

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Office of the Secretary

[FR-3864-N-01]

**Notice of Regulatory Waiver Requests
Granted**

AGENCY: Office of the Secretary, HUD.

ACTION: Public Notice of the Granting of Regulatory Waivers. Request: October 1, 1994 through December 31, 1994.

SUMMARY: Under the Department of Housing and Urban Development Reform Act of 1989 (Reform Act), the Department (HUD) is required to make public all approval actions taken on waivers of regulations. This notice is the sixteenth 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; TDD: (202) 708-3259. (These are not toll-free numbers.) For information concerning a particular waiver action, about 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 action.

SUPPLEMENTARY INFORMATION: As part of the Housing and Urban Development Reform Act of 1989, the Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by the Department. Section 106 of the Act (Section 7(q)(3)) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(q)(3), 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 the Department 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 also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purposes of today's document.

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives Issued by HUD (56 FR 16337, April 22, 1991). This is the sixteenth Notice of its kind to be published under Section 106. It updates HUD's waiver-grant activity from October 1, 1994 through December 31, 1994.

For ease of reference, waiver requests grant 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 24.200 (involving the waiver of a provision in Part 24) would come early in the sequence, while waivers in the Section 8 and Section 202 programs (24 CFR Chapter VIII) 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 § 811.105(b) and § 811.107(a) would appear sequentially in the listing under § 811.105(b).) Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver grant action.

Should the Department 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 occur between April 1, 1995 through June 30, 1995.

Accordingly, information about approved waiver requests pertaining to regulations of the Department is

provided in the Appendix that follows this Notice.

Dated: May 22, 1995.

Henry G. Cisneros,
Secretary.

**Appendix—Listing of Waivers of
Regulatory Requirements Granted by
Officers of the Department of Housing
and Urban Development October 1,
1994 through December 31, 1994**

Note to Reader: The person to be contacted for additional information about these waiver-grant items in this listing is: James B. Mitchell, Director, Financial Services Division, Office of Housing, Department of Housing and Urban Development, 470 L'Enfant Plaza East, room 3119, Washington, DC 20024, Phone: (202) 755-7450.

1. REGULATION: 24 CFR Sections 811.106(d) and 811.107(d) of 1977 Regulations.

PROJECT/ACTIVITY: The Louisville Housing Authority refunding of bonds which financed an uninsured Section 8 assisted project, Carrousel Apartments, Project Number 083-35365.

NATURE OF REQUIREMENT: The Regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-FHA Commissioner

DATE GRANTED: December 28, 1994

REASONS WAIVED: The Part 811 regulations cited were intended for original bond financing transactions and do not fit the terms of refunding transactions. This refunding proposal was approved by HUD on December 1, 1994. Refunding bonds have been priced to an average yield of 7.49%. The tax-exempt refunding bond issue of \$6,120,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11%-12% at the call date in 1994 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the mortgage interest rate at expiration of the HAP contract from 12% to 8.28%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower income families after subsidies expire, a priority HUD objective.

2. REGULATION: 24 CFR Sections 811.106(d) and 811.107(d) of 1977 Regulations.

PROJECT/ACTIVITY: Cuyahoga Metropolitan (Ohio) HA refunding of bonds which financed an uninsured Section 8 assisted project: Ambleside Elderly Apartments, HUD Project Number OH16-0013-012, in Cleveland, Ohio.

NATURE OF REQUIREMENT: The Regulations set conditions under which HUD may grant a Section 11(b) letter of exemption

of multifamily housing revenue bonds from Federal income taxation.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-FHA Commissioner

DATE GRANTED: December 28, 1994

REASONS WAIVED: The Part 811 regulations cited above prohibited refundings and required that excess reserve balances be used for project purposes. The issuer has requested HUD permission to release excess reserve balances from the 1977 Trust Indenture for use in providing newly constructed or rehabilitated housing for low-income families. Issuance of 1994 refunding bonds under Section 103 of the Tax Code will not reduce project debt service nor generate Section 8 savings. The Housing Authority will agree to extend low-income occupancy in this project for 10 years after expiration of the Housing Assistance Payments Contract.

3. REGULATION: 24 CFR Sections 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

PROJECT/ACTIVITY: Cuyahoga County (Ohio) Metropolitan Housing Authority refunding of bonds which financed Section 8 assisted projects, Rock Glen and Chester Village Apartments (FHA No. 042-35394 and 042-35407).

NATURE OF REQUIREMENT: The Regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner

DATE GRANTED: October 19, 1994

REASONS WAIVED: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on October 12, 1994. Refunding bonds have been priced to an average yield of 7.12%. The tax-exempt refunding bond issue of \$3,110,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 9.25%–10.5% at the call date with tax-exempt bonds yielding 7.12%. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract from 10.5% and 9.75% to 8.5% and 7.25%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

4. REGULATION: 24 CFR Sections 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

PROJECT/ACTIVITY: Berne, Indiana, HDC refunding of bonds which financed Section 8 assisted project, the Swiss Meadows Apartments (FHA No. 073-35378).

NATURE OF REQUIREMENT: The Regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner

DATE GRANTED: October 24, 1994

REASONS WAIVED: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on September 8, 1994. Refunding bonds have been priced to an average yield of 7.45%. The tax-exempt refunding bond issue of \$1,875,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10¼% at the call date with tax-exempt bonds yielding 7.45%. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract from 10.5% and 8.3%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

5. REGULATION: 24 CFR Sections 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

PROJECT/ACTIVITY: Greensboro, North Carolina HDC refunding of bonds which financed two Section 8 assisted projects, Gatewood Manor Apartments, FHA No. 053-35404 and Laurence Manor, FHA No. 053-35427.

NATURE OF REQUIREMENT: The Regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner

DATE GRANTED: October 25, 1994

REASONS WAIVED: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 23, 1994. Refunding bonds have been priced to an average yield of 6.65%. The tax-exempt

refunding bond issue of \$1,910,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.8% at the call date in 1994 with tax-exempt bonds yielding 6.65%. The refunding will also substantially reduce project debt service at expiration of the HAP contracts, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower income families after subsidies expire, a priority HUD objective.

6. REGULATION: 24 CFR Sections 811.107(a)(2), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

PROJECT/ACTIVITY: The Housing Finance Corporation of Paterson, New Jersey refunding of bonds which financed a Section 8 assisted project, Aspen-Hamilton Apartments, FHA No. 031-35233.

NATURE OF REQUIREMENT: The Regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner

DATE GRANTED: October 25, 1994

REASONS WAIVED: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 9, 1994. Refunding bonds have been priced to an average yield of 7.25%. The tax-exempt refunding bond issue of \$3,175,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.5% at the call date in 1994 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract from 10.75% to 7.9%, thus reducing FHA mortgage insurance risk, and will provide funds of \$50,000 for project repairs. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

7. REGULATION: 24 CFR Sections 811.107(a)(2), 811.107(b), 811.108(A)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

PROJECT/ACTIVITY: The Akron (Ohio) Metropolitan Housing Authority refunding of bonds which financed a Section 8 assisted project, Briarwood Estates Apartments, FHA No. 042-35337.

