

required to meet the remaining citizen participation requirements by publishing or posting information on their plans to use ICDBG funds and soliciting comments on such plans.

Dated: November 15, 2012.

**Sandra B. Henriquez,**

*Assistant Secretary, Public and Indian Housing.*

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 5677-N-01]

### Regulatory and Administrative Waivers Granted for Multifamily Housing Programs To Assist With Recovery and Relief in Sandy Disaster Areas

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice advises the public of HUD regulations and other administrative requirements governing HUD's Office of Multifamily Housing programs that have been waived in order to facilitate the delivery of decent, safe, and sanitary housing under these programs to families and individuals who have been displaced from their housing by Sandy. Owners of HUD project-based Section 8 properties located in an area declared by the President to be a federal disaster area as a result of Sandy may defer compliance with the regulations listed in this notice for a period up to 60 days (December 2012 and January 2013). Owners must provide notice of their decision to HUD as described below. Housing assistance payments made for November 2012 will remain unchanged.

**DATES:** *Effective Date:* November 26, 2012.

**FOR FURTHER INFORMATION CONTACT:** Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone number (202) 708-3000. Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Relay Service at 1 (800) 877-8339 or by visiting <http://federalrelay.us/> or <http://www.federalip.us/>.

#### SUPPLEMENTARY INFORMATION:

##### I. Background Information

In late October 2012, Hurricane Sandy hit the east coast of the United States

causing significant damage to property, loss of life, and displacement of individuals and families from their homes and communities. The President has called upon all federal agencies to do everything in their power to assist the victims of Hurricane Sandy and to eliminate or reduce "red tape" that will impede the delivery of federal financial assistance and other needed benefits. To that end, this Notice identifies HUD regulations and other administrative requirements governing HUD's project-based Section 8 programs that may be waived, temporarily suspended, or deferred in an area declared by the President to be a federal disaster area as a result of Hurricane Sandy. This Notice is not applicable to the Rent Supplemental (Rent Supp) and RAP programs.

##### II. Request To Exercise Option To Receive Vacancy Claims

Multifamily Hub Directors in the Sandy disaster areas may defer or suspend compliance with the regulations or other administrative requirements upon the effective date of this Notice. An owner who wishes to exercise his/her option to receive vacancy claims in accordance with the requirements listed in this Notice must contact the Hub Director in writing (email communication is encouraged) with that request. If an owner wishes to receive vacancy claims for both December 2012 and January 2013, two separate written requests, one for each month, must be made to the Hub Director. The Hub Director will then verify that the units are uninhabitable based on phone and physical assessment (if available) and, once verified, approve the request. Hub Directors will provide the owner's request form to HUD Headquarters for tracking.

##### III. Business Interruption Insurance

In many cases, an owner may have insurance to protect against a loss of profits during a period of total or partial suspension of business activity. Owners who have such insurance, must decide whether to exercise the option to receive vacancy claims as described in this Notice or to receive insurance payments. An owner should not voucher under this waiver if they are/will receive vacancy insurance payments for the same time for the same unit.

##### IV. Pass-Through Payments

Owners with residents under a project-based Section 8 contract whose unit was rendered uninhabitable can temporarily lease a unit in another

building that is habitable under Uniform Physical Condition Standards. The owner can sign a temporary lease on behalf of the displaced Section 8 resident and begin to voucher for the contract rent for that temporary unit. The owner will then pay the contract rent on the temporary dwelling until the resident's permanent rental unit has been restored to a habitable condition and the owner notifies the resident that he/she may resume occupancy of the unit. The resident is still responsible for the resident's share for the temporary unit.

Once the original unit is fully repaired and ready for occupancy, all Section 8 provisions apply. This arrangement calls for close contact and cooperation between the owner and the resident as the displaced resident has first right of refusal for the unit. Further information relating to pass-through payments can be found in Housing Handbook 4350.1, Chapter 38.

##### V. November 2012 Housing Voucher Payments and Tenant Rent Payments

Housing Assistance Payments made to an owner for November 2012 will remain unaffected. Owners are encouraged to refund tenant rental payments received for the month of November 2012 from any tenant whose unit was deemed uninhabitable.

##### VI. Regulatory Requirements Which Have Been Waived

a. *24 CFR 880.611 Conditions for receipt of vacancy payments.* Section 880.611 provides conditions for when owners are able to receive vacancy payments. Owners that have units that are deemed uninhabitable due to Sandy can choose to exercise their option to receive vacancy claims in the amount of 80 percent of the contract rent for up to 60 days (December 2012 and January 2013).

b. *24 CFR 881.501 The contract.* Section 881.501 provides conditions for when owners are able to receive vacancy payments. Owners that have units that are deemed uninhabitable due to Hurricane Sandy can choose to exercise their option to receive vacancy claims in the amount of 80 percent of the contract rent for up to 60 days (December 2012 and January 2013).

c. *24 CFR 884.106 Housing assistance payments to owners.* Section 884.106 provides conditions for when owners are able to receive vacancy payments. Owners that have units that are deemed uninhabitable due to Sandy can choose to exercise their option to receive vacancy claims in the amount of 80 percent of the contract rent for up to

60 days (December 2012 and January 2013).

d. 24 CFR 886.109 *Housing assistance payments to owners*. Section 886.109 provides conditions for when owners are able to receive vacancy payments. Owners that have units that are deemed uninhabitable due to Sandy can choose to exercise their option to receive vacancy claims in the amount of 80 percent of the contract rent for up to 60 days (December 2012 and January 2013).

