DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. FR–3864–N–05]

Notice of Regulatory Waiver Requests Granted

AGENCY: Office of the Secretary, HUD.

ACTION: Public Notice of the Granting of Regulatory Waivers. Request: July 1, 1995 through September 30, 1995.

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

FOR FURTHER INFORMATION CONTACT: For general information about this Notice, contact Camille E. Acevedo, Assistant General Counsel for Regulations, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone 202–708–3055; TDD: (202) 708–3259. (These are not toll-free numbers.) For information concerning a particular waiver action, about which public notice is provided in this document, contact the person whose name and address is set out, for the particular item, in the accompanying list of waiver-grant 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 the Department. Section 106 of the Act (Section 7(q)(3)) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(q)(3), provides that:

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

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

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that the Department has approved, by publishing a Notice in the Federal Register. These Notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived, and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request;

e. State how additional information about a particular waiver grant action may be obtained.

Section 106 also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purposes of today's document.

Today's document follows publication of HUD's Statement of Policy on Waiver of Regulations and Directives Issued by HUD (56 FR 16337, April 22, 1991). This is the nineteenth Notice of its kind to be published under Section 106. It updates HUD's waiver-grant activity from July 1, 1995 through September 30, 1995. In approximately three months, the Department will publish a similar Notice, providing information about waiver-grant activity for the period from October 1, 1995 through December 31, 1995.

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 24.200 (involving the waiver of a provision in Part 24) would come early in the sequence, while waivers in the Section 8 and Section 202 programs (24 CFR Chapter VIII) would be among the last matters listed. Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement in Title 24 that is being waived as part of the waiver-grant action. (For example, a waiver of both § 811.105(b) and § 811.107(a) would appear sequentially in the listing under § 811.105(b).) Waiver-grant actions involving the same initial regulatory citation are in time sequence beginning with the earliest-dated waiver grant action.

Should the Department receive additional reports of waiver actions taken during the period covered by this report before the next report is published, the next updated report will include these earlier actions, as well as those that occur between October 1, 1995 through December 31, 1995.

Accordingly, information about approved waiver requests pertaining to regulations of the Department is provided in the Appendix that follows this Notice.

Dated: February 20, 1996.

Henry G. Cisneros,

Secretary.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development July 1, 1995 through September 30, 1995

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

Mr. James B. Mitchell, Director, Financial Services Division, U.S. Department of Housing and Urban Development, 470 L'Enfant Plaza East, Suite 3119, Washington, DC 20024, Phone: (202) 755–7450 x125

1. Regulation: 24 CFR Part 811 (1977) Sections 811.106(d) and 811.107(d).

Project/Activity: The Rocky Mount, North Carolina Housing Authority refunding of bonds which financed a Section 8 assisted project, Tessie Street Elderly Apartments, No. NC19–0004–001.

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

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

Dated Granted: September 26, 1995

Reasons Waived: The Part 811 regulations cited above prohibited refundings and restricted use of excess reserve balances to project purposes only. This refunding proposal was approved by HUD on September 6, 1995. Refunding bonds have been priced to an average yield of 6.28%. The 1979 Bond reserves will be used to help pay transactions costs. The tax-exempt refunding bond issue of $805,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 8% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Greater Kentucky Housing Assistance Corporation refunding of bonds which financed a Section 8 assisted project, Tug Fork Woods Apartments, FHA No. 083–35239.

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

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

Dated Granted: July 26, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on June 8, 1995. Refunding bonds have been priced to an average yield of 6.29%. The tax-exempt refunding bond issue of $2,535,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 9.5% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 9.45% to 6.7%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: Ohio Capital Corporation for Housing refunding of bonds which financed four Section 8 assisted projects: Little Bark Manor, FHA No. 042–35344; Little Bark View, FHA No. 042–35345; Port Clinton, FHA No. 043–35238; and the McArthur Park Apartments, FHA No. 043–35238.