NATURE OF REQUIREMENT: The Regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner

DATE GRANTED: November 10, 1994

REASONS WAIVED: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 23, 1994. Refunding bonds have been priced to an average yield of 7.19%. The tax-exempt refunding bond issue of \$3,750,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 9.5% at the call date in 1994 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract from 9.375% to 6.52%, thus reducing FHA mortgage insurance risk, and will provide funds of \$44,544 for project repairs. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

8. REGULATION: 24 CFR Sections 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

PROJECT/ACTIVITY: The Raleigh (North Carolina) Housing Authority refunding of bonds which financed a Section 8 assisted project, Pine Village Apartments FHA No. 053-35551.

NATURE OF REQUIREMENT: The Regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner

DATE GRANTED: November 16, 1994

REASONS WAIVED: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on February 7, 1994. Refunding bonds have been priced to an average yield of 7.41%. The tax-exempt refunding bond issue of \$1,300,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax

revenue benefits through replacement of outstanding tax-exempt coupons of 10.45% at the call date in 1994 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract from 10.73% to 7.9%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

9. REGULATION: 24 CFR Sections 811.107(a)(2), 811.107(b), 811.108(A)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

PROJECT/ACTIVITY: The Elizabeth City (North Carolina) Housing Authority refunding of bonds which financed a Section 8 assisted project, Virginia Dare Apartments (FHA No. 053-35371).

NATURE OF REQUIREMENT: The Regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner

DATE GRANTED: December 27, 1994

REASONS WAIVED: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on December 20, 1994. Refunding bonds have been priced to an average yield of 7.11%. The tax-exempt refunding bond issue of \$2,150,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.9% at the call date in 1994 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 12% to 7.87%, thus reducing FHA mortgage insurance risk, and will provide funds of \$198,000 for project repairs. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

10. REGULATION: 24 CFR Sections 811.107(a)(2), 811.107(b), 811.108(A)(1), 811.108(a)(3), 811.114(b)(3), 811.114(d), 811.115(b).

PROJECT/ACTIVITY: The Erie County (Pennsylvania) Housing Authority refunding of bonds which financed a Section 8 assisted project, Edinlake Apartments (FHA No. 033-35148).

NATURE OF REQUIREMENT: The Regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation and authorize call of debentures prior to maturity.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner

DATE GRANTED: December 28, 1994

REASONS WAIVED: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on December 20, 1994. Refunding bonds have been priced to an average yield of 7.15%. The tax-exempt refunding bond issue of \$1,410,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.5% at the call date in 1994 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract from 11.78% to 7.6%, thus reducing FHA mortgage insurance risk, and will provide funds of \$100,000 for project repairs. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

11. REGULATION: 24 CFR Sections 811.114(d), 811.115(b), 811.117.

PROJECT/ACTIVITY: The Housing Finance Corporation of Newark, New Jersey refunding of bonds which financed a Section 8 assisted project, Broadway Manor Apartments (FHA No. 031-35235).

NATURE OF REQUIREMENT: The Regulations set conditions under which HUD may grant a Section 11(b) letter of exemption of multifamily housing revenue bonds from Federal income taxation.

GRANTED BY: Nicolas P. Retsinas, Assistant Secretary for Housing-Federal Housing Commissioner

DATE GRANTED: November 16, 1994

REASONS WAIVED: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions under Section 103 of the Tax Code. This refunding proposal was approved by HUD on October 21, 1994. Refunding bonds have been priced to an average yield of 7.51%. The tax-exempt refunding bond issue of \$3,824,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.8% at the call date in 1994 with tax-exempt bonds at a substantially lower interest rate. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury

tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

Note to the reader: The person to be contacted for additional information about these waiver-grant items is:

Debbie Ann Wills, Field Management Officer, U.S. Department of Housing & Urban Development, Office of Community Planning and Development, 451 7th Street, S.W., Washington, D.C. 20410-7000, Telephone: (202) 708-2565.

12. REGULATION: CFR 51.102(a)(3) and 51.104(b)(2)

PROJECT/ACTIVITY: Leland Apartments a Section 811 project containing 24 units designed for the handicapped.

NATURE OF REQUIREMENT: The regulations require that for a project exposed to unacceptable noise levels an environmental impact statement must be conducted.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: October 14, 1994.

REASONS WAIVED: It was determined that the project met the requirements of Section 51.104(b)(2) of the noise regulation in that noise is the only environmental issue and no outdoor noise sensitive use will take place.

13. REGULATION: 24 CFR 91.60(c)

NATURE OF REQUIREMENT: The Assistant Secretary used the waiver authority of 24 CFR 91.99 to waive the provision of 24 CFR 91.60 (c) that requires a 30-day public comment period on the proposed CHAS for all FY 1995 New York HUD-administered Small Cities applicants.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: December 5, 1994

REASONS WAIVED: The waiver will give Small Cities applicants time to prepare the required CHAS and apply for funding under the Small Cities Program in a more timely manner.

14. REGULATION: 24 CFR 92.214(a)(8)

PROJECT/ACTIVITY: The City of Homestead, Florida requested a waiver to allow HOME funds to be used to reimburse the City's general fund for the cost of land which it had previously donated to the Homestead Housing Authority.

NATURE OF REQUIREMENT: The new regulations at 92.214(a)(8) prohibit the use of HOME funds "to pay for the acquisition of property owned by the participating jurisdiction."

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: November 18, 1994

REASONS WAIVED: The waiver was granted because the City of Homestead was in a unique situation due to Hurricane Andrew and the waiver was granted for good cause.

15. REGULATION: 24 CFR 92.216 and 24 CFR 92.252(a)(3)

PROJECT/ACTIVITY: The City of Santa Monica is requesting a waiver of 24 CFR

92.216 and 92.252(a)(3) of the HOME program regulations.

NATURE OF REQUIREMENT: The regulations at 92.216 and 92.252(a)(3) state income targeting requirements allow HOME funds to be used only in units where the occupants are or will be low-income families.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: December 27, 1994

REASON WAIVED: The City of Santa Monica determined that many of the tenants whose homes were damaged by the earthquake were low-income but not all those displaced were low-income. To further the completion of the project and to allow former tenants to return to the project the income determination requirements of the HOME program were waived.

16. REGULATION: 24 CFR 92.221(a)(3)

PROJECT/ACTIVITY: The State of California requested a waiver of the match credit under 24 CFR 92.221(a)(3).

