

lesser of (a) the family's TTP, less the Utility Allowance, or (b) any applicable maximum rent under LIHTC regulations. During any period when the family's TTP falls below the gross rent, normal PBV rules shall apply.

6. *Under-Occupied Unit. Provision affected:* 24 CFR 983.260. *Waiver:* HUD is waiving this provision in order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available in the Covered Project.

7. *Establishment of a Waiting List. Provision affected:* 24 CFR 983.251(c)(2). *Alternative Requirement:* HUD is specifying an alternative requirement in order to ensure that applicants on the PHA's community wide public housing waiting list have been offered placement on a Covered Project's site-based PBV waiting list.

In addition, this notice announces two other waivers and alternative requirements:

1. *Jobs Plus. Provision affected:* Jobs Plus provisions in the "Public Housing Capital Fund" of Consolidated Appropriations Act, 2014 (Pub. L. 113-76) or future appropriations acts. *Waiver and Alternative Requirement:* HUD is waiving the provision in the appropriation acts for FY14 and future years that limits Jobs Plus funds to provide grants to help public housing residents obtain employment and increase earnings. This waiver is necessary for the continued administration of the Jobs Plus grant at a target project after conversion. Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance unless significant relocation and/or change in building occupancy is planned. However, Jobs Plus target public housing projects must enroll public housing residents into the Jobs Plus rent incentive, JPEID, prior to conversion. Any resident of the Covered Project that had not enrolled prior to conversion is not eligible to enroll in JPEID but may utilize Jobs Plus services that predominantly benefit the former public housing residents who resided at the target project at the time of RAD conversion.

2. *Relocation requirements under Section 18 of the Act. Provision affected:* Sections 18(a)(4) and 18(g) of the Act and 24 CFR 970.21. *Waiver and Alternative Requirement:* Where a PHA is combining the use of RAD and Section 18 at a project, HUD is waiving the relocation requirements governing Section 18 and applying the RAD relocation requirements to affected residents.

## V. Revised RAD Notice Availability

The Revised RAD Notice (PIH-2019-23 (HA)/H-2019-09, REV-4) can be found on RAD's website, [www.hud.gov/RAD](http://www.hud.gov/RAD).

## VI. Impact on 2015 Davis-Bacon Notice

On March 9, 2015 at 80 FR 12511 (the "March 9, 2015 Notice"), HUD published a notice in the **Federal Register** with details on how the Davis-Bacon requirements interact with the PBV program. The notice particularly addressed the applicability of Davis-Bacon requirements to projects selected as "existing housing"<sup>2</sup> under the PBV program, including PBV existing housing under the second component of RAD (sometimes referred to as "RAD 2"), which was covered in section II.C.

HUD's General Counsel issued a legal opinion on August 13, 2019 (the "2019 Opinion"), concluding that Davis-Bacon requirements are not triggered by the rehabilitation of previously assisted units occurring in connection with a conversion of assistance under the second component of RAD. The 2019 Opinion superseded a 2014 opinion (the "2014 Opinion") from the Office of General Counsel regarding the applicability of Davis-Bacon wage rates to PBV existing housing under RAD 2. The 2019 Opinion noted that the 2014 Opinion did not give proper consideration to statutory text and was a departure from longstanding HUD interpretation and practice. The 2019 Opinion concluded that rehabilitation of already-assisted units and associated common areas that occur in connection with PBV and PBRA provided under RAD 2 does not constitute "development" of a new Section 8 project that would trigger the application of Davis-Bacon requirements under section 12(a) of the United States Housing Act of 1937. Instead, RAD 2 transactions in which the assisted units remain the same as those under the prior form of project-based assistance constitute a mere extension of existing assistance. The 2019 Opinion also noted that to the extent that construction or rehabilitation is performed on nine or more units that will be newly assisted with PBVs or PBRA under RAD 2 (including through transfer of assistance), this work would constitute development of an expanded project that would trigger the application of Davis-Bacon to the same extent that it would apply to the non-RAD provision of PBVs or PBRA to projects that include units not assisted under a previous contract. Accordingly,

<sup>2</sup> Existing housing is defined in 24 CFR 983.3.

section II.C. of the March 9, 2015 Notice is withdrawn. The guidance in the remainder of the March 9, 2015 Notice remains applicable to the rehabilitation of nine or more newly assisted existing units under RAD 2.

## VII. Environmental Review

A Finding of No Significant Impact with respect to the environment has been completed in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Finding is available for public inspection during regular business hours in the Regulations Division, Office of General Counsel; Department of Housing and Urban Development; 451 7th Street SW, Room 10276; Washington, DC 20410-0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the Finding by calling the Regulations Division at 202-402-3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 800-877-8339.

Dated: October 4, 2019.

**R. Hunter Kurtz,**

*Assistant Secretary for Public and Indian Housing.*

**Brian D. Montgomery,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

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### State of Arizona Resource Advisory Council Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM), Arizona Resource Advisory Council (RAC) will meet in Phoenix, Arizona, as indicated below.

**DATES:** The RAC will hold a 2-day public meeting on November 13-14, 2019. The meeting will be held each day from 8:30 a.m. to 4:30 p.m.