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

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

Dated Granted: July 27, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on July 20, 1995. Refunding bonds have been priced to an average yield of 6.20%. The tax-exempt refunding bond issue of $6,045,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.23% at the call date with tax-exempt bonds yielding substantially less. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 10.52% to 6.5%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Gloucester County, New Jersey Housing Authority refunding of bonds which financed a Section 8 assisted project, New Sharon Woods Apartments, FHA No. 035–35086.

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

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

Dated Granted: July 31, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on April 10, 1995. Refunding bonds have been priced to an average yield of 6.70%. The tax-exempt refunding bond issue of $2,720,892 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 10.8% to 7.3%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, providing $160,000 for project repairs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

5. Regulation: 24 CFR Part 811, Sections 811.106(b) and 811.107(d) of 1977 Regulations.

Project/Activity: City of Phoenix, Arizona refunding of bonds which financed two uninsured Section 8 assisted projects: Sunnyslope Manor and Fillmore Gardens.

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

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

Dated Granted: August 8, 1995.

Reasons Waived: The Part 811 regulations cited above prohibited refundings and required that excess reserve balances be used for project purposes. The issuer has requested HUD permission to release excess reserve balances from the 1978 and 1979 Trust Indentures for use in its housing assistance programs for low- and moderate-income families. Issuance of refunding bonds under Section 103 of the Tax Code will not reduce project debt service nor generate Section 8 savings. The City of Phoenix will execute a HUD Use Agreement to maintain low-income project occupancy for 5 years after expiration of Section 8 subsidies.

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

Project/Activity: The Beaumont, Texas Housing Authority refunding of bonds which financed a Section 8 assisted project, Park Shadows Apartments, FHA No. 114–35308.

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

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

Dated Granted: August 22, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on June 16, 1995. Refunding bonds have been priced to an average yield of 6.33%. The tax-exempt refunding bond issue of $4,130,000 at current low-interest rates will save Section 8 subsidy and provide $337,439 for project repairs. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 10.2% to 7.06%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Ohio Capital Corporation for Housing refunding of bonds which financed a Section 8 assisted project, Stowe-Kent Gardens II Apartments, FHA No. 042–35381.

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

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

Dated Granted: August 30, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 4, 1995. Refunding bonds have been priced to an average yield of 6.41%. The tax-exempt refunding bond issue of $3,285,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 12% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 11.82% to 6.9%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The North Wilkesboro, North Carolina Housing Authority refunding of bonds which financed a Section 8 assisted project, Wilkes Towers Apartments, FHA No. 053–35264.

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

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

Date Granted: August 30, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on July 18, 1995. Refunding bonds have been priced to an average yield of 6.26%. The tax-exempt refunding bond issue of $2,170,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.4% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 10.69% to 6.25%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Ohio Capital Corporation for Housing refunding of bonds which financed a Section 8 assisted project, Lutheran Housing Services #1 Elderly Apartments, FHA No. 042–35250.

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

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

Date Granted: August 30, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 8, 1995. Refunding bonds have been priced to an average yield of 6.38%. The tax-exempt refunding bond issue of $3,815,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.45% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 10.72% to 6.85%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Mercedes, Texas Housing Authority refunding of bonds which financed a Section 8 assisted project, Mercedes Palms Apartments, FHA No. 115–35217.

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

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

Date Granted: September 7, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 3, 1995. Refunding bonds have been priced to an average yield of 6.57%. The tax-exempt refunding bond issue of $1,310,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 10.3% to 6.9%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Newport, Rhode Island Housing Authority refunding of bonds which financed a Section 8 assisted project, Broadway-West Broadway Apartments, FHA No. 016–35071.

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

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

Date Granted: September 11, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 24, 1995. Refunding bonds have been priced to an average yield of 6.8%. The tax-exempt refunding bond issue of $7,125,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 12% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 12% to 7.05%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Ohio Capital Corporation for Housing refunding of bonds which financed a Section 8 assisted project, Horizon Apartments, FHA No. 043–35257.