NATURE OF REQUIREMENT: The regulations at 24 CFR 92.221(a)(3) require a match of HOME funds with local funds.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: October 14, 1994

REASON WAIVED: Good cause was found to grant a waiver of 24 CFR 92.221(a)(3) for HOME projects owned by California non-profit organizations to allow the present discounted value of the welfare tax exemption to be counted up front as match for the HOME program.

17. REGULATION: 24 CFR 92.222(b)

PROJECT/ACTIVITY: The State of Alabama requested that the match reduction made because the area was declared a natural disaster area be extended for Fiscal 1995.

NATURE OF REQUIREMENT: Under the HOME Program, each participating jurisdiction must match its allocation of HOME Program funds. Jurisdictions designated federal "natural disaster areas" are given relief from the match requirements for one year.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

REASON WAIVED: To relieve the jurisdiction of coming up with matching funds that would delay the use of HOME funds in an emergency situation.

18. REGULATION: 24 CFR 92.251(a)

PROJECT/ACTIVITY: The State of Arizona requested a waiver for Navajo County to permit rehabilitation which utilizes HOME funds, without bringing the unit into compliance with HUD housing quality standards (HQS) due to remote location and/or inaccessible utilities.

NATURE OF REQUIREMENT: Section 92.251(a) provides that housing assisted with HOME funds meet, at a minimum, HUD housing quality standards, and provides other minimum standards for substantial rehabilitation and new construction.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: November 18, 1994

REASON WAIVED: The waiver was granted because housing stock and cultural

conditions are quite different in the remote area of the Navajo County and it would be prohibitively expensive to meet HQS. This waiver applies only to those instances where rehabilitation will not bring the unit to the level of HQS requirements due to the remote location and/or inaccessibility of utilities.

19. REGULATION: 24 CFR 92.252(a)(2)

NATURE OF REQUIREMENT: Developers of the Spring Homes Project requested a waiver of the HOME Program rent limitations.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: December 27, 1994

REASONS WAIVED: The Department recognizes that a difference exists between the rent requirement of the HOME program and the project-based rent structure of the Section 811 program consequently it was determined that there was good cause to waive the 24 CFR 92.252(a)(2).

20. REGULATION: 24 CFR 92.502(g)

PROJECT/ACTIVITY: The State of Rhode Island is requesting a waiver of Section 92.502(g) of the HOME program regulations on behalf of the City of Providence.

NATURE OF REQUIREMENT: The regulations at 92.502(g) state that a State and local participating jurisdiction (PJ) may jointly fund a project within the boundaries of the PJ, however, the State must designate the local PJ as a state recipient and that recipient must set up the project on the Cash and Management Information System.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: November 17, 1994

REASONS WAIVED: Because the State is responsible for overall administration of both projects and the bulk of the financing is from the State it is more reasonable for the State to set up the project on the CMI system. It was determined that failure to grant the waiver would adversely impact the purposes of Title II of the National Affordable Housing Act.

21. REGULATION: 24 CFR 291.400

PROJECT/ACTIVITY: The Anoka County Community Action Program requested a waiver of the 24 month residency for a tenant in a single family property leased under the single family property disposition homeless program.

NATURE OF THE REQUIREMENT: The regulations at 291.400 prohibit a nonprofit organization or a community participating in the Single Family Property Disposition Leasing Program from extending a lease to the same tenant for a period beyond 24 months.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATED GRANTED: October 27, 1994

REASONS WAIVED: The waiver will allow a formerly homeless family with three minor children more time to find permanent housing.

22. REGULATION: 24 CFR 511.76(h) and 24 CFR 92.220(a)(1)(i)

PROJECT/ACTIVITY: The City of Hickory North Carolina requested a waiver of program closeout requirements of the Rental Rehabilitation program.

NATURE OF REQUIREMENT: The regulations at 24 CFR 511.76(h) and the HOME match requirements of 24 CFR 92.220(a)(1)(i) state that program income from Rental Rehabilitation grant can only be used as HOME match only after closeout of the applicable Rental Rehabilitation grant.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: November 1994

REASONS WAIVED: The North Carolina Housing Finance Agency (NCHFA), the Rental Rehabilitation grantee, had not yet met the requirements for program closeout. However, the City of Hickory, as a subrecipient of the State, has closed out all of its RRP grants and was receiving program income from them. The waiver allowed the City to use its program income to provide affordable rental housing to low-income residents.

23. REGULATION: 24 CFR 570.200(h)

PROJECT/ACTIVITY: The City of West Allis, Wisconsin requested a waiver of 24 CFR 570.200(h) regarding reimbursement of pre-agreement costs for the Veteran's Park Redevelopment Project.

NATURE OF REQUIREMENT: Under the regulations, a locality is precluded from obligating CDBG funds before grant award.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: December 6, 1994

REASONS WAIVED: HUD determined that failure to grant the waiver would cause hardship and adversely affect the purposes of the Act. The waiver of the limitations on pre-agreement costs at 24 CFR 570.200(h) will permit the reimbursement of local funds for the Veteran's Park Redevelopment Project with FY 1995 and 1996 CDBG funds.

24. REGULATION: 24 CFR 570.208(a)(3)

PROJECT/ACTIVITY: The City of Oakland, California requested a waiver of the CDBG regulations at 24 CFR 570.208(a)(3).

NATURE OF THE REQUIREMENT: The 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: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: November 18, 1994

REASONS WAIVED: The waiver would allow less than 100 percent of single family homes at a 36-unit Planned Unit Development to be sold to low- and moderate-income households. The Department has determined that the City has demonstrated that application of 24 CFR 570.208(a)(3) would create undue hardship and adversely affect the purposes of the Act because it would impose an economic hardship on low- and moderate-income buyers other than the number to be subsidized.

25. REGULATION: 24 CFR 570.208(a)(3)

PROJECT/ACTIVITY: The City of Dallas, Texas requested a waiver of the CDBG regulations at 24 CFR 570.208(a)(3)

NATURE OF REQUIREMENT: The 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: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: November 18, 1994

REASON WAIVED: The waiver would allow less than 51 percent low- and moderate-income occupancy of 3 projects rehabilitated through the Section 108 program, as long as the percentage of Section 108 funds applied to each project will not constitute a greater percentage of funds than the percentage of units occupied by low- and moderate-income households.

26. REGULATION: 24 CFR 576.55(b)

PROJECT/ACTIVITY: The City of Binghamton, New York requested a waiver of the Emergency Shelter Grants regulations at 24 CFR 576.21.

NATURE OF REQUIREMENT. The community requested a waiver of the cap of essential services placed on ESG funds.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: December 27, 1994

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 an analysis 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.

27. REGULATION: 24 CFR 576.55(b)(1)

PROJECT/ACTIVITY: The City of Cleveland Ohio requested a waiver of the Emergency Shelter Grants regulations at 24 CFR 576.55(b)(1).

