

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4250-N-01]

Notice of Regulatory Waiver Requests Granted

AGENCY: Office of the Secretary, HUD.

ACTION: Public Notice of the Granting of Regulatory Waivers from January 1, 1997 through March 31, 1997.

SUMMARY: Under the Department of Housing and Urban Development Reform Act of 1989 (Reform Act), HUD is required to make public all approval actions taken on waivers of regulations. This notice is the twenty-fifth in a series, being published on a quarterly basis, providing notification of waivers granted during the preceding reporting period. The purpose of this notice is to comply with the requirements of Section 106 of the Reform Act.

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

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

SUPPLEMENTARY INFORMATION: As part of the Housing and Urban Development Reform Act of 1989, the Congress adopted, at HUD's request, legislation to limit and control the granting of regulatory waivers by HUD. 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 HUD has

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

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

Section 106 also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose 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 twenty-fifth notice of its kind to be published under Section 106. This notice updates HUD's waiver-grant activity from January 1, 1997 through March 31, 1997.

For ease of reference, waiver requests granted by departmental officials authorized to grant waivers are listed in a sequence keyed to the section number of the HUD regulation involved in the waiver action. For example, a waiver-grant action involving exercise of authority under 24 CFR 51.102 (involving the waiver of a provision in 24 CFR part 51) would come early in the sequence, while waivers of 24 CFR part 982 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 § 51.1 and § 51.102(a)(3) would appear sequentially in the listing under § 51.1.) Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver grant action.

Should HUD receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occur between April 1, 1997 through June 30, 1997.

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

Dated: July 31, 1997.

Andrew Cuomo,
Secretary.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development January 1, 1997 through March 31, 1997

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly before each set of waivers granted.

For Item 1, Waiver Granted For 24 CFR Part 266, Contact: Linda Cheatham, Director, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 6134, Washington, DC 20410-7000; telephone (202) 708-3000 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at 1-800-877-8391.

1. Regulation: 24 CFR 266.200(g).

Nature of Requirement: Defines "elderly projects" as those designed for use and occupancy by "elderly families." An elderly family is defined as a household where the head or spouse is 62 years of age or older or a single person who is 62 years of age or older.

Granted By: Nicolas P. Retsinas, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: February 24, 1997.

Reasons Waived: To facilitate development of an independent senior housing complex to be occupied, generally, by persons 55 years of age or older.

For Item 2 Through 13, Waivers Granted for 24 CFR Parts 51, 91, 92, 511, 574, 576, and 583, Contact: Debbie Ann Wills, Field Management Officer, Department of Housing and Urban Development, Office of Community Planning and Development, 451 7th Street, SW, Room 7152, Washington, DC 20410-7000; telephone: (202) 708-2565 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

2. Regulation: 24 CFR 51.102(a)(3).

Project/Activity: The City of Portland, Oregon, requested, on behalf of the developers, a waiver of the Environmental Impact Statement (EIS) requirement for a project exposed to unacceptable noise levels.

Nature of Requirement: 24 CFR 51.102(a)(3) of HUD's environmental regulations requires that an EIS be prepared when a proposed project would be exposed to unacceptable noise levels.

Granted By: Howard Glaser, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 28, 1997.

Reasons Waived: The waiver of 24 CFR 51.102(a)(3) will enable the project to proceed because it was determined that noise was the only environmental issue, and no outdoor noise sensitive use would take place.

3. Regulation: 24 CFR 91.402(a) and (b).

Project/Activity: Cook County, Illinois, requested a waiver of the consolidated plan regulations, to allow the Village of Oak Park to maintain a program year that is separate from the program year of its other consortia members.

Nature of Requirement: 24 CFR 91.402(a) and (b), of the consolidated plan regulations, requires that units of local government that are members of a consortium have the same program year for the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships (HOME) program, the Emergency Shelter Grants (ESG) program, and the Housing Opportunities for Persons with AIDS (HOPWA) program.

Granted By: Howard Glaser, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 15, 1997.

Reasons Waived: The Assistant Secretary determined that compliance with the requirement would constitute a hardship on the Village of Oak Park; therefore, the waiver was granted.

4. Regulation: 24 CFR 92.205(a)(4) and 24 CFR 92.209(j)(5).

Project/Activity: The State of North Dakota requested a waiver of the HOME program regulations (24 CFR part 92) to allow the State to have a security deposit program for a mobile home park.

Nature of Requirement: The HOME regulations at 24 CFR 92.205(a)(4) provide that when HOME funds are used to assist a new owner with the acquisition of a manufactured housing unit which is placed on a rented lot, the owner must have a lease for a period equal to the applicable period of affordability. The regulation at 24 CFR 92.209(j)(5) provides that the general requirements of the HOME program regulations at 24 CFR 92.209 are also applicable to HOME program funds provided as a security deposit.

