

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4512-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, 1999 through March 31, 1999.

SUMMARY: Under the Department of Housing and Urban Development Reform Act of 1989 (the "HUD Reform Act"), HUD is required to make public all approval actions taken on waivers of regulations. This notice is the thirty-third in a series, 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 HUD Reform Act.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Camille E. Acevedo, Assistant General Counsel for Regulations, Room 10276, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-0500; 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 (800) 877-8339. For information concerning a particular waiver action for which public notice is provided in this document, contact the person whose name and address is set out for the particular item in the accompanying list of waiver-grant actions.

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

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

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

3. Not less than quarterly, the Secretary must notify the public of all

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

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

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

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives issued by HUD on April 22, 1991 (56 FR 16337). This is the thirty-third notice of its kind to be published under section 106 of the HUD Reform Act. This notice updates HUD's waiver-grant activity from January 1, 1999 through March 31, 1999.

For ease of reference, waiver requests granted by departmental officials authorized to grant waivers are listed in a sequence keyed to the section number of the HUD regulation involved in the waiver action. For example, a waiver-grant action involving exercise of authority under 24 CFR 58.73 (involving the waiver of a provision in 24 CFR part 58) would come early in the sequence, while waivers of 24 CFR part 990 would be among the last matters listed.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement in title 24 that is being waived as part of the waiver-grant action. (For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.)

Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver grant action.

Should HUD receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occurred between April 1, 1999 through June 30, 1999.

Accordingly, information about approved waiver requests pertaining to

HUD regulations is provided in the Appendix that follows this notice.

Dated: August 3, 1999.

Andrew Cuomo,
Secretary.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development January 1, 1999 Through March 31, 1999

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

For Items 1 Through 10, Waivers Granted for 24 CFR Parts 91 and 92, Contact: Cornelia Robertson Terry, Field Management Division, Office of Executive Services, Office of Community Planning and Development, Room 7184, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, 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 (800) 877-8339.

1. *Regulation:* 24 CFR 91.10(a), 24 CFR 92.300(a)(1), and 24 CFR 570.207(a)(1).

Project/Activity: The Municipality of Carolina requested the following waivers: waiver to permit the Municipality to use CDBG funds to rehabilitate city hall and construct new housing; waiver to suspend the 15 percent CHDO set-aside requirement; waiver to allow the Municipality to receive its HOME allocation in advance of the program year.

Nature of Requirement: 24 CFR 570.207(a)(1) prohibit grantees from using CDBG funds to assist in the development of city halls or the construction of new housing. 24 CFR 92.300(a)(1) requires that not less than 15 percent of each HOME grant be reserved for investment in housing to be developed, sponsored, or owned by CHDOs. 24 CFR 91.10 requires each grantee to administer the HOME, CDBG, ESG, and HOPWA programs on a concurrent program year.

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

Date Granted: February 4, 1999.

Reasons Waived: HUD determined that these waivers were needed to assist the Municipality in recovering from Hurricane Georges. Section 122 of the Housing and Community Development Act of 1974 authorizes HUD to suspend program requirements for the use of funds designated by the recipient to address damage in a Presidentially declared disaster area.

2. *Regulation:* 24 CFR 91.402(a).

Project/Activity: The Cuyahoga County, Ohio Consortium requested a waiver to permit the Consortium members to continue to operate through the end of the consortium agreement (May 31, 1999) without being fully aligned. The request also asked HUD to permit the consortium members until

December 31, 2000, to revise and align their program years.

Nature of Requirement: 24 CFR 91.402(a) requires all units of general local government that are members of a consortium to be on the same program year for the CDBG, HOME, ESG, and HOPWA programs.

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

Date Granted: January 7, 1999.

Reasons Waived: The consortium agreement was inadvertently approved without the years being aligned. Because this period ends on June 1, 1999, no program purpose would be served by requiring an aligned program year prior to this date. A partial waiver request is granted. The waiver request for an additional extension was denied.

3. *Regulation:* 24 CFR 91.520.

Project/Activity: The City of Des Moines, Iowa requested a waiver of the submission date for the City's Consolidated Annual CDBG Performance and Evaluation Report (CAPER).

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

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

Date Granted: February 22, 1999.

Reasons Waived: HUD determined that there was good cause for the waiver. The City needed additional time for the installation of a new accounting and data processing system and to adjust to recent staff changes. As a result of the system change, the City does not yet have complete year-end expenditure data needed to complete its CAPER. HUD is interested in ensuring that the performance report prepared by grantees is complete and accurate.

4. *Regulation:* 24 CFR 91.520.

Project/Activity: The City of New York requested a waiver of the submission date for the City's CAPER.

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

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

Date Granted: March 24, 1999.

Reasons Waived: HUD determined that there was good cause for the waiver. The City needed additional time for conversion to the IDIS in the middle of its 1998 program year. HUD is interested in ensuring that the performance report prepared by grantees is complete and accurate.

5. *Regulation:* 24 CFR 91.520.

Project/Activity: The State of Iowa requested a waiver of the submission date for the State's CAPER.

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

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

Date Granted: March 26, 1999.

Reasons Waived: HUD determined that there was good cause for the waiver in view of the reasons set forth in the incoming document. The State is in the process of converting its data management system from one based on multiple programs to an integrated Microsoft Office system. The transfer is time consuming and burdensome.