NATURE OF THE REQUIREMENT: The regulations at 24 CFR 576.55(b)(1) require that the city obligate its current year's ESG grant within 180 days.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: November 18, 1994

REASONS WAIVED: The City entered into a contract with a nonprofit agency to develop a program design and business plan to implement the continuum of care approach to serving the homeless. Budgetary details of the contract were not finalized by the end of the obligation deadline. HUD determined that enforcing the regulatory requirements would cause undue hardship on the grantee and adversely affect the purposes of the ESG program.

28. REGULATION: 24 CFR 576.55(b)(1) and 24 CFR 576.21

PROJECT/ACTIVITY: The State of Massachusetts requested a waiver of the Emergency Shelter Grants regulations at 24 CFR 576.21.

NATURE OF REQUIREMENT: The community requested a waiver of the cap of essential services placed on ESG funds.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: November 9, 1994

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 certified that its own shelters and nonprofit shelters have developed sufficient capacity to provide for every family that needs shelter, therefore, it was determined that the waiver was appropriate.

29. REGULATION: 24 CFR 576.55(b)(2) and 24 CFR 576.21

PROJECT/ACTIVITY: Jersey City, New Jersey requested a waiver of the requirement to spend its ESG funds within 24 months of grant award. The community also requested a waiver of the cap of essential services placed on ESG funds.

NATURE OF REQUIREMENT: The regulations at 24 CFR 576.55 state that each formula city or county must spend all its ESG grant amount within 24 months of the grant awarded by HUD. The Stewart B. McKinney Homeless Assistance Act imposes a cap on ESG expenditures for essential services.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: October 25, 1994

REASONS WAIVED: The two waivers were granted to further the purposes of the Act. Because ESG monies were returned to the line-of-credit, the time extension waiver was granted. The essential services waiver was granted because the city could demonstrate that the other eligible activities under the program are already being carried out in the locality with other resources.

30. REGULATION: 24 CFR 808.408(b)

PROJECT/ACTIVITY: The Allen Metropolitan Housing Authority of the State of Ohio requested a waiver which would allow the PHA to utilize a gross rent for one of its SRO projects that would exceed the applicable Fair Market Rent limitation permitted in its agreement with HUD.

NATURE OF REQUIREMENT: The SRO regulations at 24 CFR 882.408(b) state that the initial gross rent for any project must not exceed the moderate rehabilitation FMR applicable to the unit on the date the agreement is executed.

GRANTED BY: Andrew Cuomo, Assistant Secretary for Community Planning and Development

DATE GRANTED: November 21, 1994

REASON WAIVED: It was determined that the PHA had taken all reasonable actions to reduce the gross rents to within the applicable FMR. So for project development to proceed, the FMR was increased beyond the amount stated in the agreement.

Note to Reader: The person to be contacted for additional information about the waiver-grant items in this listing: Gary VanBuskirk, Director Homeownership Division, Office of Resident Initiatives, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 4112, Washington, D.C. 20410, Phone: (202) 708-4233, (This is not a toll-free number).

31. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1)

Program, Guidelines, Section 301(b)(3) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Nashua, New Hampshire Housing Authority (NHA), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning under its HOPE 1 mini-planning grant.

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limits a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 17, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The authority proposed to utilize unobligated funds for a Career Path Program in conjunction with Girl's Inc., N.H. Vocational Technical College and the N.H. Job Training Partnership Council for the residents of their public housing projects. They have taken great care in planning properly to insure that the unobligated funds provide maximum benefits as well as an excellent opportunity for resident self-sufficiency. The NHA will submit a request to revise its budget allocation to conform to the proposed additional activities. Further action on the grant, however, was contingent on the extension being granted.

32. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1) Program, Guidelines, Section 301(b)(3) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the New Bern, North Carolina Housing Authority (NBHA), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning under its mini-planning grant NC19HM10050192.

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limits a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 17, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The NBHA noted that it was impeded in carrying out grant activities due primarily to the reassignment of staff administering the

grant as well as an unanticipated delay in incorporating resident groups at the two sites covered by the grant. The NBHA wished to proceed to continue to work with the resident councils which have been formed as well as to develop economic sufficiency programs to assist the residents in utilizing the unexpended funds remaining. Further action on the grant, however, was contingent on the extension being granted.

33. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1) Program, Guidelines, Section 301(b)(3) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Dover, New Hampshire Housing Authority (DHA), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning under its HOPE 1 mini-planning grant.

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limits a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 17, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The DHA noted that it had completed all of the activities originally proposed and still had remaining funds. The DHA wished to proceed with revised activities more in line with the current desires of the residents under the grant. After taking into consideration the diminished prospects of obtaining future HOPE funding, the DHA concluded that it needed to concentrate more on economic development planning activities. Towards that end, the DHA will submit a request to revise its budget allocation to conform to the proposed additional activities. Further action on the grant was contingent, however, on the extension being granted.

34. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1) Program, Guidelines, Section 301(b)(3) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Lawrence, Massachusetts Housing Authority (LHA), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning under its HOPE 1 mini-planning grant.

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limits a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 17, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The LHA noted that it had encountered unexpected delays due to a change in the outlook of the residents as the grant progressed. The LHA wished to proceed with revised activities more in line with the current desires of the residents under the grant. After taking into consideration the diminished prospects of obtaining future HOPE funding, the LHA concluded that it needed to alter the emphasis of its efforts under the grant to concentrate more on economic development planning activities. Towards that end, the LHA would submit a request to revise its budget allocation to conform to the change in emphasis. Further action on the grant, however, would be contingent on the extension being granted.

35. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1) Program, Guidelines, Section 301(b)(1) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Knox County Housing Authority (KCHA), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning under its HOPE 1 mini-planning grant.

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limit a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 17, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The KCHA noted that it had encountered unexpected delays due to a change in the outlook of the residents as the grant progressed. The KCHA wished to proceed with revised activities more in line with the current desires of the residents under the grant. After taking into consideration the diminished prospects of obtaining future HOPE funding, the KCHA concluded that it needed to alter the emphasis of its efforts under the grant to concentrate more on economic development planning activities. Towards that end, the KCHA would submit a request to revise its budget allocation to conform to the change in emphasis. Further action on the grant, however, would be contingent on the extension being granted.

36. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1)

Program, Guidelines, Section 301(b)(3) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Charleston Human Rights Commission of Charleston, West Virginia (CHRC), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning under its HOPE 1 mini-planning grant.

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limit a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 17, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The CHRC noted that it had encountered unexpected delays due to a change in the leadership of the Littlepage Terrace Resident Management Corporation (LTRMC). The CHRC wished to proceed with revised activities more in line with the current desires of the residents under the grant. After taking into consideration the diminished prospects of obtaining future HOPE funding, the CHRC had concluded that it needed to extend its activities which were building the capacity of the residents as well as to plan for additional self-sufficiency activities. Further action on the grant, however, was contingent on the extension being granted.

37. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1) Program, Guidelines, Section 301(b)(3) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Glendale Resident Management Corporation (GRMC) of Minneapolis, Minnesota, a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning under its HOPE 1 mini-planning grant MN46HM0020192.

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limit a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 17, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The GRMC noted that although it had made substantial progress in carrying out the

grant, it has experienced difficulty in obtaining accurate information from the local housing authority resulting in unexpected delays in carrying out activities under the grant. The GMRC, though, desired to continue to move forward with grant activities. The extension would permit the GRMC to complete a proper physical analysis and financial feasibility study of homeownership. Further action on the grant, however, was contingent on the extension being granted.

38. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1) Program, Guidelines, Section 301(b)(3) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Division of Housing of the City of Indianapolis, Indiana (DHCI) and the Rowney Terrace Resident Management Corporation (RTRMC), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning at its Rowney Terrace development.

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limit a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 17, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The DHCI/RTRMC noted that they had encountered unexpected delays due to a change in the leadership of the RTRMC. The DHCI/RTRMC wished to proceed with revised activities more in line with the current desires of the residents under the grant. After conducting a needs assessment under the grant, the DHCI/RTRMC had concluded that they need to alter the emphasis of their efforts under the grant to concentrate more on economic development planning activities. Towards that end, the DHCI/RTRMC submitted a request to revise their budget allocations to conform to the change in emphasis. Further action on the grant, however, was contingent on the extension being granted.

39. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1) Program, Guidelines, Section 301(b)(1) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Winston-Salem, North Carolina Housing Authority (WSHA), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning at its Townview development (NC19HM10120192).

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines

limit a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 18, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The WSHA noted that they had encountered unexpected delays due to an initial lack of participation on the part of the residents. The Resident participation had increased since the organization of a resident council. The WSHA wished to proceed with activities designed to further analyze and present possible options for homeownership to residents as well as to build the capacity of the resident organization. Further action on the grant, however, was contingent on the extension being granted.

40. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1) Program, Guidelines, Section 301(b)(1) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the City of Little Rock, Arkansas (HACLR), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning at its Amelia B. Ives development.

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limit a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 18, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The HACLR noted that it had encountered unexpected delays in securing approval of its project management plan and its staff becoming familiar with what is permissible under the grant. The HACLR wished to proceed with revised activities. After taking into consideration the diminished prospects of obtaining future HOPE funding, the HACLR concluded that it needed to alter the emphasis of its efforts under the grants to consider alternative approaches to pursuing homeownership and to increase its emphasis on economic development planning activities. Further action on the grant, however, was contingent upon the extension being granted.

41. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1)

Program, Guidelines, Section 301(b)(1) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Jacksonville, Florida Department of Housing and Urban Development (JDHUD), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning at its Centennial Towers development (FL29HM10010992).

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limit a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: October 25, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The JDHUD noted that it had encountered unexpected delays due to difficulties in obtaining required approval from Jacksonville, Florida city government as well as an initial lack of participation on the part of the residents and changes in staff administering the grant. The JDHUD wished to proceed with planning activities designed to increase resident capacity and develop the resident management corporation. Further action on the grant, however, was contingent upon the extension being granted.

42. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1) Program, Guidelines, Section 301(b)(1) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Pompano Beach, Florida Community Development Corporation (PBCDC), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning under its HOPE 1 mini-planning grant (FL29HM10280192).

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limit a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: October 25, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The PBCDC noted that it had encountered unexpected delays due to unexpected difficulty in completing the feasibility study and a lack of resident participation. The

PBCDC wished to proceed with planning activities designed to foster resident self-sufficiency and economic development. Further action on the grant, however, was contingent upon the extension being granted.

43. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1) Program, Guidelines, Section 301(b)(3) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Ocala, Florida Housing Authority (OHA), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning at its N.H. Jones development (FL29HM10320192).

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limits a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: October 25, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The OHA noted that it had encountered unexpected delays due to lack of interest in homeownership for the units at the development, structural deficiencies in the development's units, and a lack of resident self-sufficiency. The OHA wished to proceed with planning activities designed to foster resident self-sufficiency and economic development. Further action on the grant, however, was contingent upon the extension being granted.

44. REGULATION: HOPE for Public and Indian Housing Homeownership (HOPE 1) Program, Guidelines, Section 301(b)(1) as published on January 14, 1992 (57 FR 1522).

PROJECT/ACTIVITY: To permit a HOPE 1 mini-planning grantee, the Jacksonville, Florida Tenant Advisory Council (JTAC), a time extension to carry out the activities specified in its grant agreement. This extension would be of benefit to the residents participating in homeownership planning under its HOPE 1 mini-planning grants FL29HM10010292, FL29HM10010392, FL29HM10010492, FL29HM10010592, FH29HM10010892, FL29HM10011092, FL29HM10011192, FL29HM10011392, FL29HM10011492.

NATURE OF REQUIREMENT: Section 301(b)(3) of the HOPE 1 Program Guidelines limit a HOPE 1 mini-planning grantee to carrying out activities funded under its grant within eighteen (18) months of the effective date of the mini-planning grant agreement.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: October 25, 1994

REASON WAIVED: Pursuant to Section 901 of the HOPE 1 Guidelines, a regulatory provision that is "not otherwise required by law" may be waived by the Assistant

Secretary for Public and Indian Housing upon a determination of good cause, and upon documentation of the pertinent facts and grounds supporting the waiver.

Good cause was exhibited as follows:

The JTAC noted that it had encountered unexpected delays due to a changeover in a number of leadership positions and difficulty in dealing with a troubled housing agency. The JTAC wished to proceed with activities designed to further resident training and economic development planning. Further action on the grant, however, was contingent upon the extension being granted.

45. REGULATION: 24 CFR 904 Subpart B (Turnkey III Homeownership Opportunity Program) and Corresponding Provisions of the Turnkey III Handbook (7495.3)

PROJECT/ACTIVITY: Housing Opportunities Commission of Montgomery County (HOC), Maryland Turnkey III Homeownership Opportunity Program Projects MD 4-3 (Bel Pre Square), MD 4-6 Scattered Sites, MD 4-10 Scattered Sites, MD 4-11 (Tobytown). Conversion to low-income rental status.

NATURE OF REQUIREMENT: 24 CFR Subpart B and the Turnkey III Handbook define and govern the Turnkey III Homeownership Opportunity Program.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: November 21, 1994

REASON WAIVED: The Housing Opportunities Commission of Montgomery County, Maryland requested the ability to convert certain housing units of the HOC's projects MD 4-3, 4-6, 4-10, 4-11 to low-rent public housing' status.