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

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

Dated Granted: September 12, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on June 16, 1995. Refunding bonds have been priced to an average yield of 6.84%. The tax-exempt refunding bond issue of $5,400,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.2% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 10.5% to 6.75%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Elizabeth City Housing Development Corporation refunding of bonds which financed a Section 8 assisted project, Walnut West Apartments, FHA No. 053–35346.

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

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

Dated Granted: September 21, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on September 5, 1995. Refunding bonds have been priced to an average yield of 6.05%. The tax-exempt refunding bond issue of $1,075,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.5% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 12% to 7%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Winchester, Kentucky Housing Authority refunding of bonds which financed a Section 8 assisted project, Beverly P White Apartments, FHA No. 083–35304.

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

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

Dated Granted: September 21, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. This refunding proposal was approved by HUD on June 29, 1995. Refunding bonds have been priced to an average yield of 6.55%. The tax-exempt refunding bond issue of $3,135,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 10.3% to 7.0%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Pike County, Kentucky Housing Authority refunding of bonds which financed a Section 8 assisted project, the Northfield Apartments, FHA No. 083–35377.

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

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

Dated Granted: September 26, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. This refunding proposal was approved by HUD on September 18, 1995. Refunding bonds have been priced to an average yield of 6.35%. The tax-exempt refunding bond issue of $1,480,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 12% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 12% to 6.85%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Shelby, North Carolina Housing Development Corporation refunding of bonds which financed a Section 8 assisted project, Hickory Creek Apartments, FHA No. 053–35415.

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

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

Dated Granted: September 26, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on August 3, 1995. Refunding bonds have been priced to an average yield of 6.1%. The tax-exempt refunding bond issue of $1,165,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 12% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 12.3% to 6.67%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Atlanta, Georgia Housing Authority refunding of bonds which financed a Section 8 assisted project, the Bedford Tower Apartments, FHA No. 061–35319.

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

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

Dated Granted: September 26, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. This refunding proposal was approved by HUD on September 18, 1995. Refunding bonds have been priced to an average yield of 6.29%. The tax-exempt refunding bond issue of $4,435,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 10.3% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 9.66% to 4.65%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Ogden, Utah Housing Authority refunding of bonds which financed a Section 8 assisted project, St. Benedict's Manor, FHA No. 105–35063.

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

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

Dated Granted: September 27, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refunding bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. This refunding proposal was approved by HUD on September 18, 1995. Refunding bonds have been priced to an average yield of 6.61%. The tax-exempt refunding bond issue of $3,380,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.25% at the call date in 1996 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 11.38% to 7.1%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

19. Regulation: 24 CFR Part 811 Sections 811.108(a)(2), 811.114(b), and 811.114(d).

Project/Activity: Southeast Texas HDC redemption of bonds which financed a Section 8 assisted project in 1979, the Stonegate Retirement Village Apartments, FHA No. 114–35252.

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

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

Dated Granted: September 27, 1995.

Reasons Waived: The Part 811 regulations cited above restrict uses of bond reserves and require HUD approval and reduction of Section 8 rents for prepayment of Section 11(b) bonds. The bonds will be redeemed by sale of the FHA mortgage note. Proceeds of the note sale will also finance project repairs of $333,750 as approved by HUD. No reduction in project debt service or contract rents will occur. The Treasury also gains long-term tax revenue benefits through prepayment of outstanding tax-exempt bonds. The refunding serves the important public purposes of improving Treasury tax revenues, (helping reduce the budget deficit), and assuring that the project is maintained in sound physical condition.

20. Regulation: 24 CFR Sections 811.107(a)(2), 811.107(b), 811.108(a)(1), 811.108(a)(3), 811.114(b)(3), and 811.115(b).

Project/Activity: Atlanta Housing Authority refunding of bonds which financed four Section 8 assisted projects: Oakland City, FHA No. 061–35285; Capitol Towers, FHA No. 061–35282; Grant Park, FHA No. 061–35264; and Bedford Pines Apartments, FHA No. 061–35282.

