bond purchasers that the project will not be disadvantaged in the event of an insurance claim by reason of its status as a Section 241 insured project.

For item 37, waiver granted for 24 CFR part 291, contact: Joe McCloskey, Director, Asset Management Division, Office of Insured Single Family Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 9286, Washington, DC 20410; telephone: (202) 708-1672 (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.

37. Regulation: 24 CFR 291.210(a).

Project/activity: Waiver of the requirement of 24 CFR 291.210(a) to provide authority for governmental entities and private nonprofit organizations to purchase HUD-owned single family properties offered with mortgage insurance on a direct sales basis and to provide discounts of 50 percent for use in the Teacher Next Door Initiative.

Nature of requirement: The HUD regulations at 24 CFR part 291 permit direct sales at deep discounts off the list price of properties sold without mortgage insurance to governmental entities and private nonprofit organizations for use in HUD and local housing or homeless programs. Based on HUD's experience with Real Estate Owned (REO) sales, it would not be detrimental to the insurance fund to permit governmental entities school districts and private nonprofit organizations to purchase properties offered with mortgage insurance on a direct sales basis or to provide discounts of 50 percent on properties sold for use in the Teacher Next Door Initiative.

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

Date granted: July 26, 1999.

Reasons waived: Approving the waiver enables governmental entities school districts and nonprofit organizations the opportunity to fully participate in the Teacher Next Door Initiative by purchasing properties eligible for mortgage insurance at a 50 percent discount for resale to teachers.

For items 38 through 57, waivers granted for 24 CFR part 891, contact: Willie Spearmon, Director, Office of Business Projects, U.S. Department of Housing and Urban Development, 451 Seventh Street SW, Room 6134, Washington, DC 20410-7000; telephone:

(202) 708-3000 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-977-8391.

38. Regulation: 24 CFR 891.100(d).

Project/activity: Presidential Place, Cranston, Rhode Island (Project Number: 016-EE027/RI43-S981-001).

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

Date granted: July 26, 1999.

Reason waived: HUD determined that there was good cause to grant this waiver. Additional funds were needed because of higher development costs attributed to a sewer impact fee, a substantial ejector pump and a lift station.

39. Regulation: 24 CFR 891.100(d) and 891.165.

Project/activity: Woodgrove Apartments, Knoxville, Tennessee (Project Number: 087-HD033-NP-CMI/TN37-Q961-004).

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. The regulation at § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: July 26, 1999

Reason waived: The waivers were approved because the project was delayed due to site changes caused by community opposition. Additional funds were required as a result of the contractors' bids exceeding the capital advance amount due to bad soil, rocks, and certain site requirements imposed by the city.

40. Regulation: 24 CFR 891.100(d).

Project/activity: Options Supported Housing IV, Ronkonkoma, New York (Project Number: 012-HD072/NY36Q971001); Project Share VI, Port

Jefferson, New York (Project Number: 012-HD074/NY36Q971003).

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

Date granted: August 24, 1999.

Reason waived: The capital advances issues at the fund reservation stage did not reflect the higher costs to develop projects within the New York metropolitan area.

41. Regulation: 24 CFR 891.100(d).

Project/activity: Jackson Supportive Development, Jackson, Mississippi (Project Number: 065-HD-10/MS26-Q971-002).

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

Date granted: September 3, 1999.

Reason waived: Additional funds were needed for project feasibility and the Sponsors could not raise any additional funds nor did they have the capacity to provide the funds.

42. Regulation: 24 CFR 891.100(d) and 891.165.

Project/activity: Mt. Zion Baptist Church, St. Louis, Missouri (Project Number: 085-EE038/M036-S971-005).

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. The regulation at § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: September 3, 1999.

Reason waived: The Sponsor/Owner has taken all reasonable measures to

reduce project cost by competitively bidding the project. Further, the Sponsor/Owner has incurred additional project costs due to HUD error, and has no other funds available to cover the shortfall in project development costs. Additional time was needed for the project to reach initial closing due to a HUD processing error.