The Department of Housing and Urban Development has established certain criteria and procedures by which to judge the efficacy of such a conversion on a case-by-case basis. After investigation of the circumstances, and in an attempt to assist the HOC to better serve its low-income tenants, the Department decided that granting this conversion was in the best interests of all concerned.

The conversion of Turnkey III units to low-income rental is implemented according to existing HUD procedures.

The housing authority has shown good cause and demonstrated compliance with all applicable regulatory requirements for this conversion.

46. REGULATION: 24 CFR 904 Subpart B (Turnkey III Homeownership Opportunity Program) and Corresponding Provisions of the Turnkey III Handbook (7495.3)

PROJECT/ACTIVITY: East St. Louis, Illinois Housing Authority (ESLHA), Turnkey III Homeownership Opportunity Program Projects IL001-014, 016, 018, 020, 022, 023, 024.

NATURE OF REQUIREMENT: 24 CFR Subpart B and the Turnkey III Handbook require that upon sale of a homeownership unit that the monies received be remitted to HUD to reduce the capital indebtedness on the project. Excess Residual Receipts and/or Operating Reserves are also to be remitted to HUD.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: November 22, 1994

REASON WAIVED: Project debt forgiveness was authorized by the provisions of Section 3004 of the Housing and Community Development Reconciliation Amendments of 1985 (the Amendments), P.L. 99-272 (April 7, 1986), which amends Section 4 of the United States Housing Act of 1937. The Amendments authorized the Secretary of HUD to forgive outstanding principal and interest on loans made by the Secretary to Public Housing Agencies (PHAs)/Indian Housing Authorities (IHAs) and to cancel the terms of any contract with respect to repayment.

Turnkey III debt forgiveness, as authorized above, is implemented according to existing HUD procedures.

The housing authority has shown good cause and demonstrated compliance with all applicable regulatory requirements for debt forgiveness.

47. REGULATION: 24 CFR 904 Subpart B (Turnkey III Homeownership Opportunity Program) and Corresponding Provisions of the Turnkey III Handbook (7495.3)

PROJECT/ACTIVITY: Lubbock, Texas Housing Authority (LHA), Turnkey III Homeownership Opportunity Program Project TX018-003

NATURE OF REQUIREMENT: 24 CFR Subpart B and the Turnkey III Handbook require that upon sale of a homeownership unit that the monies received be remitted to HUD to reduce the capital indebtedness on the project. Excess Residual Receipts and or Operating Reserves are also to be remitted to HUD.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: December 14, 1994

REASON WAIVED: Project debt forgiveness was authorized by the provisions of Section 3004 of the Housing and Community Development Reconciliation Amendments of 1985 (the Amendments), P.L. 99-272 (April 7, 1986), which amends Section 4 of the United States Housing Act of 1937. The Amendments authorized the Secretary of HUD to forgive outstanding principal and interest on loans made by the Secretary to Public Housing Agencies (PHAs)/Indian Housing Authorities (IHAs) and to cancel the terms of any contract with respect to repayment.

Turnkey III debt forgiveness, as authorized above, is implemented according to existing HUD procedures.

The housing authority has shown good cause and demonstrated compliance with all applicable regulatory requirements for debt forgiveness.

48. REGULATION: 24 CFR 904 Subpart B (Turnkey III Homeownership Opportunity Program) and Corresponding Provisions of the Turnkey III Handbook (7495.3)

PROJECT/ACTIVITY: Prince Georges County, Maryland Department of Housing and Community Development (DHCD), Turnkey III Homeownership Opportunity Program Project MD15-5.

NATURE OF REQUIREMENT: 24 CFR Subpart B and the Turnkey III Handbook require that upon sale of a homeownership unit that the monies received be remitted to HUD to reduce the capital indebtedness on the project. Excess Residual Receipts and or

Operating Reserves are also to be remitted to HUD.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: December 15, 1994

REASON WAIVED: Project debt forgiveness was authorized by the provisions of Section 3004 of the Housing and Community Development Reconciliation Amendments of 1985 (the Amendments), P.L. 99-272 (April 7, 1986), which amends Section 4 of the United States Housing Act of 1937. The Amendments authorized the Secretary of HUD to forgive outstanding principal and interest on loans made by the Secretary to Public Housing Agencies (PHAs)/Indian Housing Authorities (IHAs) and to cancel the terms of any contract with respect to repayment.

Turnkey III debt forgiveness, as authorized above, is implemented according to existing HUD procedures.

The housing authority has shown good cause and demonstrated compliance with all applicable regulatory requirements for debt forgiveness.

49. REGULATION: 24 CFR 904 Subpart B (Turnkey III Homeownership Opportunity Program) and Corresponding Provisions of the Turnkey III Handbook (7495.3)

PROJECT/ACTIVITY: Atlanta, Georgia Housing Authority, Turnkey III Homeownership Opportunity Program Projects GA6-38, GA6-39, GA6-40, GA6-46, and GA6-51.

NATURE OF REQUIREMENT: 24 CFR Subpart B and the Turnkey III Handbook require that upon sale of a homeownership unit that the monies received be remitted to HUD to reduce the capital indebtedness on the project. Excess Residual Receipts and or Operating Reserves are also to be remitted to HUD.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: December 23, 1994

REASON WAIVED: Project debt forgiveness was authorized by the provisions of Section 3004 of the Housing and Community Development Reconciliation Amendments of 1985 (the Amendments), P.L. 99-272 (April 7, 1986), which amends Section 4 of the United States Housing Act of 1937. The Amendments authorized the Secretary of HUD to forgive outstanding principal and interest on loans made by the Secretary to Public Housing Agencies (PHAs)/Indian Housing Authorities (IHAs) and to cancel the terms of any contract with respect to repayment.

Turnkey III debt forgiveness, as authorized above, is implemented according to existing HUD procedures.

The housing authority has shown good cause and demonstrated compliance with all applicable regulatory requirements for debt forgiveness.

Note to Reader: The person to be contacted for additional information about these waivers is: MaryAnn Russ, Director, Office of Assisted Housing, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Phone: (202) 708-1380 (This is not a toll-free number).

50. REGULATION: 24 CFR Part 913.107(a)

PROJECT/ACTIVITY: A request was made by the Allen Metropolitan Housing Authority (AMHA) of Lima, OH, 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% of Monthly Adjusted Income; (2) 10% of Monthly Income; or (3) if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: October 3, 1994

REASON WAIVED: AMHA has experienced vacancy problems due to families moving out when their rents begin to exceed those on the private market. The AMHA is developing a homeownership plan with its HOPE III Planning Grant, and ceiling rents is a key ingredient in maintaining eligible families as their income increases while awaiting completion of the homeownership plan and approval for its implementation.