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

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

Dated Granted: September 28, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. To credit enhance refundings bonds not fully secured by the FHA mortgage amount, HUD also agrees not to exercise its option under 24 CFR Section 207.259(e) to call debentures prior to maturity. The refunding proposals were approved by HUD on September 13, 18, 21, and 22, 1995, in four project letters. Refunding bonds have been priced to average yields of 6.21%, 6.81%, and 6.87%. The tax-exempt refunding bond issues at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons at the call dates with tax-exempt bonds yielding substantially less. The refundings will also substantially reduce FHA mortgage interest rates at expiration of the HAP contracts, thus reducing FHA mortgage insurance risk. The refundings serve the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: The Martin County, Kentucky Housing Development Corporation for Housing refunding of bonds which financed a Section 8 assisted project, Dempsey Towers Apartments, FHA No. 083–35278.

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

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

Dated Granted: September 28, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions. This refunding proposal was approved by HUD on

September 22, 1995. Refunding bonds have been priced to an average yield of 6.274%. The tax-exempt refunding bond issue of $5,730,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of between 9.625 and 10.10% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding will also substantially reduce the FHA mortgage interest rate at expiration of the HAP contract, from 10.32% to 5.80%, thus reducing FHA mortgage insurance risk. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for low-income families after subsidies expire, a priority HUD objective.

22. Regulation: 24 CFR Sections 811.114(d), 811.115(b), 811.117.

Project/Activity: The Harbor Court Development, Inc. of Haines City, Florida refunding of bonds which financed a Section 8 assisted project, Harbor Court Apartments, FHA No. 067–35260.

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

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

Dated Granted: September 28, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions under Section 103 of the Tax Code. This refunding proposal was approved by HUD on March 24, 1995. Refunding bonds have been priced to an average yield of 6.64%. The tax-exempt refunding bond issue of $1,375,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 11.5% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective.

23. Regulation: 24 CFR Sections 811.114(d), 811.115(b), 811.117.

Project/Activity: The San Francisco RA refunding of bonds which financed a Section 8 assisted project, Northridge Cooperative Homes, FHA No. 121–35721.

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

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

Dated Granted: September 28, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions under Section 103 of the Tax Code. This refunding proposal was approved by HUD on September 18, 1994. Refunding bonds have been priced to an average yield of 6.81%. The tax-exempt refunding bond issue of $20,110,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons of 12% at the call date in 1995 with tax-exempt bonds at a substantially lower interest rate. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective.

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

Project/Activity: County of Santa Clara, California refunding of bonds which financed a Section 8 assisted uninsured project, Villa Vasona Apartments, FHA No. 121–35786.

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

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

Dated Granted: September 28, 1995.

Reasons Waived: The Part 811 regulations cited above were intended for original bond financing transactions and do not fit the terms of refunding transactions under Section 103 of the Tax Code. This refunding proposal was approved by HUD on September 11, 1995. Refunding bonds have been priced to an average yield of 6.375%. The tax-exempt refunding bond issue of $4,205,000 at current low-interest rates will save Section 8 subsidy. The Treasury also gains long-term tax revenue benefits through replacement of outstanding tax-exempt coupons ranging between 9.50 and 10.00% at the call date in 1996 with taxable to tax-exempt bonds at a substantially lower interest rate. The refunding serves the important public purposes of reducing HUD's Section 8 program costs, improving Treasury tax revenues, (helping reduce the budget deficit), and increasing the likelihood that projects will continue to provide housing for lower-income families after subsidies expire, a priority HUD objective.

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

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

25. Regulation: 24 CFR 92.219(b)(1).

Project/Activity: The State of Maryland requested a waiver of the match requirements cited at 24 CFR 92.219(b)(1).

Nature of Requirement: The regulations at 24 CFR 92.219 (b)(1) cite specific requirements for how match is determined in the HOME program.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: August 28, 1995.

Reasons Waived: It was determined that the proposed matching contribution, the State's Rental Allowance Program, was substantially equivalent to HOME match requirements and good cause was found to grant the waiver.