6. *Regulation:* 24 CFR 92.205(e).

Project/Activity: Peoria, Illinois requested a waiver of regulations regarding repayment of HOME funds when there is termination of a project prior to completion.

Nature of Requirement: 24 CFR 92.205(e) requires the repayment of HOME funds spent on a project that is terminated before completion.

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

Date Granted: January 7, 1999.

Reasons Waived: The City disbursed \$13,285.00 in HOME funds for this project, which was never completed. The homeowner of the single-family property died prior to completion. The owner had no will or heirs. The County seized the property, and to facilitate the County's disposition of the property, the City released its lien. The repayment of these funds would cause the City a serious financial hardship. HUD determined that, due to the unusual circumstances, there is good cause for a waiver.

7. *Regulation:* 24 CFR 92.214(a)(7).

Project/Activity: The State of Minnesota requested a waiver in order to commit additional HOME funds to a project up to 18 months after the original HOME-funded project was completed.

Nature of Requirement: 24 CFR 92.214(a)(7) of the HOME regulations states that HOME funds may not be used to provide assistance (other than tenant-based rental assistance or assistance to a homebuyer to acquire housing previously assisted with HOME funds) to a project previously assisted with HOME funds during the period of affordability established by the participating jurisdiction under 24 CFR 92.502 or 24 CFR 92.504.

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

Date Granted: January 12, 1999.

Reasons Waived: HUD determined that there is good cause to grant the required waiver. The waiver will enable the Hubbard County Housing Rehabilitation Authority to provide for the construction of an elevator for residents in the Nevis elderly housing project.

8. *Regulation:* 24 CFR 92.251 & 24 CFR 92.502(d).

Project/Activity: The State of Wisconsin requested a waiver of minimum property standards in order to permit a single-family HOME-assisted property in the City of Sheboygan Falls to be considered complete even though it does not meet the minimum rehabilitation standards or local codes, as required by the HOME rule.

Nature of Requirement: 24 CFR 92.251 requires that housing assisted with HOME funds must, at a minimum, meet the housing quality standards.

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

Date Granted: April 5, 1999.

Reasons Waived: HUD determined that there was good cause for the waiver. The work on the property could not be completed due to storm damage. The storm, which occurred on August 16, 1998, received a Presidential Disaster Declaration. The City condemned the property. However, prior to the storm, \$2,396.69 in HOME funds was expended out of the \$25,000.00 set aside for the project.

9. *Regulation:* 24 CFR 92.254(a)(2)(iii).

Project/Activity: The City of Newton, MA and the Brookline Newton Waltham WaterCity (BNWW) Consortium requested a waiver to permit the City of Newton to determine 95 percent of the median area purchase price on the median of housing sales within the City, rather than the sales within the entire Consortium.

Nature of Requirement: 24 CFR 92.254(2)(iii) requires that an increase in the maximum allowable housing purchase price to 95 percent of the median area purchase price must include all areas that are part of the BNWW Consortium.

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

Date Granted: January 12, 1999.

Reasons Waived: Newton would not be able to provide significant homebuyer assistance (even for condominiums) if it had to abide by a single Consortium-wide limit. The waiver will enable Newton to offer a proposed first-time homebuyer's assistance program that will reach income eligible households. HUD determined that there is good cause to grant the requested waiver.

10. *Regulation:* 24 CFR 92.500(d)(1)(C).

Project/Activity: The City of St. Louis requested an extension of the five-year deadline for the expenditure of HOME disaster grant funds.

Nature of Requirement: 24 CFR 92.500(d)(1)(C) requires HUD to recapture any HOME funds not expended within five years after the last day of the month in which HUD notified the grantee of its execution of the HOME partnership agreement.

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

Date Granted: January 12, 1999.

Reasons Waived: The City will lose the unexpended grant funds if HUD fails to grant the extension. The City would suffer a significant hardship if the unexpended disaster funds cannot be used to complete these projects. HUD finds that these circumstances constitute good cause for an extension of the five year expenditure deadline.

For Item 11, Waiver Granted for 24 CFR Part 203, Contact: Vance T. Morris, Director, Home Mortgage Insurance Division, Office of Insured Single Family Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-8000; telephone (202) 708-2700 (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 (800) 877-8339.

11. Regulation: 24 CFR 203.49(c).

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

Nature of Requirement: 24 CFR 203.49(c) requires that interest rate adjustments for ARMs must occur on an annual basis, except that the first adjustment may occur no sooner than 12 months nor later than 18 months from the date of the mortgagor's first debt service payment.

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

Date Granted: February 20, 1999.

Reasons Waived: Approving the waiver enabled the lender to securitize the loan and rendered no harm to the borrowers or to HUD.

For Item 12, Waiver Granted for 24 CFR Part 291, CONTACT: Art Orton, Deputy Director, Asset Management Division, Office of Insured Single Family Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-8000; telephone (202) 708-1672 (this is not a toll-free number). Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

12. Regulation: 24 CFR 291.110(a).

Project/Activity: Waiver of the requirement of 24 CFR 291.110(a) to provide authority for governmental entities and private nonprofit organizations to purchase, on a direct sales basis and with mortgage insurance, HUD-owned single family properties and to provide discounts of 50 percent for use in the Officer Next Door Sales Program.