43. Regulation: 24 CFR 891.100(d).
Project/activity: River View Manor, Inc., Blairsville, Georgia (Project Number: 061-HD052-WDD/GA06-Q961-007).

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

Date granted: September 22, 1999.

Reason waived: The Owner had taken all reasonable measures to reduce project cost and had no other funds available to cover the shortfall in the cost to develop the project.

44. Regulation: 24 CFR 891.165.
Project/activity: Kittery Housing, Kittery, Nebraska (Project Number: 024-HDO22/ME36-Q961-001).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: July 2, 1999.

Reason waived: HUD needed additional time to review the initial closing documents and to schedule a closing.

45. Regulation: 24 CFR 891.165.
Project/activity: Jackson Place Red Bluff, Tehama County, California (Project Number: 136-HDO09-NP-WDO/CA30-Q961-002).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to

24 months, as approved by HUD on a case-by-case basis.

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

Date granted: July 14, 1999.

Reason waived: There were unforeseen delays and the Sponsors encountered cost problems that had to be resolved.

46. Regulation: 24 CFR 891.165.
Project/activity: Cross Lanes Unity Apartments, Inc., Cross Lanes, West Virginia (Project Number: 045-EE009-CA/WV15-S961-001).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: July 14, 1999.

Reason waived: Delays occurred while the Owner was identifying additional funding sources to make the project feasible.

47. Regulation: 24 CFR 891.165.
Project/activity: Jefferson Cottage, Inc., Martinsburg, Virginia, (Project Number: 045-HDO21-CA/WV15-Q961-031).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: July 14, 1999.

Reason waived: Owner encountered significant delays with the County Planning Commission in regard to subdivision approval.

48. Regulation: 24 CFR 891.165.
Project/activity: Haledon Consumer Home, Haledon, New Jersey (Project Number: 031-HD075/NJ39-Q91-015).

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 § 891.165 provides that the duration of the fund reservation for a capital

advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: July 26, 1999.

Reason waived: HUD required additional time in order to close the project.

49. Regulation: 24 CFR 891.165.
Project/activity: B'nai B'rith, New Haven, Conn. (Project Number: 017-EE029); C.I.B. West Hartford, Conn. (Project Number: 017-HD016).

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

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Date granted: August 3, 1999

Reason waived: Delays were caused by the City's reluctance to issue a building permit for B'nai B'rith and HUD's delayed approval of additional funds. C.I.B. West Hartford's project was delayed because of extensive legal work required to resolve provisions of the condominium Declarations/Bylaws which were in conflict with the requirements of the Section 811 program.

50. Regulation: 24 CFR 891.165.
Project/activity: BCLT, Burlington, Vermont (Project Number: 024-HD024/VT36Q961001); Randolph Neighborhood, Randolph, Vermont (Project Number: 024-EE034/VT36S961002).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: August 24, 1999.

Reason waived: BCLT's delay in the submission of the firm application is primarily attributed to time needed to negotiate with the general contractor regarding the contract price. Randolph

Neighborhood's delay in closing is due to their efforts to identify other sources of funds needed to meet their cash requirement.

51. Regulation: 24 CFR 891.165.

Project/activity: Anointed Acres Housing Development, Greensboro, North Carolina (Project Number: 053-EE069/NC19-S971-002).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: August 24, 1999.

Reason waived: Additional time was required for the owner to amend its firm commitment application and to resolve a title problem.

52. Regulation: 24 CFR 891.165.

Project/activity: Ralston Mercy Douglas House, Philadelphia, Pennsylvania (Project Number: 034-EE061/PA26-S961-005).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: September 3, 1999.

Reason waived: Additional time was needed by HUD to review the closing documents.

53. Regulation: 24 CFR 891.165.

Project/activity: Summerdale Court, Clariton, Allegheny County, Pennsylvania (Project Number: 033-HD039/PA28Q971001).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: September 10, 1999.

Reason waived: Delays were caused as a result of the Sponsor's request for zoning variances, and the resulting from the adjacent property owners.