26. Regulation: 24 CFR 92.251(a) & 24 CFR 92.206(a)(2)(i).

Project/Activity: The State of Oklahoma requested a waiver, on behalf of Okfuskee County, to permit rehabilitation which utilizes HOME funds, to not bring a unit into compliance with HQS.

Nature of Requirement: 24 CFR 92.251(a) provides that housing assisted with HOME funds meet, at a minimum, HUD housing quality standards (HQS), and provides other minimum standards for substantial rehabilitation and new construction. 24 CFR 92.206(a)(2)(i) of the HOME regulations requires that properties rehabilitated with HOME Program funds minimally meet the housing quality standards at Section 882.109 of Title 24.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: August 18, 1995.

Reasons Waived: The waiver was granted because the State and the County had outlined their extensive efforts to complete the rehabilitation of a specific unit. The owner of the unit would not grant either entity access to the property to complete the rehabilitation. Therefore, it was determined that there was good cause to grant the waiver.

27. Regulation: 24 CFR 92.252(a)(2)(i).

Project/Activity: Mercer County a HOME recipient, on behalf of Lawrence Township New Jersey, requested a waiver of the HOME program regulations at 24 CFR 92.252(a)(2)(i) to permit Section 811 project rents, which exceed the low HOME rents, to prevail for a project partially assisted with HOME funds.

Nature of Requirement: The regulations at 24 CFR 92.252 (a)(2)(i) state, ''to obtain the maximum monthly rent that may be charged for a unit that is subject to this limitation, the owner or participating jurisdiction multiplies the annual adjusted income of the tenant family by 30 percent and divides by 12, and if applicable, subtracts a monthly allowance for any utilities and services to be paid by the tenant.''

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: August 18, 1995.

Reasons Waived: The application of Section 92.252(a)(2)(i) of the HOME regulations for the Section 811 project would create an undue hardship for the Township because a handicapped housing project would not be developed in the jurisdiction, and thus adversely affect the purposes of the Housing and Community Development Act.

28. Regulation: 24 CFR 92.254(a)(3).

Project/Activity: The Kentucky Housing Authority requested a waiver of 24 CFR

92.254(a)(3) of the HOME regulations to increase the rental period from three to five years.

Nature of Requirement: 24 CFR 92.254(a)(3) which requires a home to be purchased within 36 months if a lease-purchase agreement is used in conjunction with a homebuyer program.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: September 6, 1995.

Reasons Waived: HUD determined that increasing the rental period in this case from three to five years will provide tenants the necessary time to succeed in the required life skills program and become responsible and reliable homeowners.

29. Regulation: 24 CFR 92.258.

Project/Activity: The State of North Dakota requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

Nature of Requirement: 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD insured mortgage.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: August 28, 1995.

Reasons Waived: The application of Section 92.258 of the HOME regulations to the State's program would create an undue hardship for North Dakota and its potential homeowners, and adversely affect the purposes of the Act.

30. Regulation: 24 CFR 92.258.

Project/Activity: Suffolk County, New York requested a waiver of 24 CFR 92.258 of the HOME regulations to waive the 30 year affordability period for low-income homebuyers receiving HOME assistance.

Nature of Requirement: 24 CFR 92.258 provides a limitation on the use of HOME funds with FHA mortgage insurance for a period of time equal to the term of the HUD insured mortgage.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: September 6, 1995.

Reasons Waived: The application of Section 92.258 of the HOME regulations to the county program would create an undue hardship for Suffolk County and its potential homeowners, and adversely affect the purposes of the Act.

31. Regulation: 24 CFR 291.400.

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

Nature of Requirement: The regulations at 24 CFR 291.400 prohibit a non-profit organization or a community participating in the Single Family Property Disposition Leasing Program from extending a lease to the same tenant for a period beyond 24 months.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: August 16, 1995.

Reasons Waived: The waiver will allow a formerly homeless family more time to find permanent housing.

32. Regulation: 24 CFR 291.400.

Project/Activity: The Anoka County Community Action Program requested a waiver of the 24 month residency for three tenants in single family properties leased under the single family property disposition homeless program.