Granted By: Jacquie M. Lawing, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 4, 1997.

Reasons Waived: The Assistant Secretary deemed that imposition of the regulatory requirements would adversely affect the purposes of the HOME program, because they would place an undue administrative burden on the State of North Dakota.

5. Regulation: 24 CFR 92.214(a)(8).

Project/Activity: Clark County, Washington, requested a waiver of 24 CFR 92.214(a)(8) to allow for the acquisition of two county-owned houses to provide non-profit sponsored housing for persons with disabilities.

Nature of Requirement: The HOME program regulations at 24 CFR 92.214(a)(8) prohibit the use of HOME funds to pay for the acquisition of property owned by the participating jurisdiction.

Granted By: Jacquie M. Lawing, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 4, 1997.

Reasons Waived: The Assistant Secretary found good cause to grant a waiver of the regulation because the County did not have clear title to the properties. Specifically, the

County is obligated to reimburse the funding source upon sale of the properties. The primary purpose of the HOME funds was to enable the non-profit organizations to purchase properties which they are currently renting.

6. Regulation: 24 CFR 92.251, 24 CFR 92.253(e), and 24 CFR 92.303.

Project/Activity: The State of California requested a waiver of certain HOME program regulations applicable to HOME funds designated to address flood damage in a Presidentially-declared disaster area.

Nature of Requirement: The HOME program regulations are located in 24 CFR part 92. Three provisions of the HOME regulations were affected by this waiver: (1) 24 CFR 92.251, which establishes the maximum per-unit subsidy for disaster-damaged properties; (2) 24 CFR 92.253(e), which establishes the criteria for written tenant selection rules; and (3) 24 CFR 92.303, which outlines the tenant participation plan for Community Housing Development Organization projects.

Granted By: Jacquie M. Lawing, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 27, 1997.

Reasons Waived: The three cited regulatory provisions were waived by the Assistant Secretary, so that HOME funds could be tailored to address damage in Federally declared disaster areas.

7. Regulation: 24 CFR 511.76(h)(1).

Project/Activity: The State of Wisconsin requested a waiver to permit Rental Rehabilitation recipients that have committed and disbursed 100 percent of their Rental Rehabilitation funds to use their accumulated program income.

Nature of the Requirement: HUD's regulation at 24 CFR 511.76(h)(1) states that program income must be used for any eligible Rental Rehabilitation activity (except administrative costs and rental assistance) until program closeout occurs. Program closeout occurs when all grant funds for all program years have been expended and the annual performance report covering the last program year has been submitted to HUD.

Granted By: Howard Glaser, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 8, 1997.

Reasons Waived: The waiver was granted because: (1) most of the State's recipients had committed and disbursed 100 percent of their Rental Rehabilitation grant funds; (2) the State's performance was good in implementing the program; and (3) the State's recipients were working to diligently complete all activities. Further, the waiver allowed the recipients to use program income for HOPE, HOME, and CDBG program activities.

8. Regulation: 24 CFR 574.320(a)(2).

Project/Activity: The City of Key West, Florida requested a waiver to increase the Fair Market Rent (FMR) in its Housing for Person with AIDS (HOPWA) rental assistance program.

Nature of Requirement: HUD's regulation at 24 CFR 574.320(a)(2) provides that providers of rental housing assisted with HOPWA funds cannot charge rents that exceed the current Section 8 FMR.

Granted By: Howard Glaser, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 28, 1997.

Reasons Waived: The waiver was granted because the City documented that the rents presently received for efficiency and one bedroom units in the private market were significantly higher than the published FMRs.

9. Regulation: 24 CFR 576.21.

Project/Activity: The City of Fort Wayne, Indiana requested a waiver of the Emergency Shelter Grants (ESG) program regulations at 24 CFR 576.21.

Nature of Requirement: The City requested a waiver of the ESG expenditure limitation on essential services.

Granted By: Jacquie M. Lawing, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 4, 1997.

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

waiver was appropriate.

10. Regulation: 24 CFR 576.21.

Project/Activity: The City of Mount Vernon, New York requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: The City requested a waiver of the ESG expenditure limitation on essential services.

Granted By: Jacquie M. Lawing, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 4, 1997.

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

11. Regulation: 24 CFR 576.21.

Project/Activity: The City of Binghamton, New York requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: The City requested a waiver of the ESG expenditure limitation on essential services.

Granted By: Jacquie M. Lawing, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 4, 1997.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, as amended by the National Affordable Housing Act, the 30 percent cap on essential services

may be waived if the grantee "demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources." The City provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources. Accordingly, it was determined that the waiver was appropriate.

12. Regulation: 24 CFR 576.21.

Project/Activity: Lancaster County, Pennsylvania requested a waiver of the Emergency Shelter Grants (ESG) regulations at 24 CFR 576.21.