Nature of Requirement: 24 CFR 291.110(a) permits direct sales at deep discounts off the list price of properties sold without mortgage insurance to governmental entities and private nonprofit organizations for use in HUD and local housing or homeless programs.

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

Date Granted: January 19, 1999.

Reasons Waived: Approving the waiver enables governmental entities and nonprofit organizations to fully participate in the Officer Next Door Sales Program by purchasing properties eligible for mortgage insurance at a 50 percent discount for resale to law enforcement officers. Based on HUD's experience with REO sales, it would not be detrimental to the insurance fund to permit governmental entities and private nonprofit organizations to purchase properties offered with mortgage insurance on a direct sales basis or to provide discounts of 50 percent on properties sold for use in the Officer Next Door Sales Program.

For Items 13 Through 19, Waivers Granted for 24 CFR Parts 570, 574, and 576, Contact: Cornelia Robertson Terry, Field Management Division, Office of Executive Services, Office

of Community Planning and Development, Room 7184, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, 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 (800) 877-8339.

13. Regulation: 24 CFR 570.200(h).

Project/Activity: The City of Oxnard requested a waiver to permit the City to reimburse itself over a period of four years for the purchase of property that will be used for the development of single-family housing for low-income families.

Nature of Requirement: 24 CFR 570.200(h) governs CDBG reimbursement for pre-award costs.

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

Date Granted: January 22, 1999.

Reasons Waived: HUD determined that the project, which was included in Oxnard's 1995-1999 Consolidated Plan and was subject to public review and involvement through the citizen participation process, will provide affordable-for-sale housing to low-income families. Because increasing homeownership is a priority for the City as well as a goal for the Secretary and the President, there is good cause to grant the waiver.

14. Regulation: 24 CFR 570.200(h)(1)(i).

Project/Activity: The City of Hazelton, Pennsylvania requested reimbursement for pre-award costs for an emergency sewer project.

Nature of Requirement: 24 CFR 570.200(h)(1)(i) allows a grantee to be reimbursed for pre-award costs, provided the activity for which the costs are being incurred is included in a consolidated action plan or an amended consolidated action plan (or an application under subpart M of 24 CFR part 570) prior to the costs being incurred.

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

Date Granted: March 24, 1999.

Reasons Waived: The project was undertaken to correct street and sewer flooding as a result of a severe thunderstorm. The City would have to raise property taxes by 20 percent to pay for this emergency if CDBG funds could not be used. HUD determined that a failure to grant the waiver would result in an undue hardship for the City and its residents, and would be contrary to the goals of the Housing and Community Development Act of 1974.

15. Regulation: 24 CFR 574.330(a)(1).

Project/Activity: The City of Memphis, Tennessee requested a waiver of the HOPWA regulation that provides for a limit on the term of assistance for a resident of a short-term housing facility.

Nature of Requirement: 24 CFR 574.330(a)(1) provides for a limit on the term of assistance for a resident of a short-term housing facility of not more than 60 days during any six month period.

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

Date Granted: January 7, 1999.

Reasons Waived: 24 CFR 574.330(a)(2) allows HUD to waive the limitation in 24 CFR 574.330(a)(1) based on the good faith effort of the grantee to provide permanent housing. The City of Memphis advised that the United Way of the Mid-South is assisting the client in obtaining permanent housing, which was expected to occur in mid-January 1999.

16. Regulation: 24 CFR 576.21.

Project/Activity: Morris County, New Jersey requested a waiver of the 30 percent spending limitation on essential services.

Nature of Requirement: 24 CFR 576.21 states that recipients of ESG grant funds are subject to the limits on the use of assistance for essential services established in 42 U.S.C. 11374(a)(2) (section 414(a)(2) of the Stewart B. McKinney Homeless Assistance Act). 42 U.S.C. 11374(a)(2)(B) limits the use of assistance for essential services to 30 percent of the aggregate amount of all assistance to a State or local government under the ESG program.

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

Date Granted: January 22, 1999.

Reasons Waived: 42 U.S.C. 11374(b) allows for a waiver if the grantee is able to demonstrate that other eligible activities under the program are already being carried out in the locality with other resources. Morris County provided information to HUD that indicated it was able to meet its commitment to rehabilitation, as well as its other immediate homeless and homeless prevention assistance needs through a combination of other Federal, State and county sources.

17. Regulation: 24 CFR 576.21.

Project/Activity: The State of California requested a waiver of the 30 percent spending limitation on essential services.

Nature of Requirement: 24 CFR 576.21 states that recipients of ESG grant funds are subject to the limits on the use of assistance for essential services established in 42 U.S.C. 11374(a)(2) (section 414(a)(2) of the Stewart B. McKinney Homeless Assistance Act). 42 U.S.C. 11374(a)(2)(B) limits the use of assistance for essential services to 30 percent of the aggregate amount of all assistance to a State or local government under the ESG program.

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

Date Granted: February 4, 1999.

Reasons Waived: 42 U.S.C. 11374(b) allows for a waiver if the grantee is able to demonstrate that other eligible activities under the program are already being carried out in the locality with other resources. The State has developed a certification to be executed by all applicants intending to use more than 30 percent of its funds for essential services certifying the availability of other funds to carry out the other eligible activities.