Nature of Requirement: The regulations at 24 CFR 291.400 prohibit a non-profit organization or a community participating in the Single Family Property Disposition Leasing Program from extending a lease to the same tenant for a period beyond 24 months.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: September 6, 1995.

Reasons Waived: The waiver will allow three formerly homeless families more time to find permanent housing.

33. Regulation: 24 CFR 511.76(h).

Project/Activity: The City Salisbury, North Carolina requested a waiver of program closeout requirements of the Rental Rehabilitation program.

Nature of Requirement: The regulations at 24 CFR 511.76(h) cite when proceeds received from Rental Rehabilitation loans become program income.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: July 3, 1995.

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

34. Regulation: 24 CFR 570.200(h) & 570.200 (a)(5).

Project/Activity: The City of San Angelo, Texas requested a waiver of 24 CFR 570.200(h) & 570.200(a)(5) regarding reimbursement of pre-agreement costs for the renovation of a building to be used as a one-stop public health facility.

Nature of Requirement: Under the regulations a locality is precluded from obligating CDBG funds before grant award.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: July 28, 1995.

Reasons Waived: HUD determined that failure to grant the waiver would cause hardship and adversely affect the purposes of the Act. The waiver of the limitations on pre-agreement costs at 24 CFR 570.200(h) & 570.200(a)(5) will permit the renovation of the building which will be used for a public health facility.

35. Regulation: 24 CFR 570.200(h) & 570.200(a)(5), 24 CFR 570.207(b)(4).

Project/Activity: The City of Albany Georgia requested a waiver of 24 CFR 570.200(h) & 570.200(a)(5) to facilitate the obligation of disaster recovery funds by permitting the City to reimburse real property owners for expenses incurred on or after the disaster date. The City of Albany Georgia also requested a waiver of 24 CFR 570.207(b)(4) to permit it to carry out a household assistance program for victims of the disaster.

Nature of Requirement: Under the regulations a locality is precluded from obligating CDBG funds before grant award. Also at 24 CFR 570.207(b)(4) prohibit income payments to households or individuals.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: July 31, 1995.

Reasons Waived: HUD determined that failure to grant the waiver would cause hardship and adversely affect the purposes of the Act. The waiver of the limitations on pre-agreement costs at 24 CFR 570.200(h) & 570.200(a)(5) will permit the City to implement a plan to reimburse property owners for expenses incurred prior to the effective date of its CDBG emergency supplemental grant. The second waiver will allow a household assistance program for those suffering personal property damage caused by the Tropical Storm Alberto.

36. Regulation: 24 CFR 570.200(h) & 570.200(a)(5).

Project/Activity: The City of Davenport, Iowa requested a waiver of 24 CFR 570.200(h) & 570.200(a)(5) regarding reimbursement of pre-agreement costs to permit the City to complete an acquisition activity.

Nature of Requirement: Under the regulations a locality is precluded from obligating CDBG funds before grant award.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: August 18, 1995.

Reasons Waived: HUD determined that failure to grant the waiver would cause hardship and adversely affect the purposes of the Act. The waiver of the limitations on pre-agreement costs at 24 CFR 570.200(h) & 570.200(a)(5) will permit the city to fund the acquisition, by a non-profit organization, of a youth center to serve local youth and function as a community policing outpost, with FY 1996, FY 1997 and FY 1998 CDBG funds.

37. Regulation: 24 CFR 570.200(h) & 570.200(a)(5).

Project/Activity: Sacramento, California requested a waiver of 24 CFR 570.200(h) & 570.200(a)(5) regarding reimbursement of pre-agreement costs to permit the City to carry out street improvements in a low and moderate income area in one year in instead of in two phases.

Nature of Requirement: Under the regulations a locality is precluded from obligating CDBG funds before grant award.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: September 6, 1995.

Reasons Waived: HUD determined that failure to grant the waiver would cause hardship and adversely affect the purposes of the Act. The waiver of the limitations on pre-agreement costs at 24 CFR 570.200(h) & 570.200(a)(5) will permit the reimbursement of local funds, for street improvements to a low and moderate income area, with FY 1996 and FY 1997 CDBG funds.

