

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4512-N-02]

Notice of Regulatory Waiver Requests Granted

AGENCY: Office of the Secretary, HUD.

ACTION: Public Notice of the Granting of Regulatory Waivers from April 1, 1999 through June 30, 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-fourth 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-fourth notice of its kind to be published under section 106 of the HUD Reform Act. This notice updates HUD's waiver-grant activity from April 1, 1999 through June 30, 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 July 1, 1999 through September 30, 1999.

Accordingly, information about approved waiver requests pertaining to

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

Dated: October 4, 1999.

Andrew Cuomo,
Secretary.

Appendix—Listing of Waivers of Regulatory Requirements Granted by Officers of the Department of Housing and Urban Development, April 1, 1999 through June 30, 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 7, Waivers Granted for 24 CFR Part 92, Contact: Cornelia Robertson Terry, Field Management Division, Office of Executive Services, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-2565. Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

1. Regulation: 24 CFR 92.2.

Project Activity: The City of Baltimore, Maryland requested a waiver of certain requirements contained in the definition of the term "single room occupancy (SRO)" for a project that will consist of assisted living units for the elderly. The project will be converted from an old fire house.

Nature of Requirement: 24 CFR 92.2 contains the definition of the term "single room occupancy (SRO)". The definition requires that SRO units in projects that consist of new construction, conversion of non-residential space, or reconstruction must contain either sanitary or food preparation facilities.

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

Date Granted: May 6, 1999.

Reasons Waived: HUD determined that there was good cause to grant the waiver. The project could not go forward if separate sanitary or food preparation facilities would be required in each unit. These facilities will be available for the low-income elderly residents of the project by installing shared sanitary facilities and a common dining area.

2. Regulation: 24 CFR 92.251.

Project/Activity: The State of Oklahoma requested a waiver of the HOME Program property standards with respect to funds expended in Midwest City, Oklahoma.

Nature of Requirement: 24 CFR 92.251 requires that housing units assisted with HOME funds meet certain property standards, which vary according to the activity undertaken.

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

Date Granted: June 9, 1999.

Reasons Waived: HUD determined that there was good cause to grant the waiver. The waiver is needed to facilitate the use of HUD funds for emergency repairs to homes and on-site infrastructure damaged by tornadoes. The waiver extends to State HOME funds expended for damaged properties in Midwest City and any other areas included in the Presidential disaster declaration.

3. Regulation: 24 CFR 92.254(a)(4).

Project/Activity: The City of Little Rock, Arkansas requested a waiver of the affordability and repayment requirements for HOME-assisted housing.

Nature of Requirement: 24 CFR 92.254(a)(4) requires HOME-assisted housing to meet certain affordability requirements.

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

Date Granted: June 9, 1999.

Reasons Waived: HUD determined that there was good cause for the waiver because the City had lost two units out of a seven unit HOME-funded rental development as a result of tornado damage that occurred on January 21, 1999.

4. Regulation: 24 CFR 92.500(d)(1)(C).

Project/Activity: Lake County, Illinois 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) states that HUD shall 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: April 30, 1999.

Reasons Waived: HUD determined that there was good cause to grant this waiver. The HOME funds will be used to assist the homeowners in the Williams Park subdivision, a low-income area that suffered severely from the 1993 floods and has a recurring flooding problem. The funds will be used to provide deferred home loans for people being displaced by a FEMA-funded acquisition and demolition program.

5. Regulation: 24 CFR 92.500(d)(1)(C).

Project/Activity: St. Louis, Missouri 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) states that HUD shall 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: Kenneth G. Williams, Deputy Assistant Secretary for Community Planning and Development.

Date Granted: May 4, 1999.

Reasons Waived: HUD determined that there was good cause to grant this waiver.

6. Regulation: 24 CFR 92.500(d)(1)(B) and (C).

Project/Activity: The County of Los Angeles, California requested a waiver of commitment and expenditure deadlines in the HOME program.

Nature of Requirement: 24 CFR 92.500(d)(1)(B) and (C) require HOME funds to be committed within two years and expended within five years of the time HUD makes funds available.

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

Date Granted: June 7, 1999.

Reasons Waived: HUD determined that there was good cause for both waivers. The need for the disbursement extension arose from legal issues that temporarily stalled the project. The County will be able to commit additional funds from its HOME disaster grant to the Abraham project until June 30, 1999. The County will be able to disburse additional funds from its HOME disaster grant to the Abraham project until June 30, 2000.