18. Regulation: 24 CFR 576.35(a)(1).

Project/Activity: The State of Alabama requested a waiver of the provision requiring recipients to spend their ESG funds within 180 days of the date of the grant award by HUD.

Nature of Requirement: 24 CFR 576.35(a)(1) requires States to spend their ESG funds within 180 days of the grant award by HUD.

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

Date Granted: February 12, 1999.

Reasons Waived: Alabama's contracting practices precluded timely expenditure of ESG funds. HUD granted the State an expenditure date of April 30, 1999 for its homeless prevention activities. HUD determined that granting the waiver would further the purposes of the Act.

19. *Regulation:* 24 CFR 576.35(b).

Project/Activity: The City of Chicago, Illinois requested a waiver of the expenditure deadline for ESG funds.

Nature of Requirement: 24 CFR 576.35(b) requires Cities to spend their ESG funds within 24 months of the date of the grant award by HUD.

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

Date Granted: March 26, 1999.

Reasons Waived: The City of Chicago's contracting practices encouraging the use of local businesses certified as Minority Business Enterprise (MBE) and Woman's Business Enterprise (WBE) have caused delays in contract execution. HUD determined that granting the waiver would further the purposes of the Act.

For Items 20 Through 21, Waivers Granted for 24 CFR Part 761, Contact: Jackie Johnson, Deputy Assistant Secretary for Native American Programs, Office of Public and Indian Housing, Room 4204, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC, 20410-5000; telephone (202) 619-8201 (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 (800) 877-8339.

20. *Regulation:* 24 CFR 761.30(b)(2) and (4).

Project/Activity: A request was made by the Salt River Community Housing Division (SRCHD) for a six-month extension to continue activities that deter juvenile violence and vandalism under the Public and Indian Housing Drug Elimination Grant Program (PIHDEP).

Nature of Requirement: The NOFA for the 1996 PIHDEP states that grant activities must be completed within 24 months, up to and including a maximum period of six months beyond the original grant agreement. Any extension beyond the six months must be approved by the Assistant Secretary for Public and Indian Housing.

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

Date Granted: December 16, 1998.

Reasons Waived: The grantee exhibited administrative capability and the extension will permit the SRCHD to accomplish established goals and objectives.

21. *Regulation:* 24 CFR 761.30(b)(2) and (4).

Project/Activity: A request was made by the Absentee Shawnee Housing Authority (ASHA) for a retroactive seven-month extension.

Nature of Requirement: The NOFA for the 1996 PIHDEP states that grant activities must be completed within 24 months, up to and including a maximum period of six months beyond the original grant agreement. Any extension beyond the six months must be approved by the Assistant Secretary for Public and Indian Housing.

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

Date Granted: February 23, 1999.

Reasons Waived: The ASHA submitted sufficient evidence that they have successfully completed many drug prevention activities and services for their residents and that additional time will enable them to sustain drug prevention measures.

22. *Regulation:* 24 CFR 761.30(b)(2) and (4).

Project/Activity: A request was made by the Pueblo of Acoma Housing Authority (PAHA) for an 18-month extension of their Fiscal Year 1995 Public and Indian Housing Drug Elimination Grant program (PIHDEP). The grant was originally awarded to the All Indian Pueblo Housing Authority (AIPHA), an umbrella housing authority that served 11 tribes in New Mexico including the Pueblo of Acoma. The AIPHA dissolved and did not take significant steps to implement PIHDEP activities so the grant was transferred to the PAHA.

Nature of Requirement: The NOFA for the 1995 PIHDEP states that grant activities must be completed within 24 months, up to and including a maximum period of six months beyond the original grant agreement. Any extension beyond the six months must be approved by the Assistant Secretary for Public and Indian Housing.

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

Date Granted: March 18, 1999.

Reasons Waived: The grantee has exhibited administrative capability and the extension will permit the PAHA to implement and complete all original activities in the comprehensive plan.

For Item 23, Waiver Granted for 24 CFR Part 811, Contact: James B. Mitchell, Eastern and Atlantic Servicing Branch, Office of Portfolio Management, Room 6164, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-8000; telephone (202) 708-3730 (this is not a toll-free number). Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

23. *Regulation:* 24 CFR 811.105(c)(3).

Project/Activity: Refunding of bonds that finance two Section 8 assisted projects in Newark, New Jersey: the Avon Hill Apartments, FHA No. 031-35228 and Cathedral Park Apartments FHA No. 031-35231.

Nature of Requirement: The regulation requires that bonds issued under section 11(b) of the United States Housing Act of 1937 (42 U.S.C. 14371i) be issued no more than 60 days after approval of such issuance by the parent entity of the issuer.

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

Date Granted: March 29, 1999.

Reasons Waived: The Refunding Bonds were issued by the Housing Finance Corporation of Newark, New Jersey, 61 days after approval by the parent entity, the Newark Housing Authority. In that the delay of one day in issuance on February 6, 1999, was unavoidable, good cause was found to waive this section.

For Items 24 Through 71, Waivers Granted for 24 CFR Part 891, Contact: Willie Spearmon, Director, Office of Business Products, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-8000; 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 (800) 877-8339.