38. Regulation: 24 CFR 570.200(h) & 570.200(a)(5).

Project/Activity: Clark County, Nevada requested a waiver of 24 CFR 570.200(h) & 570.200(a)(5) regarding reimbursement of pre-agreement costs for the development of a public facility to provide recreational facilities for at-risk youth.

Nature of Requirement: Under the regulations a locality is precluded from obligating CDBG funds before grant award.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: September 18, 1995.

Reasons Waived: HUD determined that failure to grant the waiver would cause hardship and adversely affect the purposes of the Act. The waiver of the limitations on pre-agreement costs at 24 CFR 570.200 (h) & 570.200(a)(5) will permit the City to develop a facility that will provide recreational programs to neighborhood youth. In addition, the Police Department has a neighborhood office there as do various county social service agencies.

39. Regulation: 24 CFR 576.21.

Project/Activity: The State of Michigan requested a waiver of the Emergency Shelter Grants regulations at 24 CFR 576.21.

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

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: July 10, 1995.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act the 30 cap percent cap on essential services may be waived if the grantee ''demonstrates that the other eligible activities under the program are already being carried out in the locality with other resources''. The State demonstrated that other eligible activities will be carried out with other funds.

40. Regulation: 24 CFR 576.21.

Project/Activity: Monmouth County, New Jersey requested a waiver of the Emergency Shelter Grants regulations at 24 CFR 576.21.

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

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: July 10, 1995.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act the 30 cap 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, therefore, it was determined that the waiver was appropriate.

41. Regulation: 24 CFR 576.21.

Project/Activity: The municipality of Caguas, Puerto Rico requested a waiver of the Emergency Shelter Grants regulations at 24 CFR 576.21.

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

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: July 10, 1995.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act the 30 cap 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 municipality provided a letter that demonstrated that other categories of ESG activities will be carried out locally with other resources, therefore, it was determined that the waiver was appropriate.

42. Regulation: 24 CFR 576.21.

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

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

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: July 21, 1995.

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

43. Regulation: 24 CFR 576.21.

Project/Activity: Mt. Vernon City, New York requested a waiver of the Emergency Shelter Grants regulations at 24 CFR 576.21.

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

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: August 28, 1995.

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

44. Regulation: 24 CFR 576.21.

Project/Activity: The City of Ft. Wayne, Indiana requested a waiver of the Emergency Shelter Grants regulations at 24 CFR 576.21.

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

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: September 6, 1995.

Reasons Waived: Under the Stewart B. McKinney Homeless Assistance Act, amended by the National Affordable Housing Act the 30 cap 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, therefore, it was determined that the waiver was appropriate.

45. Regulation: 24 CFR 578.335(e).

Project/Activity: The State of California on behalf of the California Department of Housing and Community Development requested a waiver of 24 CFR 578.335(e) of the conflict of interest regulations to allow two board members on a homeless advisory board to perform work for a permanent housing project.

Nature of Requirement: 24 CFR 578.335(e) provides the regulations on conflict of interest for program participants.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: August 14, 1995.

Reasons Waived: A determination was made that undue hardship would result from applying the requirement and would adversely affect the purposes of the permanent housing for the handicapped homeless program.

46. Regulation: 24 CFR 582.803(a)(i).

Project/Activity: The Fort Collins Housing Authority requested a waiver to accept as residents, three persons who were assisted under the Section 8 Certificate program, into a 12 unit SRO projects.

Nature of Requirement: The regulations at 24 CFR 882.803(a)(i) state that housing is not eligible for SRO assistance if it is, or has been within 12 months before the owner submits a proposal to the public housing agency, (PHA), subsidized under any Federal Housing program.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: September 6, 1995.

Reasons Waived: It was determined that the financially feasibility of the project was based on twelve units receiving rental assistance. The Assistant Secretary determined that granting the waiver was the most effective way of developing the project.