54. Regulation: 24 CFR 891.165.

Project/activity: Citrus Gardens, Orlando, Orange County, Florida (Project Number: 067-EE082/FL29-S971-008); Goodwill Industries, St. Petersburg, Florida (Project Number: 067-HD054/FL29-Q971-008); Bethel Towers, Tallahassee, Florida (Project Number: 067-EE016/FL29-S971-002); Cape Coral Home, Cape Coral, Florida (Project Number: 066-HD038/FL29-Q971-005); Matthew's Corner, Tampa, Florida (Project Number: 067-HD053/FL29-Q971-007).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: September 13, 1999

Reason waived: Citrus Gardens experienced delays due to deficiencies in their Firm Commitment Application and their efforts to resolve issues with the City of Orlando in order to obtain a building permit. Bethel Towers' delays were caused by efforts to correct deficiencies in the Firm Commitment Application including resolving a cash shortage. Goodwill Industries' closing has been delayed because they were forced to seek an alternate site. Cape Coral Home's delays have been caused by their inexperience with development activities and the General Contractor having revised his cost. Matthew's Corner delays occurred as the Owner tried to obtain approval from the City of Tampa for the project to have access from the road, and in obtaining a clarification of the site's legal description.

55. Regulation: 24 CFR 891.165.

Project/activity: VOA Riverside 10, Fort Worth, Texas (Project Number: 113-HD015-WPD/TX21-Q971-001).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to

24 months, as approved by HUD on a case-by-case basis.

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

Date granted: September 22, 1999.

Reason waived: Delays occurred because the owner was forced to change sites. The change in sites was necessary because the owner was not able to obtain proper zoning due to neighborhood opposition.

56. Regulation: 24 CFR 891.165.

Project/activity: ARC Housing, Milwaukee, Wisconsin (Project Number: 075-HD049-WDD/W139-Q961004).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: September 22, 1999.

Reason waived: Project has not closed due to architectural problems that have to be resolved.

57. Regulation: 24 CFR 891.165.

Project/activity: Royale Gardens Residences, Chicago, Illinois (Project Number: 071-EE125/IL06-S961-016).

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 § 891.165 provides that the duration of the fund reservation for a capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

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

Date granted: September 23, 1999.

Reason waived: Additional time is needed for the Sponsor to secure secondary financing to cover additional construction costs.

For item 58, waiver granted for 24 CFR part 891, contact: Frank W. Parker, Eastern and Atlantic Servicing Branch, Office of Portfolio Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-3730. Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

58. Regulation: 24 CFR 891.205 and 410(c).

Project/activity: The Buffalo Multifamily HUB requested an age waiver for the Henderson School Apartments, Henderson, New York, Project Number: 014-EE033/NY-06-S921-011.

Nature of requirement: 24 CFR 891.205 defines the term "Elderly person" as a household of one or more persons at least one of whom is 62 years of age at the time of initial occupancy.

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

Date granted: June 30, 1999.

Reasons waived: The waiver was granted because of sustained high vacancy rates and indications of a soft market for VLI families in the area. The admission income limits were requested to be changed from 50 percent of median income (VLI) to 80 percent of median (LI) to sustain occupancy and maintain project viability.

III. Waivers Granted by the Office of Public and Indian Housing

For items 59 through 63, waivers granted for 24 CFR part 761, contact: Sonia Burgos, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4206, Washington, DC 20410; telephone (202) 708-1197 (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.

59. Regulation: 24 CFR 761.30(b).

Project/activity: Alma City Housing Authority; Public Housing Drug Elimination Program (PHDEP) Grant #GA06DEP1330196.

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

Date granted: July 9, 1999.

Reason waived: The housing authority has experienced changes in administrative personnel, including the Executive Director. These changes caused a reduced staff. Because of this, drawdowns were not made in a timely manner from the Line of Credit and Control system.

60. Regulation: 24 CFR 761.30(b).

Project/activity: Calhoun Housing Authority; Public Housing Drug

Elimination Program (PHDEP) Grant #GA06DEP1190197.