Nature of Requirement: The County requested a waiver of the ESG expenditure limitation on essential services.

Granted By: Jacquie M. Lawing, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: March 4, 1997.

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

13. Regulation: 24 CFR 583.150(b).

Project/Activity: The 1260 Housing Development Corporation of Philadelphia, Pennsylvania requested a waiver of 24 CFR 583.150(b) of the Supportive Housing Program regulations.

Nature of Requirement: Section 583.150(b) of the Supportive Housing regulations precluded a resident of a supportive housing project from receiving Section 8 assistance during the HUD grant period.

Granted By: Howard Glaser, General Deputy Assistant Secretary for Community Planning and Development.

Date Granted: January 28, 1997.

Reasons Waived: This regulatory restriction provision was later removed from HUD's Supportive Housing regulations (and is therefore inapplicable to subsequent rounds of this competitive program). The waiver was granted because the recipient did not plan to use the funds for operations, and the Section 8 certificates would be sought only after the resident entered the program.

For Items 14 Through 18, Waivers Granted for 24 CFR Part 761, Contact: Gloria Cousar, Deputy Assistant Secretary for Community Relations and Involvement, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4126, Washington, DC 20410; telephone (202) 619-8201 (this is not a toll-free number). Hearing or speech-impaired persons may access this number by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

14. Regulation: 24 CFR 761.30(b)

Project/Activity: Public Housing Drug Elimination Program (PHDEP); Grant # NY06DEP0440195.

Nature of Requirement: Waiver of 24 CFR 761.30(b) in order to extend a FY 1995 PHDEP grant for a period of 6 months.

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: February 11, 1997.

Reason Waived: The Housing Authority of Geneva (Geneva, NY) requested the 6 month waiver in order to complete contractual agreements regarding PHDEP law enforcement activities.

15. Regulation: 24 CFR 761.30(b)

Project/Activity: Public Housing Drug Elimination Grant Program (PHDEP); Grant # NY06DEP0250194.

Nature of Requirement: Waiver of 24 CFR 761.30(b) in order to extend a FY 1994 PHDEP grant for a period of 6 months.

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: February 11, 1997.

Reason Waived: The waiver was necessary in order to permit the Watervliet Housing Authority (Watervliet, NY) to complete contractual agreements related to PHDEP resident activities.

16. Regulation: 24 CFR 761.30(b)

Project/Activity: Public Housing Youth Sports Program; Grant # PA26YSP0380194.

Nature of Requirement: Waiver of 24 CFR 761.30(b) to extend a 1994 Youth Sports Program grant for the Lackawanna County Housing Authority.

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: March 12, 1997.

Reason Waived: The Lackawanna County Housing Authority was unable to complete the winter sports component of its grant due to unseasonably warm weather. The waiver was necessary in order for the housing authority to continue its youth sports activities.

17. Regulation: 24 CFR 761.30(b)

Project/Activity: Public Housing Youth Sports Program; Grant No. #NH36YSP0010194.

Nature of Requirement: Waiver of 24 CFR 761.30(b) to extend a 1994 Youth Sports Program Grant for the Manchester Housing and Redevelopment Authority.

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: March 18, 1997.

Reason Waived: There was a clerical error on the HUD Form-1044 causing a delay in the ability of the Manchester Housing and Redevelopment Authority to expend obligated funds.

18. Regulation: 24 CFR 761.30(b)

Project/Activity: Public Housing Drug Elimination Grant Program (PHDEP).

Nature Of Requirement: Waiver of 24 CFR 761.30(b) to extend a FY 1994 PHDEP grant for a period of 8 months.

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: March 20, 1997.

Reason Waived: The Boston Housing Authority required an 8 month waiver, in order to complete contractual agreements relative to PHDEP law enforcement and physical improvements.

For Items 19 Through 31, Waivers Granted For 24 CFR Parts 913 and 982, Contact:

Madeline Hastings, Deputy Director, Office of Public and Assisted Housing Operations, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4204, Washington, DC 20410; telephone (202) 708-1380 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8391.

19. Regulation: 24 CFR 913.107(a)

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

Nature Of Requirement: The total tenant payment a public housing agency (PHA) must charge shall be the highest of the following: (1) 30 percent of the family's monthly adjusted income; (2) 10 percent of the family's monthly income; (3) if the family receives welfare assistance which is subject to adjustment in accordance with actual housing costs, the portion of that welfare assistance specifically designated for housing costs; or (4) the minimum rent set by the PHA.

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: February 25, 1997.

Reason Waived: The establishment of ceiling rents will ease the rent burden on working families residing in public housing and will permit CHA to attract wage-earning, low-income applicants.