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

Project/Activity: Bivins Place, Richmond, Kentucky, Project Number: 083-HD040.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.100(d) allows HUD to amend the amount of an approved capital advance only after an initial closing has occurred.

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

Date Granted: January 22, 1999.

Reasons Waived: The owner took all reasonable measures to reduce project cost as well as to obtain other financing to cover a majority of the shortfall.

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

Project/Activity: B'nai B'rith, New Haven, Connecticut, Project Number: 017-EE029.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.100(d) allows HUD to amend the amount of an approved capital advance only after an initial closing has occurred.

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

Date Granted: January 22, 1999.

Reasons Waived: The high development cost was due in part to delays caused by the city withholding issuance of the building permit for several months and the extraordinary expense for environmental abatement.

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

Project/Activity: Norris Square Senior Housing, Philadelphia, Pennsylvania, Project Number: 034-EE068.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.100(d) allows HUD to amend the amount of an approved capital advance only after an initial closing has occurred.

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

Date Granted: January 22, 1999.

Reasons Waived: Additional funds were needed to pay for the contractor's price increase resulting from unavoidable delays to the construction start date.

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

Project/Activity: Marian Manor, Louisville, Kentucky, Project Number: 083-EE050.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.100(d) allows HUD to amend the amount of an approved capital advance only after an initial closing has occurred.

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

Date Granted: February 2, 1999.

Reasons Waived: The sponsor/owner, architect, contractor, and consultant explored every avenue to save money on design, labor, and materials and, as a result, the shortfall was reduced from \$227,100 to \$16,928.

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

Project/Activity: AHEPA/Daughters of Penelope #120, Peabody, Massachusetts, Project Number: 023-EE085.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.100(d) allows HUD to amend the amount of an approved capital advance only after an initial closing has occurred.

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

Date Granted: February 22, 1999.

Reasons Waived: The owner had to locate alternate source of financing to meet section 106 historic preservation requirement.

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

Project/Activity: Full Harvest Housing, Osceola, Iowa, Project Number: 074-EE032.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.100(d) allows HUD to amend the amount of an approved capital advance only after an initial closing has occurred.

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

Date Granted: March 10, 1999.

Reasons Waived: The project was adversely affected by "economy of scale" issues connected to a project of 25 total units and by a construction boom in the area.

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

Project/Activity: Clinton House, Detroit, Michigan, Project Number: 044-HD020.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.100(d) allows HUD to amend the amount of an approved capital advance only after an initial closing has occurred.

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

Date Granted: March 18, 1999.

Reasons Waived: The actual cost of the project exceeded the fund reservation amount. Requirements of the City of Detroit caused the additional cost for development of the project.

31. *Regulation:* 24 CFR 891.165.

Project/Activity: Southern New Hampshire Services, Project Number: 024-EE032.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: February 2, 1999.

Reasons Waived: The sponsor/owner changed sites twice due to denial of discretionary land use approvals by the towns.

32. *Regulation:* 24 CFR 891.165.

Project/Activity: The Elms, Project Number: 024-HD022.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: February 2, 1999.

Reasons Waived: The sponsor/owner had to change sites.

33. *Regulation:* 24 CFR 891.165.

Project/Activity: Interfaith Housing, Westport, Connecticut, Project Number: 017-HD015.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: February 8, 1999.

Reasons Waived: The sponsor had difficulty obtaining affordable sites in the Country's most affluent county.

34. *Regulation:* 24 CFR 891.165.

Project/Activity: McKinley III, Chicago, Illinois, Project Number: 071-HD093.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: February 8, 1999.

Reasons Waived: Time was needed for HUD to process the firm application and review the closing documents.

35. *Regulation:* 24 CFR 891.165.

Project/Activity: Barbara Chappelle Manor, Grenada, Mississippi, Project Number: 065-EE018.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: February 12, 1999.

Reasons Waived: The sponsor/owner was forced to change sites because of local opposition. Additional time was needed to conduct the appraisal and survey of the new site.

36. *Regulation:* 24 CFR 891.165.

Project/Activity: Jackson Place, Project Number: 136-HD009.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: February 22, 1999.

Reasons Waived: Cost problems resulted in the sponsor/owner having to identify additional funding resources for project feasibility.

37. *Regulation:* 24 CFR 891.165.

Project/Activity: Lake Champlain Housing Development, Project Number: 024-HD024.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: February 23, 1999.

Reasons Waived: Negotiations with local governmental agencies caused the delay in submission of the firm application.

38. *Regulation:* 24 CFR 891.165.

Project/Activity: Ellery Court Senior Housing, New York, New York, Project Number: 012-EE186.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable

Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: February 23, 1999.

Reasons Waived: Time was needed for HUD to process the firm application.

39. *Regulation:* 24 CFR 891.165.

Project/Activity: Rockland ARC Living Alternatives, New York, New York, Project Number: 012-HD061.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date granted: February 26, 1999.

Reasons Waived: The sponsor/owner had to complete a very lengthy and complex New York State site approval process.

40. *Regulation:* 24 CFR 891.165.

Project/Activity: Council Towers IV, New York, New York, Project Number: 012-EE211.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date granted: February 26, 1999.

Reasons Waived: It took the professional cost estimator extra time to submit a product acceptable to HUD, and the sponsor's Firm Commitment application was revised several times in the course of 12 months in order to achieve feasibility.