7. Regulation: 24 CFR 92.500(d)(1)(C).

Project/Activity: The State of Florida 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) states that HUD shall 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: June 29, 1999.

Reasons Waived: HUD determined that there was good cause for the waiver because of the profound needs and difficulties associated with providing relief from disaster damage.

For Item 8, Waiver Granted for 24 CFR Part 207, Contact: James B. Mitchell,

Eastern and Atlantic Servicing Branch, Office of Portfolio Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-3730. Hearing-or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

8. Regulation: 24 CFR

207.259(b)(2)(iv).

Project/Activity: Timberland Apartments, Williamsport, Pennsylvania, project Number: 034-32036.

Nature of Requirement: 24 CFR 207.259(b)(2)(iv) states that, in the event of a default, 1 percent of the mortgage funds advanced to a mortgagor and not repaid as of the date of default shall be deducted from the amount paid on an insurance claim.

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

Date Granted: May 12, 1999.

Reasons Waived: The Commonwealth of Pennsylvania requested a waiver in connection with the refunding of certain outstanding 11(b) bonds, issued in 1979. These bonds financed construction of Timberland Apartments, a Section 8 assisted insured project. The waiver was granted to assure purchasers of the bonds that the project would not be disadvantaged in the event of an insurance claim.

For Item 9, Waiver Granted for 24 CFR PART 234, 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; telephone (202) 708-2700. Hearing-or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

9. Regulation: 24 CFR 234.1.

Project/Activity: Manufactured housing in Colton, California.

Nature of Requirement: 24 CFR 234.1 exempts manufactured homes from eligibility for condominium mortgage insurance.

Granted By: William C. Apgar, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: April 23, 1999.

Reasons Waived: 24 CFR 234.1 must be waived for manufactured homes in condominium developments to be eligible for FHA mortgage insurance. The waiver was granted to allow a developer in Colton, California to obtain FHA mortgage insurance for manufactured housing that has been permanently erected for more than one

year. The waiver was conditioned upon all the requirements listed pursuant to 24 CFR 203.43(f) and the requirement that both a builder warranty and a ten-year warranty plan be provided to homeowners.

For Item 10, 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; telephone (202) 708-1672. Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

10. Regulation: 24 CFR 291.210(a).

Project/Activity: Providing HUD-owned single family properties to governmental entities and private nonprofit organizations, on a direct sales basis and with mortgage insurance, for use in the Officer Next Door Sales Program.

Nature of Requirement: 24 CFR 291.210(a) permits direct sales of HUD-owned properties, 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: April 29 and June 30, 1999.

Reasons Waived: HUD approved these waivers to enable governmental entities and nonprofit organizations the opportunity to fully participate in the Officer Next Door Program by allowing them to purchase eligible properties with mortgage insurance for resale to law enforcement officers. Based on HUD's experience with REO sales, HUD determined that it would not be detrimental to the insurance fund to permit governmental entities and private nonprofit organizations to purchase properties offered with mortgage insurance for use in the Officer Next Door Sales Program.

For Items 11 Through 18, Waivers Granted for 24 CFR Parts 576, 577, 582, and 583, Contact: Cornelia Robertson Terry, Field Management Division, Office of Executive Services, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-2565. 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 576.21.

Project/Activity: The State of Wisconsin 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: April 5, 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 of Wisconsin provided HUD with the necessary documentation that alternative funding would be used for the other ESG activities.

12. Regulation: 24 CFR 576.21.

Project/Activity: The City of Chicago, Illinois 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: April 5, 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 City provided HUD with the necessary documentation that alternative funding would be used for the other ESG activities.

13. Regulation: 24 CFR 576.21.

Project/Activity: The State of New York 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: April 19, 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 of New York provided HUD with the necessary documentation that alternative funding would be used for the other ESG activities.

14. 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: April 20, 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 HUD with the necessary documentation that alternative funding would be used for the other ESG activities.

15. Regulation: 24 CFR 576.35(a)(2).

Project/Activity: The State of Alabama requested a waiver of this provision for a project involving a homeless shelter in the City of Montgomery.

Nature of Requirement: 24 CFR 576.35(a)(2) requires State recipients to obligate their ESG program within 180 days of the date on which the State makes the grant amounts available to the State recipient.

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

Date Granted: June 19, 1999.