**ADDRESSES:** The meeting will be held in the 8th floor conference room at the BLM Arizona State Office located at One North Central Avenue, Suite 800, Phoenix, Arizona, 85004-4427. The final agenda will be posted on the BLM Arizona RAC website at: <https://www.blm.gov/get-involved/resource-advisory-council/near-you/arizona>.

**FOR FURTHER INFORMATION CONTACT:** Dolores Garcia, Public Affairs Specialist, at the BLM, Arizona State Office, One North Central Avenue, Suite 800, Phoenix, Arizona, 85004-4427, telephone: 602-417-9241 or email: [dagarcia@blm.gov](mailto:dagarcia@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact Ms. Garcia during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours. Individuals who need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Garcia no later than 2 weeks before the start of the meeting.

**SUPPLEMENTARY INFORMATION:** The 15-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in Arizona.

Agenda items will include updates on BLM project work in compliance with Department of the Interior priorities and Secretary's Orders; resource management updates, including vegetation management and monitoring initiatives; Range Standards and Guidelines Training; District updates, and public comment. In addition to those BLM agenda items, the Recreation RAC will consider nine U.S. Forest Service fee proposals for the Kaibab and Coronado National Forests in Arizona. A RAC working group review of the proposals is planned for the afternoon of November 13, with a formal Recreation RAC session, planned for November 14, including a special public comment period related to the fee proposals at 2:00 p.m.

The public may address the RAC on BLM-related topics in person or submit a written statement on November 14, 2019, at around 3 p.m. Depending on the number of persons wishing to speak, and the time available, the time for individual comments may be limited. Written comments may also be sent to the BLM Arizona State Office at the address listed in the **ADDRESSES** section of this notice. All comments received will be provided to the Arizona RAC.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 1784.4-2)

**Raymond Suazo,**  
Arizona State Director.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

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### Notice of Application for a Recordable Disclaimer of Interest: Tarrant County, Texas

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

**ACTION:** Notice of application.

**SUMMARY:** The Bureau of Land Management (BLM) received an application for a Recordable Disclaimer of Interest (Disclaimer of Interest) from Frances Corn Chandler, Howard Fielding Chandler, Alexander Marr Chandler, Lewis Matthews Chandler, Jere Jean Yeager, and Kathryn Louise Kronawitter, heirs of Virginia C. Yeager and Opal Keating, pursuant to the Federal Land Policy and Management Act of 1976, as amended, and BLM regulations, for certain mineral estate in Tarrant County, Texas. This notice is intended to inform the public of the pending application, give notice of the BLM's intention to grant the Disclaimer of Interest and provide a public comment period for the Disclaimer of Interest.

**DATES:** Comments on this action should be received by January 8, 2020.

**ADDRESSES:** Written comments must be sent to the Deputy State Director, Lands and Resources, BLM, New Mexico State Office, 301 Dinosaur Trail, Santa Fe, NM 87508. Comments, including names and street addresses of commenters, will be available for public review at the BLM New Mexico State Office, during regular business hours, Monday through Friday, except Federal holidays. Additional information pertaining to this application can be reviewed in case file TXNM138111 in the BLM Oklahoma

Field Office, 201 Stephenson Parkway, Room 1200, Norman, OK 73072-2037.

**FOR FURTHER INFORMATION CONTACT:** John Ledbetter, Realty Specialist, BLM Oklahoma Field Office; telephone: 405-579-7172; email: [jledbetter@blm.gov](mailto:jledbetter@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The purpose of this Disclaimer of Interest is to remove a cloud on the title of a mineral interest of a parcel of land situated in Tarrant County, Texas.

The BLM received an application for a Disclaimer of Interest from the heirs of Virginia C. Yeager and Opal Keating for the mineral estate of land lying near the U.S. Army, Corps of Engineers' (Corps) Benbrook Lake in Tarrant County, Texas. This is a subsequent application from these applicants and pertains to a second mineral interest lying adjacent to the mineral estate that was the subject of the applicants' initial Disclaimer of Interest. The mineral estate subject to the initial application is identified as Tract C-214 and a portion of Tract C-215 located within the John T. Gilliland Survey (A-610) and the William Hunter Survey (A-734). The resulting Disclaimer of Interest disclaimed any interest the United States may have had in Tract C-214 and a portion of Tract C-215. This Disclaimer of Interest, issued in 2016, was executed by the BLM based upon the opinions of the U.S. Attorney General, Corps, and the BLM acknowledging the minerals underlying the Hunter and Gilliland surveys were severed from the surface estate in 1922 via the mineral deed from J.W. Corn to Virginia C. Yeager and Opal Keating as recorded in Volume 745, Page 578, Tarrant County, Texas; and the mineral interest under the Hunter and Gilliland surveys was never acquired by the Corps.

The pending second application from the heirs of Yeager and Keating addresses the mineral estate under the Hunter and Gilliland surveys within Corps Tract B-115. Tract B-115 is located within seven separate surveys and has multiple, complex chains of title for the various parcels making up Tract B-115. The applicants' second application seeks a Disclaimer of Interest for the western portions of Tract B-115 that are within the Gilliland and Hunter surveys only. The applicants are