41. *Regulation:* 24 CFR 891.165.

Project/Activity: Independent Living Apartment Complex, Project Number: 140-HD014.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 10, 1999.

Reasons Waived: Time was needed because during the processing of the firm commitment, a legal problem was discovered with the site. A new survey had to be completed in order to revise the legal

description of the property. The delay was beyond the control of the owner.

42. *Regulation:* 24 CFR 891.165.

Project/Activity: Cross Lanes Unity Apartments, Cross Lanes, West Virginia, Project Number: 045-EE009.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 12, 1999.

Reasons Waived: Sponsor/owner had to acquire additional sources of funding for the project.

43. *Regulation:* 24 CFR 891.165.

Project/Activity: East 21st Street Midwood Residence, Project Number: 012-HD052.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 16, 1999.

Reasons Waived: Several review deficiencies had to be corrected by the sponsor prior to acceptance of the application for processing. Also, a lengthy New York State site review and approval process had to be completed.

44. *Regulation:* 24 CFR 891.165.

Project/Activity: Hale O Mana'O Lana Housing, Wailuku, Hawaii, Project Number: 140-HD015.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 16, 1999.

Reasons Waived: Additional time was needed for the owners to obtain a survey and file an application to subdivide the property in the Land Court.

45. *Regulation:* 24 CFR 891.165.

Project/Activity: W.K. Nursing Home Housing for the Elderly, New York, New York, Project Number: 012-EE212.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18

months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 16, 1999.

Reasons Waived: Time was needed for the sponsor/owner to address the site's environmental problems and for HUD to review the firm application.

46. *Regulation:* 24 CFR 891.165.

Project/Activity: Victoria Jennings Residences, Chicago, Illinois, Project Number: 071-HD088.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 16, 1999.

Reasons Waived: Time was needed for HUD to process the firm application and review the closing documents.

47. *Regulation:* 24 CFR 891.165.

Project/Activity: Crystal Court Apartments, Chicago, Illinois, Project Number: 071-HD009.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 16, 1999.

Reasons Waived: The sponsor/owner needed additional time to obtain a building permit from the City of Chicago.

48. *Regulation:* 24 CFR 891.165.

Project/Activity: Salvation Army Group Home-Pulaski, New York, New York, Project Number: 012-HD029.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 16, 1999.

Reasons Waived: Additional time was required to complete the approval process for city-owned land and to clear project for initial closing.

49. *Regulation:* 24 CFR 891.165.

Project/Activity: Salvation Army Group Home-Topping, New York, New York, Project Number: 012-HD027.

Nature of Requirement: HUD provides capital advances under section 202 of the

Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 16, 1999.

Reasons Waived: Additional time was required to complete the approval process for city-owned land and to clear the project for initial closing.

50. *Regulation:* 24 CFR 891.165.

Project/Activity: Randolph Housing Services, Randolph, Vermont, Project Number: 024-EE034.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 16, 1999.

Reasons Waived: Additional time was required for the sponsor/owner to resolve historic preservation concerns.

51. *Regulation:* 24 CFR 891.165.

Project/Activity: Jefferson Cottage, Charles Town, West Virginia, Project Number: 045-HD021.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 17, 1999.

Reasons Waived: The project was delayed due to the owner's inability to obtain subdivision approval from the local county commission in a timely manner.

52. *Regulation:* 24 CFR 891.165.

Project/Activity: Jefferson Villa, Charles Town, West Virginia, Project Number: 045-HD022.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 17, 1999.

Reasons Waived: Sponsor/owner was unable to obtain a timely subdivision approval from the local county commission.

53. *Regulation:* 24 CFR 891.165.

Project/Activity: Kaneohe Elderly, Kaneohe, Oahu, Hawaii, Project Number: 140-EH015.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 17, 1999.

Reasons Waived: Additional time was needed by HUD to process the firm commitment application and for the project to reach initial closing.

54. *Regulation:* 24 CFR 891.165.

Project/Activity: Hale Mahaolu Eono, Kaunakakai, Hawaii, Project Number: 140-EE014.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 17, 1999.

Reasons Waived: Time was needed for HUD to process the firm application.

55. *Regulation:* 24 CFR 891.165.

Project/Activity: Kaneohe Elderly, Kaneohe, Oahu, Hawaii, Project Number: 140-EH015.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 17, 1999.

Reasons Waived: The project is being developed in conjunction with units funded through other funding sources and delays have been caused by trying to get all funding commitments in order.

56. *Regulation:* 24 CFR 891.165.

Project/Activity: Becerra Apartments, Project Number: 136-HD008.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 18, 1999.

Reasons Waived: The initial closing was delayed due to the length of time it took the sponsor/owner to identify additional funding resources for project feasibility.

57. *Regulation:* 24 CFR 891.165.

Project/Activity: Accessible Space-Corpus, Corpus Christi, Texas, Project Number: 115-HD022.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 18, 1999.

Reasons Waived: Time was needed for HUD to process the firm application and review the closing documents.

58. *Regulation:* 24 CFR 891.165.

Project/Activity: Covenant Place, Project Number: 075-EE045.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 20, 1999.