Reasons Waived: HUD determined that there was good cause for the waiver

because the nonprofit sponsor was delayed in acquiring the property for the proposed shelter site, and the failure to complete the project will adversely affect the ability of the City of Montgomery to serve its homeless population.

16. Regulation: 24 CFR 577.117.

Project/Activity: Cornerstone Advocacy Services of Bloomington, Minnesota requested a waiver of the Supportive Housing Demonstration Program regulations regarding recipient share of supportive services and operating costs.

Nature of Requirement: 24 CFR 577.117 requires the recipient to document that it has cash resources to pay the percentage of the total cost of supportive services and operating costs not funded by HUD. If this requirement is not met, HUD may withhold supportive services or operating cost payments.

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

Date Granted: May 13, 1999.

Reasons Waived: HUD determined that there is good cause to waive this requirement to allow Cornerstone Advocacy to average the share dollars used within the program's final three years because they have met share, cumulatively, in the final three years of the grant term.

17. Regulation: 24 CFR 582.105(e).

Project/Activity: Contra Costa County Housing Authority requested a waiver of the 8 percent administrative cap for its 1993 Shelter Plus Care grant.

Nature of Requirement: 24 CFR 582.105(e) requires an 8 percent administrative cap for Shelter Plus Care grants.

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

Date Granted: June 9, 1990.

Reasons Waived: HUD determined that there was good cause for the waiver because the housing authority will serve more persons than originally anticipated and for an additional period of time with no increase in funds.

18. Regulation: 24 CFR 583.115(b)(2).

Project/Activity: Save the Family Foundation in Mesa, Arizona requested a waiver of the Fair Market Rent (FMR) cap.

Nature of Requirement: 24 CFR 583.115(b)(2) requires that where HUD grants are used to pay for a portion of rental rates, those rates must not exceed HUD-determined FMR.

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

Date Granted: April 20, 1999.

Reasons Waived: HUD determined that there was good cause to grant the waiver to Save the Family Foundation because the size of the required units for these projects makes finding available units difficult.

For Item 19, Waiver Granted For 24 CFR Part 880, Contact: Gloria Burton, Western and Pacific Servicing Branch, Office of Portfolio Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-3730. Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

19. Regulation: 24 CFR 880.606(a).

Project/Activity: Section 8 New Construction projects located in Oklahoma counties declared disaster areas after recent tornado activity.

Nature of Requirement: 24 CFR 880.606(a) requires that lease terms for Section 8 New Construction projects be for not less than 1 year.

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

Date Granted: June 23, 1999.

Reasons Waived: Recent tornado activity in Oklahoma destroyed or damaged over 7,000 housing units, approximately 3,000 of which were damaged beyond repair. This created a tremendous need for short-term housing in the affected areas. HUD determined that these conditions constituted good cause to waive 24 CFR 880.606(a) and allow owners to enter into leases with terms of less than one year with disaster families.

For Items 20 Through 21, Waivers Granted For 24 CFR Part 882, Contact: Cornelia Robertson Terry, Field Management Division, Office of Executive Services, Office of Community Planning and Development, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-2565. Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

20 Regulation: 24 CFR 882.408(a).

Project/Activity: The Housing Authority of the City of Los Angeles, California requested a waiver from HUD.

Nature of Requirement: 24 CFR 882.408(a) requires that the initial Gross Rent for any project must not exceed the Moderate Rehabilitation Fair Market Rent (FMR) applicable to the unit on the date that the Agreement to Enter into a Housing Assistance Contract is executed.

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

Date Granted: April 19, 1999.

Reasons Waived: The regulations allow a Field Office to approve initial Gross Rents that exceed the applicable FMR by up to 10 percent for all units of a given size in specified areas. The FMRs in effect would have made the projects unfeasible. HUD waived the provision, which only allows pre-Agreement exception rents to be approved on an area-wide basis, to allow project specific pre-agreement exception rents to be approved upon a showing of good cause.

21. Regulation: 24 CFR 882.803(a)(3).

Project/Activity: Lake County, Illinois requested a waiver of the provision, which prohibits the use of an existing VA facility for SRO housing.

Nature of Requirement: 24 CFR 882.803(a)(3) of the SRO regulations prohibits the use of facilities within the grounds of medical, mental, and similar public or private institutions or facilities providing psychiatric, medical, or nursing services.

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

Date Granted: April 19, 1999.