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

Date granted: July 12, 1999.

Reason waived: The housing authority requested a six month extension on the ending date of the grant with no changes in the budget line items, to expend funds that would pay salaries at a Day Care Center and the After School Program. HUD determined there was good cause to grant this waiver of the regulation.

61. Regulation: 24 CFR 761.30(b).

Project/activity: Springfield Metropolitan Housing Authority; Public Housing Drug Elimination Program (PHDEP) Grant #OH16DEP02100196.

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

Date granted: August 12, 1999.

Reason waived: The PHA experienced poor management and was placed on the troubled list. New management and a new Board of Commissioners have taken over and are working to correct these problems. The PHA requested to reprogram PHDEP funds for law enforcement activity.

62. Regulation: 24 CFR 761.30(b).

Project/activity: Romulus Housing Commission; Public Housing Drug Elimination Program (PHDEP) Grant #MI28DEP0720197.

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

Date granted: August 13, 1999.

Reason waived: The PHA grant coordinator left for another job and did

not inform the PHA of this. The Executive Director of the PHA attempted to manage the grant. However, her workload inhibited this activity. The security lighting equipment was not obtained in a timely fashion and the original budget for the security lighting was underestimated. The PHA requested a budget revision to fund the security lighting.

63. Regulation: 24 CFR part 761.

Project/activity: Public Housing Drug Elimination Program (PHDEP) Grant #CA01DEP0010198.

Nature of requirement: Waiver of 24 CFR part 761 relative to Law Enforcement Service Agreement and Policy Manual.

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

Date granted: September 17, 1999.

Reason waived: The PHA has not successfully executed a written Memorandum of Understanding between the local police department and a private security contractor. The PHA utilizes a pool of private security contractors who are governed by State Law in lieu of individual policy manuals, which is peculiar to California.

For Item 64, waiver granted for 24 CFR Part 982, contact: Gerald Benoit, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4210, Washington, DC 20410; telephone (202) 708-0477 (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.

64. Regulation: 24 CFR 982.303(b)(1).

Project/activity: Housing Authority of El Dorado County, California; Section 8 Rental Voucher Program.

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

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

Date granted: September 16, 1999.

Reason waived: Approval of the waiver provided the voucher holder an additional 60 days to seek housing due to a lease-up delay.

For Item 65, waiver granted for 24 CFR part 990, contact: Joan DeWitt, Director, Funding and Financial Management Division, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4216,

Washington, DC 20410; telephone (202) 708-1872 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

65. Regulation: 24 CFR 990.107(f) and 990.109.

Project/activity: Housing Authority of Elgin, IL.

Nature of requirement: Under 24 CFR 990, the Performance Funding System (PFS) energy conservation incentive that relates to energy performance contracting currently applies to only PHA-paid utilities. The Housing Authority of Elgin has both PHA-paid and tenant-paid utilities. A request was made to permit the Authority to benefit from energy performance contracting for developments which have tenant-paid utilities. The PHA estimates that it could increase savings substantially if it were able to undertake energy performance contracting for both PHA-paid and tenant-paid utilities.

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

Date granted: July 20, 1999.

Reason waived: In September 1996, the Oakland Housing Authority was granted a waiver to permit the Authority to benefit from energy performance contracting for developments with tenant-paid utilities. The waiver was granted on the basis that the Authority presented a sound and reasonable methodology for doing so. The Housing Authority of Elgin requested a waiver based on the same approved methodology. The waiver permits the PHA to exclude from its PFS calculation of rental income, increased rental income due to the difference between updated baseline utility (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.

For items 66 through 71, waivers granted for 24 CFR part 1000, contact: Tracy Outlaw, National Office of Native American Programs, U.S. Department of Housing and Urban Development, 1999 Broadway, Suite 3390, 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.

66. Regulation: 24 CFR 1000.214.

Project/activity: A request was made by the Santee Sioux Tribe (SST) to accept the late submittal of the Indian

Housing Plan (IHP) from the SST for processing.