Reasons Waived: Additional time was needed for HUD legal staff to review documents.

59. *Regulation:* 24 CFR 891.165.

Project/Activity: Tongore Pines, Project Number: 012-EE193.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 23, 1999.

Reasons Waived: The project's original architect failed to produce a feasible project and the sponsor/owner had to retain a new project architect.

60. *Regulation:* 24 CFR 891.165.

Project/Activity: Royal Gardens, Chicago, Illinois, Project Number: 071-EE125.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 23, 1999.

Reasons Waived: The sponsor/owner had difficulty identifying additional funding for the project.

61. Regulation: 24 CFR 891.165.

Project/Activity: Habilitative Systems, Chicago, Illinois, Project Number: 071-EE115.

Nature of Requirement: Request for fund reservation extension. Duration of capital advance.

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

Date Granted: March 23, 1999.

Reasons Waived: The sponsor/owner filed for secondary financing for money to cover other expenses needed for this project, and the Chicago staff is in the process of completing the mortgage credit review.

62. Regulation: 24 CFR 891.165.

Project/Activity: Evangeline Booth Garden Apartments, Ocala, Florida, Project Number: 063-EE011.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 24, 1999.

Reasons waived: Additional time was required for HUD to complete the processing for the project.

63. Regulation: 24 CFR 891.165.

Project/Activity: Passaic Consumer Home, Passaic, New Jersey, Project Number: 031-HD074.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 24, 1999.

Reasons waived: Time was needed for HUD to review the initial closing package and schedule a closing date.

64. Regulation: 24 CFR 891.165.

Project/Activity: Abraham Lincoln Centre, Chicago, Illinois, Project Number: 071-HD095.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 26, 1999.

Reasons waived: Delays were caused by a new land acquisition policy for city-owned parcels that involved Aldermanic approval, and owner had to secure additional funding.

65. Regulation: 24 CFR 891.165.

Project/Activity: Franklin Place, Elizabethton, Tennessee, Project Number: 087-EE028.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 26, 1999.

Reasons waived: Delays were caused by problems with the site, and HUD needed time to process the firm commitment application.

66. Regulation: 24 CFR 891.165.

Project/Activity: Woodgrove Apartments, Maryville, Tennessee, Project Number: 087-HD033.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 26, 1999.

Reasons waived: Due to neighborhood opposition, the owner had to relocate the project to another site.

67. Regulation: 24 CFR 891.165.

Project/Activity: Micki Thompson Apartments, Crossville, Tennessee, Project Number: 087-HD030.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 26, 1999.

Reasons waived: Additional time was needed for the owner to obtain additional funds for feasibility and for HUD to process the firm application.

68. Regulation: 24 CFR 891.165.

Project/Activity: Lloyd Street Apartments, Oneida, Tennessee, Project Number: 087-HD031.

Nature of Requirement: HUD provides capital advances under section 202 of the

Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 26, 1999.

Reasons Waived: The original site was lost due to a misrepresentation by the seller, and the owner had difficulty locating another site.

69. Regulation: 24 CFR 891.165.

Project/Activity: Chandler Supportive Housing, Chandler, Arizona, Project Number: 123-HD015.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 30, 1999.

Reasons Waived: Time needed for HUD to review firm application.

70. Regulation: 24 CFR 891.165.

Project/Activity: Kuehl Apartments, Project Number: 033-HD031.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 30, 1999.

Reasons Waived: Delays were caused by a change in construction methods from rehabilitation to new construction in order to make the project feasible.

71. Regulation: 24 CFR 891.165.

Project/Activity: Poux Apartments, Project Number: 033-HD030.

Nature of Requirement: HUD provides capital advances under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) and section 811 of the National Affordable Housing Act (42 U.S.C. 8013). 24 CFR 891.165 provides that the duration of the fund reservation for the capital advance is 18 months from the date of issuance, with limited exceptions up to 24 months.

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

Date Granted: March 31, 1999.

Reasons Waived: The sponsor/owner had to change sites due to public opposition.

For Items 72 Through 74, Waivers Granted for 24 CFR Part 891, Contact: Jerold Nachison, Eastern and Atlantic Servicing Branch, Office of Portfolio Management,

Room 6168, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-8000; telephone (202) 708-3730 (this is not a toll-free number). Hearing-or speech impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

72. Regulation: 24 CFR 891.575 and 610(c).

Project/Activity: Long Beach, California (Village Congregational, Project No. 122-EH235). The Los Angeles Multifamily HUB has requested an income and age waiver for this project.

Nature of Requirement: HUD regulations at 24 CFR part 891 require that occupancy be limited to Very Low Income (VLI) elderly persons (i.e., households composed of 1 or more persons at least one of whom is 62 years of age at time of initial occupancy).

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

Date Granted: February 22, 1999.

Reasons Waived: The Assistant Secretary granted the waiver, which provides guidance on project oversight and is based on the special circumstances of this case. The waiver is requested to assist the project in reaching full occupancy in the local market.

73. Regulation: 24 CFR 891.575 and 610(c).

Project/Activity: Muskegon, Michigan (Christian Manor, Project No. 047-EH069). The Detroit Multifamily HUB requested an income and age waiver for this project.