Reasons Waived: HUD granted a waiver for this VA underutilized facility for SRO use because it would permit the development of a project to serve homeless singles in the suburban Chicago area that would not otherwise be possible.

For Items 22 Through 52, 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; telephone (202) 708-3000. Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

22. Regulation: 24 CFR 891.100(d).

Project/Activity: Walton Rehab Hospital, Augusta, Georgia, Project Number: 061-EE059/GA06-S971-003.

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: May 5, 1999.

Reasons Waived: Additional funds are required due to extensive work needed on the site prior to construction.

23. Regulation: 24 CFR 891.100(d).

Project/Activity: West Hamlin Unity Apartments, West Hamlin, West Virginia, Project Number: 045-HDO26/WV15-S971-002; Highview Unity Apartments, Charleston, West Virginia, Project Number: 045-EE010/WV-15-S971-001.

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: June 10, 1999.

Reasons Waived: Although projects are modest in design and are comparable in costs, additional funds are needed for feasibility.

24. Regulation: 24 CFR 891.100(d).

Project/Activity: Ellery Court Senior Housing, New York, New York, Project Number: 012-EE186/NY36-S961-004.

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: June 11, 1999.

Reasons Waived: The fund reservation calculation for this and all other FY 1996 projects in the New York Office did not reflect the actual development cost for this job.

25. Regulation: 24 CFR 891.100(d).

Project/Activity: Sunrise Dwellings II, Delaware, Ohio, Project Number: 043-HDO32/OH16Q971001.

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: June 11, 1999.

Reasons Waived: Additional funds are necessary for project feasibility. The

project's development costs are comparable to similar projects in the area, and the units are modestly designed.

26. Regulation: 24 CFR 891.100(d).

Project/Activity: Save Residential, Kansas City, Missouri, Project Number: 084HDO22WPD/MO16Q971003; The Woodland at Citadel, Kansas City, Missouri, Project Number: 084EE029WAH/MO16S71003.

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: June 30, 1999.

Reasons Waived: Increased construction activity in the area caused increased costs due to the contractors paying premium prices for materials and labor.

27. Regulation: 24 CFR 891.165.

Project/Activity: Ralston Mercy Douglass Home, Philadelphia, Pennsylvania, Project Number: 034-EE061/PA26-S961-005.

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: April 19, 1999.

Reasons Waived: Additional time was required due to a change in site and lengthy negotiations with the University of Pennsylvania.

28. Regulation: 24 CFR 891.165.

Project/Activity: Odenton Senior Housing, Baltimore, Maryland, Project Number: 052-EE020/MDO6S961003; Brownlow Byron/Richey House, Project Number: 052-HDO21/MDO6Q961001; Hampton Falls, Project Number: 052-HDO22/MDO6Q961002

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: April 19, 1999.

Reasons Waived: HUD needed additional time to review the initial closing documents for these projects.

29. Regulation: 24 CFR 891.165.

Project/Activity: Connections Section 811, Wilmington, Delaware, Project Number: 032-HDO18-CMI/DE26-Q961-004

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: April 19, 1999.

Reasons Waived: The waiver was granted because the selected site is in a historic district, and additional time was required to negotiate the Memorandum of Understanding for development of the project.

30. Regulation: 24 CFR 891.165.

Project/Activity: Oakwood Senior Housing, South Brunswick, New Jersey, Project Number: 031-EE040/NJ39-S961-006

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: April 19, 1999.

Reasons Waived: HUD needed additional time to review the initial closing documents.

31. Regulation: 24 CFR 891.165.

Project/Activity: Haledon Consumer Home, Haledon, New Jersey, Project Number: 031-HDO75/NJ39-Q961-015

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: April 19, 1999.

Reasons Waived: Additional time was required for the owner to incorporate accessibility changes to accommodate persons with disabilities.

32. Regulation: 24 CFR 891.165.

Project/Activity: Riverview Manor, Blairsville, Georgia, Project Number: 061-HDO52/GAO6-Q961007

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: April 19, 1999.

Reasons Waived: The Sponsor/Owner had to change plans and estimates several times in order for the project to be feasible.

33. Regulation: 24 CFR 891.165.

Project/Activity: Webster Supportive Housing, Webster, Texas, Project Number: 114-HDO12-WAH/TX24-Q961-001.

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: April 30, 1999.

Reasons Waived: HUD had to approve the firm commitment and initial closing documents.