#### VII. Authority To Grant Waivers

Generally, waivers of HUD regulations are handled on a case-by-case basis. Under statutory requirements set forth in section 7(q) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)) and its implementing regulations, 24 CFR 5.110, a regulated party that seeks a waiver of a HUD regulation must request a waiver from HUD in writing and the waiver request must specify the need for the waiver. HUD then responds to the request in writing and, if the waiver is granted, HUD includes a summary of the waiver granted (and all regulatory waivers granted during a three-month period) in a **Federal Register** notice that is published quarterly. Since the damage to property and the displacement of families and individuals in the disaster areas is widespread, and the need for regulatory relief in many areas pertaining to HUD-assisted housing is readily apparent, HUD is suspending its usual regulatory waiver protocols for the disaster areas and has substituted an expedited process that meets the requirements of Section 7(q) and 24 CFR 5.110.

Dated: November 26, 2012.

**Carol J. Galante,**

*Acting Assistant Secretary for Housing—  
Federal Housing Commissioner.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCAD070000, L91310000, E10000]

#### Notice of Availability of the Final Environmental Impact Statement for the West Chocolate Mountains Renewable Energy Evaluation Area, Imperial County, CA, and the Proposed California Desert Conservation Plan Amendment

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the West Chocolate Mountains Renewable Energy Evaluation Area (REEA) and a California Desert Conservation Area (CDCA) Proposed Plan Amendment, and by this notice is announcing its availability.

**DATES:** The BLM's planning regulations state that any person who meets the conditions as described in the regulations may protest the BLM's proposed plan amendment. A person who meets the conditions and files a protest must file the protest within 30 days of the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**.

**ADDRESSES:** Copies of the West Chocolate Mountains Renewable Energy Evaluation Area Final EIS/Proposed Plan Amendment have been sent to affected Federal, State, local government agencies, tribal governments and other stakeholders. Copies are available for public inspection at the El Centro Field Office at 1661 S. 4th Street, El Centro, CA; California Desert District Office at 22835 Calle San Juan de Los Lagos, Moreno Valley, CA; and the Palm Springs—South Coast Field Office at 1201 Bird Center Drive, Palm Springs, CA. Interested persons may also review the Final EIS/Proposed Plan Amendment at <http://www.blm.gov/ca/st/en/fo/elcentro/nepa/wcm.html>. All protests must be in writing and mailed to one of the following addresses:

Regular mail	Overnight mail
BLM Director (210), Attention: Brenda Williams, P.O. Box 71383, Washington, DC 20024-1383.	BLM Director (210), Attention: Brenda Williams, 20 M Street SE., Room 2134LM, Washington, DC 20003.

#### FOR FURTHER INFORMATION CONTACT:

Sandra McGinnis, BLM Planning and Environmental Coordinator, telephone 916-978-4427; address 2800 Cottage Way, Suite w-1623, Sacramento, CA 95825; *email wcm\_comments@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The Final EIS/Proposed Plan Amendment analyzes the potential environmental impacts of making available approximately 18,765 acres of BLM-managed surface lands in the West Chocolate Mountains REEA for testing and developing solar and wind energy facilities and for leasing approximately 20,027 acres of Federal mineral estate near Niland, California, for geothermal energy testing and development. The Final EIS also analyzes the potential environmental impacts of approving a pending geothermal lease application in the REEA.

The purpose of the proposed action is to facilitate appropriate development of geothermal, solar, and wind energy in the REEA and make land use plan decisions regarding the potential location, development, and management of those resources to balance competing uses and continue to achieve the resource condition goals for all resources in the planning area. The analysis includes consideration of the possible environmental consequences associated with a reasonably foreseeable development scenario, as well as possible conditions upon or restrictions for development that may be established to protect certain resource values.

The Final EIS/Proposed Plan Amendment analyzed six alternatives. The preferred alternative is Alternative 6—Geothermal Development Emphasis with Moderate Solar Development and No Wind Development. Under this alternative, the CDCA Plan would be amended to identify areas in the West Chocolate REEA as suitable for geothermal leasing and development and solar energy development, subject to constraints related to the presence of sensitive resources. Standard stipulations would be required for leasing and development, as well as a special stipulation for groundwater usage that would require preparation of a Water Supply Assessment under State law SB-610. Proposed renewable energy development that would require high water usage would not be authorized. The CDCA Plan would be amended to identify the West Chocolate REEA as unsuitable for wind energy development due to conflicts with the Chocolate Mountains Aerial Gunnery Range fly zone. Under the preferred alternative, overall development also would be managed with lands east of the Coachella Canal subject to a disturbance cap of 10 percent to preserve wildlife habitat, and the west side of the Coachella Canal identified as a Solar Energy Zone (SEZ). No projects would be authorized at this time. The principal issues identified during scoping and