Nature of requirement: IHPs must initially be sent by the recipient to the Area ONAP no later than July 1.

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

Date granted: August 11, 1999.

Reason waived: Rain and severe flooding created an emergency situation on the reservation and every available person from the tribe was needed to assist fellow tribal members. Neither the tribe nor the housing authority held meetings during that time and, therefore, the IHP could not be reviewed and approved.

67. Regulation: 24 CFR 1000.214.

Project/activity: A request was made by the Pit River Tribe to accept the late submittal of the IHP from the Pit River Tribe for processing.

Nature of requirement: IHPs must initially be sent by the recipient to the Area ONAP no later than July 1.

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

Date granted: August 11, 1999.

Reason waived: Pit River is a small tribe in California that has experienced difficulty in understanding the requirements of NAHASDA and feels that the information provided has been confusing and has caused misunderstanding about the Tribal calendar year versus HUD's fiscal year (FY). Therefore, the tribe submitted its Annual Performance Report (APR) instead of the IHP with the presumption that the requirements had been met.

68. Regulation: 24 CFR 1000.214.

Project/activity: A request was made by the Paskenta Band of Nomlaki Indians to accept the late submittal of the IHP from the Paskenta Band of Nomlaki Indians for processing.

Nature of requirement: IHPs must initially be sent by the recipient to the Area ONAP no later than July 1.

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

Date granted: August 11, 1999.

Reason waived: The Paskenta band of Nomlaki Indians is a small tribe that relied on a consultant to submit its IHP this Fiscal Year. The tribe received assurance from the consultant that the IHP would be submitted by the deadline. However, the tribe was unaware that the IHP was submitted after the deadline until receiving a call from the Southwest ONAP.

69. Regulation: 24 CFR 1000.214.

Project/activity: A request was made by the Cortina Band of Indians to accept the late submittal of the IHP from the Cortina Band of Indians for processing.

Nature of requirement: IHPs must initially be sent by the recipient to the Area ONAP no later than July 1.

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

Date granted: August 11, 1999.

Reason waived: the Cortina Band informed the Southwest ONAP that the water heater in the tribal office broke in the middle of the night and flooded the office and damaged books and records. All the work that was done to prepare the IHP was destroyed. The documents were re-created as quickly as possible, but had to be submitted late.

70. Regulation: 24 CFR 1000.214.

Project/activity: A request was made by the Nottawaseppi Huron Band of Potawatomi (NHBP) for the Department to accept the late submittal of the IHP from the NHBP for processing.

Nature of requirement: IHPs must initially be sent by the recipient to the Area ONAP no later than July 1.

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

Date granted: August 27, 1999.

Reason waived: Two factors contributed to the failure of the NHBP in submitting the IHP in a timely manner: (1) The tribal government and housing authority have been undergoing changes and a reorganization; and (2) the housing authority has only one full-time staff person affecting the ability of the recipient to meet all new NAHASDA requirements.

71. Regulation: 24 CFR 1000.327(b).

Project/activity: A request was made by the Aniak Native Community to waive the tribe/Tribally Designated Housing Entity (TDHE) regulatory notification requirement so that it could submit an IHP to receive formula funding for Fiscal Year 1998. The tribe was undergoing a transition in leadership and tribal members were at the peak of subsistence activities which delayed their preparation and submission of an IHP.

Nature of requirement: The regulation establishes the deadline for notification on whether an IHP will be submitted.

By September 15 of each year, each Indian tribe in Alaska not located on a reservation, including each Alaska Native Village, regional Indian tribe, and regional corporation, or its TDHE must notify HUD in writing whether it or its TDHE intends to submit an IHP.

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

Date granted: July 20, 1999.

Reason waived: Based on the information and the documentation that was received, the Department believed

that there was good cause to waive the
notification requirements of 24 CFR
1000.327(b).

[FR Doc. 99-33675 Filed 12-27-99; 8:45 am]

BILLING CODE 4210-32-P