34. Regulation: 24 CFR 891.165.

Project/Activity: Ozanam Village, Chicago, Illinois, Project Number: 071-EE112/IL06-S961-003.

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: April 30, 1999.
Reasons Waived: HUD needed time to review the Firm Commitment Application.

35. Regulation: 24 CFR 891.165.

Project/Activity: Presbyterian Home, West Windsor, New Jersey, Project Number: 035-EE022/NJ39-S961-001; Three Bridges Lutheran Housing, Readington, New Jersey, Project Number: 031-EE042/NJ39-S961-008; Village Supervised Apartments, Hamilton Township, New Jersey, Project Number: 035-HD034/NJ39-Q961-005.

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: April 30, 1999.

Reasons Waived: Presbyterian Home—Delays were caused by the Sponsor trying to identify additional funds for project feasibility. Three Bridges Lutheran Housing—Additional time was needed by HUD to review the initial closing package. Village Supervised Apartments—Additional time was needed by HUD to process the firm commitment application and initial closing documents.

36. Regulation: 24 CFR 891.165.

Project/Activity: Mercy Gardens, San Diego, California, Project Number: 122-HDO11-WPD-NP/CA33-Q961-001; Women's Village Project, Los Angeles, California, Project Number: 122-HDO85-WPD-NP-CA16-Q961-0014.

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: April 30, 1999.

Reasons Waived: Delays were caused by the revision of lot line adjustments and the modification of the Conditional Use Permit. HUD needed time to approve the initial closing documents.

37. Regulation: 24 CFR 891.165.

Project/Activity: Metairie Manor III, New Orleans, Louisiana, Project Number: 064-EE061-WAH-NP-L8,

LA48-S961-003; Westminster Towers II, Kenner, Louisiana, Project Number: 064-EE072-WAH-NP-L8, LA-48-S961-014; Leisure Lane, Rayne, Louisiana, Project Number: 064-EE065-WAH-NP-L8, LA48-S961-007; Morse Elderly Housing, Morse, Louisiana, Project Number: 064-EE066-WAH-NP-L8, LA48-S961-008; Westminster Woods, Bogalusa, Louisiana, Project Number: 064-EE073-WAH-NP-L8, LA48-S961-015; Mason de Tours, Kaplan, Louisiana, Project Number: 064-HDO35-WPD-NP-L8, LA48-Q961-001; Franciscan House, Monroe, Louisiana, Project Number: 064-HDO37-WPD-NP-L8 LA48-Q961-003.

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: April 30, 1999.

Reasons Waived: HUD needed additional time to review the Firm Commitment Application and initial closing documents.

38. Regulation: 24 CFR 891.165.

Project/Activity: Freeman Apartments, Springfield, New Jersey, Project Number: 031-HDO66/NJ39-Q961-003.

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: May 3, 1999.

Reasons Waived: The Firm submission was delayed because of the owner's search for additional funding as well as obtaining local approval for the drawings and specifications.

39. Regulation: 24 CFR 891.165.

Project/Activity: River View Gardens, New York, New York, Project Number: 012-EE195/NY36-S961-013.

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: May 5, 1999.

Reasons Waived: Delays occurred when another developer had to be identified because the first developer was not able to secure financing.

40. *Regulation: 24 CFR 891.165.*

Project/Activity: John King Center, San Francisco, California, Project Number: 131-EE099/CA39S961012.

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: May 5, 1999.

Reasons Waived: Delays were caused because of the project's complex design and the Owner's efforts to secure necessary secondary financing for the project.

41. *Regulation: 24 CFR 891.165.*

Project/Activity: Catholic Community Service, Elizabeth, New Jersey, Project Number: 031-EE037/NJ39-S951-006.

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: May 10, 1999.

Reasons Waived: Additional time was required for HUD to close the project.

42. *Regulation: 24 CFR 891.165.*

Project/Activity: Lakeland Manor, Santa Fe Springs, California, Project Number: 122-HDO89-WPD-NP/CA16-Q961-005.

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: May 13, 1999.

Reasons Waived: Delay was caused by a site change.