Nature of Requirement: HUD regulations at 24 CFR part 891 require that occupancy be limited to Very Low Income (VLI) elderly persons (i.e., households composed of one or more persons at least one of whom is 62 years of age at time of initial occupancy).

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

Date Granted: February 22, 1999.

Reasons Waived: The Assistant Secretary granted the waiver because of the area's "soft" housing market and the difficulty in renting remaining units. The waiver would allow project management additional flexibility in attempting to rent up these units and perhaps start a waiting list.

74. Regulation: 24 CFR 891.575 and 610(c).

Project/Activity: The Philadelphia Multifamily Hub requested waiver of the age requirement for 10 current heads of household/tenants under the age of 62 at the Sarah Allen Senior Housing Project, Project No. 034-EE018, in Philadelphia, Pennsylvania.

Nature of Requirement: HUD regulations at 24 CFR part 891 require that occupancy be limited to Very Low Income (VLI) elderly persons (i.e., households composed of 1 or more persons at least one of who is 62 years of age at time of initial occupancy).

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

Date Granted: March 22, 1999.

Reasons Waived: The waiver is based on the circumstances of this case in which the sponsoring organization apparently did not pay attention at the application workshop nor properly read the materials, and used the same occupancy plan that was used with

prior Section 202/811 projects. Hub staff have requested immediate revision of the occupancy plan, tenant selection criteria, and management plan as soon as possible for submission to the Hub Director for approval in efforts to restore the project to Section 202/PRAC for the elderly. Additionally, the waiting list for non-elderly disabled individuals or families must be abolished immediately and those inappropriately housed must be helped to locate to other subsidized projects in which they may be housed.

For Items 75 Through 80, Waivers Granted for 24 CFR Parts 982 and 983, Contact: Gloria J. Cousar, Deputy Assistant Secretary for Public and Assisted Housing Delivery, Office of Public and Indian Housing, Room 4204, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-5000; telephone (202) 619-8201 (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 (800) 877-8339.

75. Regulation: 24 CFR 982.302(b) and (c); 982.305(a)(3), (c), (d), and (e); 982.307(b); 982.308(b), (c), and (d); 982.309; 982.310; 982.311; 982.313; part 982, subpart J; 982.622(b)(2) and (b)(4); and 982.623 (c) and (d).

Project/Activity: Section 557 of the Quality Housing and Work Responsibility Act of 1998 provides that HUD shall carry out a demonstration program during fiscal years 1999, 2000, and 2001. The purpose of the demonstration is to test the effectiveness of providing tenant-based assistance payments directly to manufactured home owners who wish to rent the manufactured home space with Section 8 assistance in cases where the owner of the real property (the manufactured home space) refuses to participate in the Section 8 rental assistance program. The statute limits public housing agency participation in this demonstration to the Housing Authority of the County of San Diego and the Housing Authority of the City of San Diego (the San Diego Housing Commission).

Nature of Requirement: The regulations provide that housing assistance payments must be made to the owner of the real property (manufactured home space) and include various other owner requirement (e.g., executing a housing assistance payment contract and security deposits, etc.).

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

Date Granted: February 10, 1999.

Reasons Waived: To permit the San Diego Housing Commission and Housing Authority of the County of San Diego to make Section 8 housing assistance payments for the rental of manufactured home spaces directly to manufactured home owners (participating families) under the manufactured housing demonstration program.

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

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

Nature of Requirement: The regulation provides for a maximum rental certificate/voucher term of 120 days during which a

certificate/voucher holder may seek housing to be leased under the program.

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

Date Granted: January 20, 1999.

Reasons Waived: Approval of the waiver provided the certificate holder additional time to seek housing. The certificate holder experienced extreme difficulty in locating a suitable unit.

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

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

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

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

Date Granted: March 2, 1999.

Reasons Waived: The waiver provided extra search time to a certificate holder who was bedridden during the period the certificate was in effect.

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

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

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

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

Date Granted: March 2, 1999.

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

79. Regulation: 24 CFR 982.307(b)(i).

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

Nature of Requirement: This section of the regulations requires the housing agency to provide the owner with specific information about the tenant.

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

Date Granted: March 26, 1999.

Reasons Waived: As a reasonable accommodation to the family, the housing authority was not required to supply the family's previous address to the new landlord.

80. Regulation: 24 CFR 983.7(b)(2), 983.8, 983.101, and 983.203(a)(4).

Project/Activity: The New Brunswick Housing and Redevelopment Authority, New Jersey requested the waivers to provide project-based certificate assistance for 40 units at Providence Square Apartments.

Nature of Requirement: The regulations prohibit attachment of assistance to housing for which rehabilitation is started before an agreement execution (24 CFR 983.7(b)(2)), require a rehabilitation expenditure of \$1,000 per unit (24 CFR 983.8), require an agreement to rehabilitate (24 CFR 983.101), and require that participants must be selected from the housing agency's waiting list (983.203(a)(4)).

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

Date Granted: January 6, 1999.

Reasons Waived: The waivers covered 40 elderly families who were living at Providence Square. Providence Square is a 98-unit apartment building for the elderly. Section 219 of HUD's 1997 Appropriations

Act authorized PBC assistance for Providence Square. Approval of the waivers provided assistance to Section 8 eligible in-place elderly tenants and prevented hardship that

would otherwise be caused by their displacement.

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