51. REGULATION: 24 CFR Part 913.107(a)

PROJECT/ACTIVITY: A request was made by the Newman Grove Housing Authority (NGHA) of Newman Grove, Nebraska, to permit the establishment of ceiling rents for seven of its one-bedroom units that are approximately 780 square feet.

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% of Monthly Adjusted Income; (2) 10% of Monthly income; or (3) if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: October 12, 1994

REASON WAIVED: The NGHA has experienced a vacancy problem. Six of the seven small one-bedroom units in its 20-unit project were vacant most of the time. Non-elderly applicants were unwilling to pay 30% of their income for such a small apartment. The waiver was granted to enable NGHA to address its vacancy problem by improving its marketability to potential applicants.

52. REGULATION: 24 CFR Part 913.107(a)

PROJECT/ACTIVITY: A request was made by the Housing and Redevelopment Authority of Tracy, Minneapolis (HRAT), to permit the establishment of ceiling rents for its 59 1-bedroom 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% of Monthly Adjusted Income; (2) 10% of Monthly income; or (3) if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated. GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 12, 1994

REASON WAIVED: HRAT began to experience high vacancy rates after the construction of other housing in the area, which offered larger units and more amenities. Due to the size of its units, the HRAT could not attract a sufficient number of applicants willing to pay 30% of income. The establishment of ceiling rents will enable HRAT to address its vacancy problem by improving its marketability to potential applicants.

53. REGULATION: 24 CFR Part 913.107(a) PROJECT/ACTIVITY: A request was made by the Pawnee City Housing Authority (PHA) of Pawnee City, NE, to permit the establishment of ceiling rents for its entire 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% of Monthly Adjusted Income; (2) 10% of Monthly income; or (3) if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 12, 1994

REASON WAIVED: The PCHA has experienced vacancy problems and has several families paying rents higher than those in the private market. In order to prevent turnovers due to rent increases and to attract applicants to vacant units, the PCHA was allowed to establish ceiling rents.

54. REGULATION: 24 CFR Part 913.107(a) PROJECT/ACTIVITY: A request was made by the Oshkosh Housing Authority (OHA) of Oshkosh, Nebraska, 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% of Monthly Adjusted Income; (2) 10% of Monthly income; or (3) if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 12, 1994

REASON WAIVED: OHA has had a sustained vacancy problem for several years.

The establishment of ceiling rents will enable OHA to address its vacancy problem by improving its marketability to potential applicants.

55. REGULATION: 24 CFR Part 913.107(a) PROJECT/ACTIVITY: A request was made by the Puerto Rico Public Housing Administration (PRPHA), to permit the establishment of ceiling rents for all of its public housing 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% of Monthly Adjusted Income; (2) 10% of Monthly income; or (3) if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: November 7, 1994

REASON WAIVED: The PRPHA has experienced unequitable rents in comparison with private market housing due to the economic disparity among various localities in the Commonwealth. The establishment of ceiling rents will provide for the statutory minimum rent levels as required by statute, and reflect the economic disparity which exists between various Fair Market Rent (FMR) areas throughout the Commonwealth.

56. REGULATION: 24 CFR Part 913.107(a) PROJECT/ACTIVITY: A request was made by the Boulder County Housing Authority (BCHA) of Boulder, CO, to permit the establishment of ceiling rents for its entire 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% of Monthly Adjusted Income; (2) 10% of Monthly income; or (3) if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: November 15, 1994

REASON WAIVED: The establishment of ceiling rents for BCHA will assist families living in BCHA's developments who are making the transition from welfare to employment, or who have obtained higher-paying jobs. In order to prevent turnovers due to rent increases and to attract applicants to vacant units, the BCHA was allowed to establish ceiling rents.

57. REGULATION: 24 CFR Part 913.107(a)

PROJECT/ACTIVITY: A request was made by the Housing and Redevelopment Authority of Detroit Lakes, Minnesota (HRA), to permit the establishment of ceiling rents for its sole project, MN107001.

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% of Monthly Adjusted Income; (2) 10% of Monthly income; or (3) if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: November 22, 1994

REASON WAIVED: The HRA has experienced a vacancy problem. The HRA has experienced frequent turnover and refusals by applicants as 30 percent of their adjusted monthly income would be higher than the rents in the private market. In order to prevent turnovers due to rent increases and to attract applicants to vacant units, the HRA was allowed to establish ceiling rents.

58. REGULATION: 24 CFR Part 913.107(a) PROJECT/ACTIVITY: A request was made by the St. Edward Housing Authority (SEHA) of St. Edward, Nebraska, to permit the establishment of ceiling rents for its 18-unit project NE 26P059001.

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% of Monthly Adjusted Income; (2) 10% of Monthly income; or (3) if the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designated by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: December 23, 1994

REASON WAIVED: SEHA has had a sustained vacancy problem for several years. The establishment of ceiling rents will enable SEHA to address its vacancy problem by improving its marketability to potential applicants.

59. REGULATION: 24 CFR Part 970 PROJECT/ACTIVITY: A request was made by the Housing Authority of the City of Dumas, Arkansas to temporarily convert one 3-bedroom unit for tenant services activities for a 4-year period.

NATURE OF REQUIREMENT: Under the terms of the Annual Contributions Contract (ACC), public housing agencies (PHAs) are required to maintain and operate its property as housing for low-income families. A PHA may not take any action to demolish or dispose of a public housing project or a portion of a public housing project without obtaining HUD approval.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: December 23, 1994

REASON WAIVED: The Authority received a \$10,000 grant from the Bureau of Alcohol and Drug Abuse Prevention, Arkansas Department of Health, for a range of counseling activities for young people. The dwelling will serve as a meeting and counseling center for teenagers. There will be no structural change to the unit nor additional cost for the conversion.

Note to reader: The person to be contacted for additional information about these waiver-grant items in this listing is: Madeline Hastings, Director, Moderate Rehabilitation Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, Phone: (202) 708-3887, TDD: (202) 708-4594 (These are not toll-free numbers).

60. REGULATION: 24 CFR 984.306(b)

PROJECT/ACTIVITY: Housing Authority of Salt Lake City, Utah, Initial Occupancy Requirement for the Section 8 Family Self-Sufficiency (FSS) Program

NATURE OF REQUIREMENT: The regulation prohibits a Section 8 portability move by an FSS family within the first year of execution of the FSS contract of participation.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: October 19, 1994

REASON WAIVED: Waivers were granted for two families because it was determined that the move outside the jurisdiction of the public housing agency would help each family to achieve its FSS program goals.

61. REGULATION: 24 CFR 982.201

PROJECT/ACTIVITY: Waiver of Very Low-Income Requirement for Section 8 Certificate assistance for 48 families residing in the Mariner's Village complex in Portsmouth, New Hampshire.