43. *Regulation: 24 CFR 891.165.*

Project/Activity: Sienna Springs II, Dayton, Ohio, Project Number: 046-EE034/OH10-Q961-001; Canaan Manor (aka William C. Thomas), Newark, Ohio, Project Number: 046-HDO18/OH10-Q961-001; Accessible Country Trail, Toledo, Ohio, Project Number: 042-HDO55/OH12-Q961-002; Glenpark Manor, Youngstown, Ohio, Project Number: 042-EE082/OH12-S961-009; Carey East (aka Open Arms), Cleveland, Ohio, Project Number: 042-HDO67/OH12-Q961-014; Ziegler Homes II (aka Living Stream), Toledo, Ohio, Project Number: 042-HDO58/OH12-961-005.

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: May 25, 1999.

Reasons Waived: Sienna Springs II—Delays were caused by the Sponsor having to resolve some outstanding audit findings as well as obtaining approval of the site. Canaan Manor (aka William C. Thomas)—Sponsor experienced strong community opposition and was forced to seek an alternate site. Further delays were experienced when the presently optioned site required local government approval of a lot split and approval of the method to control water drainage on the site. Accessible Country Trail—Delays were caused by the Owner having to resolve unforeseen site and zoning concerns, which surfaced after the funding award. Glenpark Manor—Owner was unable to meet the cash shortfall in the Capital Advance. Delays were incurred in filing their application with the Ohio Department of Development for gap financing. Carey East (aka Open Arms)—Project experienced numerous delays due to a site change, zoning problems, noise concerns, change in development method, and also change in the general contractor. Ziegler Homes II (aka Living Stream)—Delays occurred as Owner resolved unforeseen zoning issues and deed restrictions, which came to light after the funding award and while

waiting on evidence of 501(c)(3) ruling from the IRS.

44. *Regulation: 24 CFR 891.165.*

Project/Activity: Arc HUD III, Wilmington, Delaware, Project Number: 032-HDO17-WDD/DE26-Q961-003; Collegeville Community Living Arrangement, Collegeville Borough, Montgomery County, Pennsylvania; Lock Haven Court, Lock Haven, Clinton County, Pennsylvania, Project Number: 034-EE067-WAH/PA26-S962-002; Norris Square Apartments, Philadelphia, Pennsylvania, Project Number: 034-EE068-WAH/PA26-S061-011; Spring City Elderly Housing, Spring City, Chester County, Pennsylvania, Project Number: 0334-EE057-WAH/PA26-S961-002.

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: May 25, 1999.

Reasons Waived: HUD needed time to complete the firm commitment processing review and approve the initial closing documents.

45. *Regulation: 24 CFR 891.165.*

Project/Activity: Southern New Hampshire Services, Inc., Antrim, New Hampshire, Project Number: 024-EE032-WAH/NH36-Q961-003.

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: May 25, 1999.

Reasons Waived: HUD needed additional time to approve the firm commitment and initial closing documents.

46. *Regulation: 24 CFR 891.165.*

Project/Activity: Mental Health Association/North Carolina Haywood County Group Home, Waynesville, North Carolina, Project Number: 053-HD144/NC19-Q971-009.

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: May 25, 1999.

Reasons Waived: The Town of Waynesville denied a building permit for the Group Home. Although the permit was filed prior to the Town amending its zoning ordinance to prohibit group homes being located within one-half mile of each other, the Town refused to acknowledge the permit application's validity. Additional time was required for the Sponsor to pursue a lawsuit.

47. Regulation: 24 CFR 891.165.

Project/Activity: Waverly Residence, New York, New York, Project Number: 012-HD066/NY36-Q961-019.

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: May 25, 1999.

Reasons Waived: Additional time was required for the Owner to review the impact of the amount of off-site roadway, which may affect the owner's financial requirements for closing. Additional time was also needed for HUD to review the impact on the previous processing.

48. Regulation: 24 CFR 891.165.

Project/Activity: Villa Esperanza, Gilroy, California, Project Number: 121-HDO53-WDD/CA29-Q961-007.

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: May 27, 1999.

Reasons Waived: Delays were caused by the Co-sponsors trying to secure additional funding for the project.

49. Regulation: 24 CFR 891.165.

Project/Activity: Haledon Consumer Home, Haledon, New Jersey, Project Number: 031-HDO75/NJ39-Q961-015.

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: June 2, 1999.

Reasons Waived: The closing was delayed because HUD's closing attorney experienced an unanticipated change in priorities and because of his heavy schedule of closings.

50. Regulation: 24 CFR 891.165.

Project/Activity: Covenant Place, Milwaukee, Wisconsin, Project Number: 075-EE045/WI39S961001.

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: June 11, 1999.