20. Regulation: 24 CFR 913.107(a)

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

Nature Of Requirement: The total tenant payment a public housing agency (PHA) must charge shall be the highest of the following: (1) 30 percent of the family's monthly adjusted income; (2) 10 percent of the family's monthly income; (3) if the family receives welfare assistance which is subject to adjustment in accordance with actual housing costs, the portion of that welfare assistance specifically designated for housing costs; or (4) the minimum rent set by the PHA.

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: March 14, 1997.

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

21. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority and Urban Renewal Agency of Lane County, Oregon; Section 8 Rental Voucher Program.

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

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: January 23, 1997.

Reason Waived: Approval of the waiver prevented hardship and compensated the

voucher holder for search time lost as a result of a natural disaster. The area where the voucher holder was seeking housing became inaccessible as a result of severe flooding.

22. Regulation: 24 CFR 982.303(b)

Project/Activity: Josephine Housing and Community Development Council, Oregon; Section 8 Rental Certificate Program.

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

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: January 23, 1997.

Reason Waived: Approval of the waiver prevented hardship for the certificate holder (a quadriplegic with two young children) who had been unable to seek housing while recuperating after surgery.

23. Regulation: 24 CFR 982.303(b)

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

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

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: January 28, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled certificate holder and his family. The family's housing search in a rural area with few large units was hampered by the poor health of the household head and by the unavailability of reliable transportation.

24. Regulation: 24 CFR 982.303(b)

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

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

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: January 28, 1997.

Reason Waived: Approval of the waiver prevented hardship to the certificate holder, whose housing search was hampered by severe injuries received during a criminal assault.

25. Regulation: 24 CFR 982.303(b)

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

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

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: February 18, 1997.

Reason Waived: Approval of the waiver made it possible for the disabled certificate holder to be united with her three minor children.

26. Regulation: 24 CFR 982.303(b)
Project/Activity: Boston Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

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

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: February 18, 1997.

Reason Waived: Approval of the waiver prevented hardship for the disabled certificate holder whose housing choices were limited due to his progressive arthritic condition.

27. Regulation: 24 CFR 982.303(b)

Project/Activity: Housing Authority and Urban Renewal Agency of Lane County, Oregon; Section 8 Rental Voucher Program.

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

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing

Date Granted: February 25, 1997.

Reason Waived: Approval of the waiver prevented hardship to the disabled voucher holder whose housing search had been impeded by frequent and severe anxiety attacks which were subsequently controlled by medication.

28. Regulation: 24 CFR 982.303(b)

Project/Activity: San Francisco Housing Authority, California; Section 8 Rental Certificate Program

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

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: March 4, 1997.

Reason Waived: Approval of the waiver prevented hardship for an elderly couple trying to relocate to an area where family members would be available to assist them with shopping and visits to doctors.

29. Regulation: 24 CFR 982.303(b)

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

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

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: March 20, 1997.

Reason Waived: Approval of the waivers was necessary to prevent hardship for two disabled elderly women suffering from severe medical problems.

30. Regulation: 24 CFR 982.303(b)

Project/Activity: Franklin County Regional Housing Authority, Massachusetts; Section 8 Rental Certificate Program.

Nature of Requirement: The regulation provides for a maximum certificate term of

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

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: March 27, 1997.

Reason Waived: Approval of the waiver prevented hardship to the certificate holder whose housing search was hampered by physical and psychological disabilities.

31. Regulation: 24 CFR 982.303(b)

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

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

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: March 27, 1997.

Reason Waived: Approval of the waiver prevented hardship to a family that needed to locate housing near the medical facilities where their son was receiving treatment.

For Item 32, Waiver Granted For 24 CFR Part 950, Contact: Karen Garner-Wing, Office of Native American Programs, 1999 Broadway, Suite 3390, Denver, Colorado 80202; telephone (303) 675-1600 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

32. Regulation: 24 CFR 950.325

Project/Activity: A request was made by the Fallon Paiute Shoshone Housing Authority (FPSHA), to establish ceiling rents for the low-rent inventory under its jurisdiction.

Nature of Requirement: The regulation requires that the total tenant payment be calculated at 30 percent of monthly adjusted income or 10 percent of monthly income, whichever is higher. Section 102(a) of the Housing and Community Development Act of 1977 amended section 3(a)(2) of the U.S. Housing Act of 1937 to permit the housing authority to establish, with HUD approval, ceiling rents in Indian housing developments.

Granted By: Kevin Emanuel Marchman, Acting Assistant Secretary, Office of Public and Indian Housing.

Date Granted: February 28, 1997.

Reason Waived: The FPSHA wishes to establish permanent ceiling rents so that industrious people motivated to better their standards of living will not be discouraged by consequent increases in calculated rent payments. Also, making the homes more attractive to higher income families will contribute to the accomplishment of the FPSHA goal of establishing mixed income neighborhoods.

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