47. Regulation: 24 CFR 882.408(b).

Project/Activity: The Housing Authority of the City of San Francisco requested a waiver which would allow the Housing Authority to utilize a gross rent for one of its Shelter Plus Care projects that would exceed the applicable Fair Market Rent (FMR) by 12 percent.

Nature of Requirement: The SRO regulations at 24 CFR 882.408(b) state that, a public housing agency may approve initial gross rents which exceed the applicable FMR by up to 10 percent for all units of a given size in specified areas. The Department is waiving the provisions of 24 CFR 882.408(b) which only allow pre-agreement exception rents to be approved on an area-wide basis and which only allow the exception rent to exceed the moderate rehabilitation FMR by 10 percent.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: July 28, 1995.

Reasons Waived: It was determined that the City had taken all reasonable actions to reduce the gross rents to within the applicable FMR. So in order for project development to proceed the gross rent was increased beyond the FMR by 12 percent.

48. Regulation: 24 CFR 882.808(a)(3)(4) &(b)(2).

Project/Activity: The Housing Authority of Portland Oregon requested a waiver which would allow the owners of four SRO structures to maintain separate waiting lists rather than receive tenant referrals from the Housing Authority's waiting list for SRO projects.

Nature of Requirement: The SRO regulations at 24 CFR 882.808(a)(3)(4) &(b)(2) state that, a public housing agency waiting list must be used for tenant referrals to SRO projects.

Granted By: Andrew Cuomo, Assistant Secretary for Community Planning & Development.

Date Granted: July 20, 1995.

Reasons Waived: The March 15, 1993, Interim Rule for the SRO program stated that the PHA waiting list requirement was being eliminated. Due to a technical error this new policy was not implemented. Since the Department plans on publishing a technical amendment which includes this policy, the waiver was granted.

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

Mary Ann Russ, Deputy Assistant Secretary for Public and Assisted Housing Operations, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, (202) 708–1380

49. Regulation: 24 CFR 990.108(e).

Project/Activity: Cuyahoga Metropolitan Housing Authority. A request was made to prevent a loss of operating subsidy when converting efficiency units to one bedroom units.

Nature of Requirement: When unit months are lost through combining small units into larger units they must be removed from the calculation of unit months available in the PFS subsidy calculation.

Granted By: Joseph Shuldiner, Assistant Secretary.

Date Granted: October 4, 1995.

Reason Waived: Because of problems the HA has experienced filling vacant efficiency units for the elderly the HA converted them to one bedroom units which it could rent. In order to support the HAs efforts to reduce vacancies, approval was granted for the HA to include the number of unit months which would be lost through this conversion in future PFS calculations.

50. Regulation: 24 CFR 990.109(b)(3)(iv).

Project/Activity: Breckenridge, MN, Housing and Redevelopment Authority. A request was made to use the HAs actual occupancy rate of 94% and recalculate its operating subsidy eligibility.

Nature of Requirement: The regulation requires a Low Occupancy PHA without an approved Comprehensive Occupancy Plan to use a projected occupancy percentage of 97%.

Granted By: Joseph Shuldiner, Assistant Secretary.

Date Granted: September 22, 1995.

Reason Waived: The HA was allowed to use its actual occupancy percentage to prevent undue hardships while it continues its efforts to reduce vacancies.

51. Regulation: 24 CFR 990.109(b)(3)(iv).

Project/Activity: Chicago Housing Authority. A request was made to use 80% for the HA's projected occupancy percentage when calculating its PFS operating subsidy eligibility.

Nature of Requirement: The regulation requires a Low Occupancy PHA without an approved Comprehensive Occupancy Plan (COP) to use a projected occupancy percentage of 97%.

Granted By: Michael B. Janis, General Deputy Assistant Secretary.

Date Granted: September 26, 1995.

Reason Waived: As acknowledged in the five-year Memorandum of Agreement (MOA) between HUD and the HA the key to achieving any of the vacancy reduction performance targets is the approval of the waiver. In order to be supportive of the MOA the HA was authorized to use 80% as the projected occupancy percentage.

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