Reasons Waived: HUD needed additional time to review the initial closing documents.

51. Regulation: 24 CFR 891.165.

Project/Activity: Roxbury Senior Housing, Roxbury, Connecticut, Project Number: 017-EE039/CT26-S971-008.

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: June 18, 1999.

Reasons Waived: Delays were experienced because the Town of Roxbury had never had multifamily housing developed within the Town, and local approval proceeded slowly.

52. Regulation: 24 CFR 891.165.

Project/Activity: Rosevine Apartments, Berkeley, California,

Project Number: 121-HDO50-NP-WDD/CA39-Q961-004.

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: June 30, 1999.

Reasons Waived: Delays were experienced because the project owner needed to find another general contractor when the original contractor quit and because the owner had to find another funding source due to a shortfall.

For Items 53 Through 55, Waivers Granted For 24 CFR Part 891, Contact: Jerald Nachison, Eastern and Atlantic Servicing Branch, Office of Portfolio Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-3730. Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

53. Regulation: 24 CFR 891.205 and 410(c).

Project/Activity: The Kansas City Multifamily HUB requested an age waiver for Palestine Gardens North, Kansas City, Missouri, Project No: 084-EE019.

Nature of Requirement: 24 CFR 891.205 defines the term "Elderly person" as a household of one or more persons at least one of whom is 62 years of age at the time of initial occupancy.

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

Date Granted: May 13, 1999.

Reasons Waived: This waiver was granted because of the special circumstances of this case. The manager of the project erred during occupancy because he/she was not familiar with Section 202/PRAC occupancy standards, and permitted the ineligible elderly disabled tenant to occupy a unit. Project management must assist the tenant in locating another unit or provide moving expenses.

54. Regulation: 24 CFR 891.205 and 410(c).

Project/Activity: The Buffalo Multifamily Hub requested age and very-low income waivers for 1490 Estates, Buffalo, New York, Project Number: 014-EE005).

Nature of Requirement: 24 CFR 891.205 defines the term "Elderly person" as a household of one or more persons at least one of whom is 62 years of age at the time of initial occupancy.

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

Date Granted: May 13, 1999.

Reasons Waived: The waiver was granted to allow four disabled heads of households to remain based on the special circumstances of this case. Due to low occupancy of the project, project management has also requested an income waiver to allow low-income people to live in the project to maintain project viability.

55. Regulation: 24 CFR part 891.205, 410(c), 575, and 610.

Project/Activity: West Wynde Retirement Community, Moultonborough, New Hampshire, Project Number: 024-EE038. The Manchester Multifamily Program Center requested a waiver of the age requirement for current heads of households who are Low Income (LI) rather than Very Low Income (VLI) and/or ineligible because they are under the age of 62.

Nature of Requirement: HUD regulations at 24 CFR part 891 require that occupancy be limited to Very Low Income (VLI) elderly persons.

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

Date Granted: June 10, 1999.

Reasons Waived: This waiver was granted because of the special circumstances of this case. The financial viability of the project was threatened by an apparent error in estimating market demand. Therefore, to ensure viability, the two current LI elderly households are needed to remain, and the project needs to be able to open occupancy to other LI elderly households.

For Item 56, Waiver Granted for 24 CFR Part 891, Contact: Frank W. Parker, Eastern and Atlantic Servicing Branch, Office of Portfolio Management, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-3730. Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

56. Regulation: 24 CFR 891.205 and 410(c).

Project/Activity: The Boston Multifamily HUB requested an age waiver for the Henderson School Apartments, Henderson, New York, Project Number: 013-EE033/NY-06-S921-011.

Nature of Requirement: 24 CFR 891.205 defines the term "Elderly person" as a household of one or more persons at least one of whom is 62 years of age at the time of initial occupancy.

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

Date Granted: June 30, 1999.

Reasons Waived: The waiver was granted because of sustained high vacancy rates and indications of a soft market for VLI families in the area. The admission income limits were requested to be changed from 50 percent of median income (VLI) to 80 percent of median (LI) to sustain occupancy and maintain project viability.

For Item 57, Waiver Granted for 24 CFR Part 891, Contact: Margaret Keels, Eastern and Atlantic Servicing Branch, Office of Portfolio Management Branch, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-3730. Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

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

Project/Activity: Greenpointe Apartments, Greenville, North Carolina, Project Number: 053-EH653. The Greensboro Multifamily HUB requested an age waiver for the project.