NATURE OF REQUIREMENT: The regulation provides that eligible applicants for admission to the tenant-based Section 8 programs must either be very low-income families or fall within certain specified categories of low-income families.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: November 25, 1994

REASON WAIVED: Mariner's Village housing complex had been poorly maintained and was on the verge of bankruptcy when the City of Portsmouth became involved. The City is committed to assuring revitalization of the complex and its continued availability as affordable housing. The waiver was granted to protect in place families by ensuring that they do not become rent burdened or economically displaced as a result of the rent increases anticipated after rehabilitation of the complex.

62. REGULATION: 24 CFR 984.306(b)

PROJECT/ACTIVITY: Island County, Washington, Housing Authority, Initial Occupancy Requirement for the Section 8 Family Self-Sufficiency (FSS) Program

NATURE OF REQUIREMENT: The regulation prohibits a Section 8 portability move by an FSS family within the first year of execution of the FSS contract of participation.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: December 19, 1994

REASON WAIVED: The waiver allowed the Section 8 FSS program participant to move closer to her job which increased her chances of becoming financially self-sufficient and fully successful under the FSS program.

Note to Reader: The person to be contacted for additional information about the waiver-grant items in this listing is: John Comerford,

Director, Financial Management Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, Phone: (202) 708-1872 (This is not a toll-free number).

63. REGULATION: 24 CFR

990.109(b)(3)(iv)

PROJECT/ACTIVITY: Housing Authority of the City of Little Rock AR. In determining operating subsidy eligibility, a request was made to use an occupancy percentage of 67% for its fiscal years ending in 1994 and 1995.

NATURE OF REQUIREMENT: The regulation defines the term of a Comprehensive Occupancy Plan (COP) and requires (that a PHA that completes its COP without achieving a 97% occupancy percentage use a projected occupancy percentage of 97%.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: November 4, 1994

REASON WAIVED: The housing authority stated that there were circumstances beyond its control that were responsible for its high vacancy levels, including gang activity, high crime, and vandalism throughout the developments. The housing authority had submitted an application for the Vacancy Reduction Program. They have taken positive actions to develop a plan that addresses the vacancy problems and have sought funding to carry out that plan. In order to be supportive of the efforts and progress made to date, permission was granted to the actual occupancy percentage for the fiscal year ending in 1994, with the requirement that at least 60% of the resulting increase in operating subsidy is to be used for specific, identifiable actions to increase occupancy. The Housing Authority is responsible for developing a vacancy reduction strategy which will be approved by HUD. The request for a waiver for the fiscal year ending in 1995 was not approved. Under the provisions of the PFS regulation, the authority will be able to adjust its occupancy percentage for that year by the number of vacant units that are in a funded on-schedule modernization (vacancy reduction) program.

64. REGULATION: 24 CFR

990.109(b)(3)(iv)

PROJECT/ACTIVITY: Youngstown OH Metropolitan Housing Authority.

NATURE OF REQUIREMENT: The regulation requires a Low Occupancy PHA without an approved Comprehensive Occupancy Plan (COP) to use a projected occupancy percentage of 97 percent.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: November 4, 1994

REASON WAIVED: The PHA didn't submit a Comprehensive Occupancy Plan when first eligible but has been addressing its vacancy problems through its Improvement Plan. It was able to exceed the goal established for its fiscal year ending 6/30/94, and is expected to do so again for its fiscal year ending 6/30/95. Both an Improvement Plan and a COP provide a format in which strategies and actions, as well as desired results, can be identified and measured. Both Plans also require the involvement of the Local HUD Office through monitoring and oversight.

Because of these similarities, and in order to provide the same incentives to continue to achieve or exceed the occupancy goals of its Improvement Plan, the PHA was permitted to use 87% as the occupancy percentage for its fiscal year ending 6/30/94 and 88% for its fiscal year ending 6/30/95.

65. REGULATION: 24 CFR

990.109(b)(3)(iv)

PROJECT/ACTIVITY: Blue Earth City, MN HRA. A request was made by the Blue Earth City, MN Housing and Redevelopment Authority to use its actual occupancy rate of 78% in determining its operating subsidy eligibility for its fiscal year ending 6/30/95.

NATURE OF REQUIREMENT: A Housing Authority that has completed a Comprehensive Occupancy Plan (COP) without achieving a 97% occupancy percentage or having an average of five or fewer vacant units must use a projected occupancy rate of 97%.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: November 17, 1994

REASON WAIVED: The Blue Earth City Housing and Redevelopment Authority is a small Authority with 59 units of elderly housing. It has been experiencing a vacancy problem for the past several years attributable to small unit size, lack of upgrades, and competition from other subsidized projects. The housing authority has developed an Implementation Plan with a 5-year timetable in which it will seek funding for needed renovations and will undertake other vacancy reduction strategies such as increasing advertising and improving maintenance practices.

66. REGULATION: 24 CFR

990.109(b)(3)(iv)

PROJECT/ACTIVITY: Housing Authority of Kansas City, MO. In determining operating subsidy eligibility, a request was made to use an occupancy percentage of 60% for its fiscal year ending in 1994 and to use 59% for 1995.

NATURE OF REQUIREMENT: The regulation defines the term of a Comprehensive Occupancy Plan (COP) and requires that a PHA that completes its COP without achieving a 97% occupancy percentage use a projected occupancy percentage of 97%.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing

DATE GRANTED: December 23, 1994

REASON WAIVED: The housing authority has been placed into receivership and it has taken over a year for the Special Master to appoint a person to take effective control and be responsible and accountable for the operation. They have subsequently taken steps to develop vacancy reduction strategies which they will be implementing with oversight from both the Court and the Area Office. In order to be supportive of the efforts and progress made to date, permission was granted to use an occupancy percentage of 60% for the fiscal year ending in 1994 and 59% for the year ending in 1995 with the requirement that at least 60% of the resulting increase in operating subsidy is to be used for specific, identifiable actions to increase occupancy. The Housing Authority is responsible for developing a vacancy reduction strategy which will be approved by

HUD. In the fall of 1995, the local HUD office will conduct an on-site review to check and compare actual accomplishments to date against expected occupancy goals. A decision on the occupancy percentage for the fiscal year ending in 1996 will be based on the results of that review.

67. REGULATION: 24 CFR 990.110(d)
PROJECT/ACTIVITY: Seattle, WA Housing Authority. In determining the operating

subsidy eligibility, a request was made to extend the deadline for submission of a request for adjustment to rental income.

NATURE OF REQUIREMENT: The PFS regulation imposes a 12-month deadline on submission of requests for rental income adjustments.

GRANTED BY: Joseph Shuldiner, Assistant Secretary for Public and Indian Housing
DATE GRANTED: October 19, 1994

REASON WAIVED: The previous administration of the Housing Agency was not aware of their right to request this adjustment. This waiver was granted based on the Housing Agency's eligibility for an adjustment.

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