Nature of Requirement: HUD regulations at 24 CFR part 891 require that occupancy be limited to Very Low Income (VLI) elderly persons.

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

Date Granted: May 13, 1999.

Reasons Waived: The waiver was granted in order to allow management of the project additional flexibility in attempting to rent-up vacant units and maintain project viability.

For Items 58 Through 60, Waivers 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, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-1380. Hearing- or speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

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

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

Nature of Requirement: 24 CFR 982.303(b)(1) 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: April 16, 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.

59. Regulation: 24 CFR 982.306(d).

Project/Activity: Palm Beach County Housing Authority, Florida, Section 8 Voucher Program.

Nature of Requirement: 24 CFR 982.306(d) limits the circumstances under which a landlord can lease a unit with tenant-based assistance to a relative of the landlord.

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

Date Granted: May 24, 1999.

Reasons Waived: Approval of the waiver prevented further emotional hardship on the family and financial hardship on the landlord. The landlord contracted to build a residential unit with a separate accessory dwelling unit for the sole purpose of leasing the unit to a relative prior to the effective date of regulation.

60. Regulation: 24 CFR 983.7(c)(4).

Project/Activity: The San Francisco Housing Authority, California, requested a waiver to provide project-based voucher assistance for 50 units at Golden Gate Apartments, a Section 236 project.

Nature of Requirement: 24 CFR 983.7(c)(4) prohibits attachment of project-based assistance to a Section 236 project (insured or non-insured) or a unit subsidized with Section 236 rental assistance payments.

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

Date Granted: May 5, 1999.

Reasons Waived: Approval of the waiver ensured that affordable housing is preserved in the City, where there has been a severe reduction in the number of affordable units for low-income families in the rental market.

For Items 61 Through 62, Waivers Granted For 24 CFR Part 990, Contact: Joan DeWitt, Director, Funding and Financial Management Division, Office of Public and Assisted Housing Operations, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410; telephone (202) 708-1872. Hearing- or speech-impaired persons may access this number via TTY by calling the

Federal Information Relay Service at (800) 877-8339.

61. Regulation: 24 CFR 990.107(f) and 990.109.

Project/Activity: Tuscaloosa, Alabama Housing Authority. A request was made to permit the Authority to benefit from energy performance contracting for developments that have tenant-paid utilities. The Authority estimates that it could increase savings substantially if it were able to undertake energy performance contracting for both PHA-paid and tenant-paid utilities.

Nature of Requirement: Under the Performance Funding System (PFS), energy conservation incentives that relate to energy performance contracting currently apply to only PHA-paid utilities. The Tuscaloosa Housing Authority has both PHA-paid and tenant-paid utilities.

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

Date Granted: June 28, 1999.

Reasons Waived: In September 1996, the Oakland Housing Authority was granted a waiver to permit the Authority to benefit from energy performance contracting for developments with tenant-paid utilities. The waiver was

granted on the basis that the Authority had presented a sound and reasonable methodology for doing so. The Tuscaloosa Housing Authority requested a waiver based on the same approved methodology. The waiver permits the HA to exclude from its PFS calculation of rental income, increased rental income due to the difference between updated baseline utility (before implementation of the energy conservation measures) and revised allowances (for the duration of implementation of the measures) for the project(s) involved for the duration of the contract period, which cannot exceed 12 years.

62. Regulation: 24 CFR 990.110(c)(2)(ii).

Project/Activity: Holyoke, Massachusetts Housing Authority requested a waiver of the PFS with regard to execution of an energy performance contract.

Nature of Requirement: 24 CFR 990.110(c)(2)(ii) specifically refers to savings from decreased consumption that must be waived to permit conversion from one utility source to another to qualify for the "freeze of the rolling base" energy incentive.

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

Date Granted: April 9, 1999.

Reasons Waived: The Holyoke Housing Authority was granted a waiver to permit it to use the "freeze of the rolling base" methodology for a conversion from one energy source to another in an energy performance contract under the PFS energy cost incentives. Conversion from one utility source to another may result in significant cost avoidance, even though comprising a shift in consumption, rather than a reduction. The waiver permits the HA to exclude from its PFS calculation of rental income, increased rental income due to the difference between updated baseline utility (before implementation of the energy conservation measures) and revised allowances (for the duration of implementation of the measures) for the project(s) involved for the duration of the contract period, which cannot exceed 12 years.

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