DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[56219]

**Supplementary Information:**

**Total Estimated Burden Hours:** 8.872.  
**Status:** Reinstatement with change of previously approved collection.  

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.  

**Dated:** September 7, 2012.  
**Colette Pollard,**  
Department Reports Management Officer,  
Office of the Chief Information Officer.  

**BILLING CODE 4210–67–P**

**Notice of Regulatory Waiver Requests Granted for the Second Quarter of Calendar Year 2012**

**AGENCY:** Office of the General Counsel, HUD.  
**ACTION:** Notice.  

**SUMMARY:** Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous Federal Register notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on April 1, 2012, and ending on June 30, 2012.  

**FOR FURTHER INFORMATION CONTACT:** For general information about this notice, contact Camille E. Acevedo, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10282, Washington, DC 20410–0500, telephone 202–708–1793 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.  

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the second quarter of calendar year 2012.  

**Supplementary Information:** Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 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 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 provisions;  
   c. Indicate the name and title of the person who granted the waiver request;  
   d. Describe briefly the grounds for approval of the request; and  
   e. State how additional information about a particular waiver 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.  

This notice follows procedures provided in HUD’s Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office’s Order of Succession.  

**Appendix**

**Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development April 1, 2012 through June 30, 2012**

**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 after each set of regulatory waivers granted.  

The regulatory waivers granted appear in the following order:  

I. Regulatory waivers granted by the Office of Community Planning and Development.  
II. Regulatory waivers granted by the Office of Housing.  
III. Regulatory waivers granted by the Office of Public and Indian Housing.  

**I. Regulatory Waivers Granted by the Office of Community Planning and Development**

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.  

- **Regulation:** 24 CFR 58.22(a).  
  **Project/Activity:** The town project entailed the construction of a multiplex facility in the Town of Grand Isle, LA that included a senior citizens multi-function recreation and social area, a medical clinic, and a sheriff’s substation.  

In this situation the Town of Grand Isle previously received two Economic Development Initiative (EDI) grants in 2002 and 2003 in which the environmental review
was completed and approved for planning. The Town of Grand Isle mistakenly believed that the environmental review requirements had been satisfied for the project and thus did not complete the environmental review for the construction component of the project prior to starting construction in August of 2010.

**Nature of Requirement:** The regulation requires that an environmental review be performed and a Request for Release of Funds be completed and certified prior to the commitment of non-HUD funds to a project using HUD funds.

**Granted By:** Mercedes Márquez, Assistant Secretary for Community Planning and Development.

**Date Granted:** April 5, 2012.

**Reason Waived:** The waiver was granted because the above project was determined to further the HUD mission and advance HUD program goals to develop viable, quality communities. The Town of Grand Isle did not have experience administering HUD grants, and the Town stated that it did not intend to violate HUD’s environmental requirements and no HUD funds were committed. Based on the environmental assessment, the Town’s mitigation of floodplain impacts and the Town’s purchase of flood insurance, granting a waiver would not result in any unmitigated, adverse environmental impact.

**Contact:** Kathryn Au, Office of Environment and Energy, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7250, Washington, DC 20410, telephone (202) 402–6340.

- **Regulation:** 24 CFR 91.105(c)(2).
- **Project/Activity:** The City of Tuscaloosa, AL, planned to commit $450,000 in HOME Program funds to the rebuilding of Rosedale Court, a housing development affected by storms and a tornado that struck on April 27, 2011, and requested a waiver of the citizen participation requirement at 24 CFR 91.105(c)(2) that requires a 30-day public comment period for a substantial amendment.

**Nature of Requirements:** The citizen participation and consultation section of HUD’s regulations in 24 CFR part 91, which is § 91.105(c)(2), provides citizens with reasonable notice and an opportunity to comment on substantial amendments. The citizen participation plan must provide a period, not less than 30 days, to receive comments on the substantial amendment before the amendment is implemented.

**Granted By:** Mark Johnston, Acting Assistant Secretary for Community Planning and Development.

**Date Granted:** May 30, 2012.

**Reasons Waived:** The waiver of 24 CFR 91.105(c)(2) was granted to shorten the period of time for public comment. The Tuscaloosa City Council met to consider the project on May 29, 2012, and, due to the Alabama meeting sunshine laws requiring at least 7-day public notice, did not have sufficient time to publish the additional notice and reschedule a Council meeting before the program commitment deadline of May 31, 2012. Failure to approve the proposed project would have jeopardized funds necessary to assist the City with its disaster recovery efforts.

**Contact:** Virginia Sardone, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

- **Regulations:** 24 CFR 92.503(b)(3).
- **Project/Activity:** The City of Macon committed funding for 11 activities to provide HOME-assisted units. However, after expending some of the funds, the projects were terminated because it was determined they could not produce HOME-assisted units due to the poor economic climate.

Accordingly, the City requested a waiver of the requirement to repaid HOME funds to the account of disbursement.

**Nature of Requirements:** The HOME program regulations at § 92.503(b)(3) require that HOME funds that were disbursed from the participating jurisdiction’s HOME Treasury account must be repaid to the Treasury account. If the HOME funds were disbursed from the participating jurisdiction’s HOME local account, they must be repaid to the local account.

**Granted By:** Mercedes Márquez, Assistant Secretary for Community Planning and Development.

**Date Granted:** April 20, 2012.

**Reasons Waived:** The City of Macon was obligated to repay $50,294.26 to its 2002, 2003, and 2004 HOME grants, which had expired. Had these funds been received by HUD, they would have been considered by the U.S. Treasury as miscellaneous receipts. Also, these funds would have been unavailable to be used for local HOME projects and would have negated the program’s intent to make repaid funds immediately available for investment. Accordingly, the City requested a waiver of the requirement at 24 CFR 92.503(b)(3) to allow the repayments to be repaid to the City of Macon’s local account to be used for local HOME projects.

**Contact:** Virginia Sardone, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

- **Regulations:** 24 CFR 92.503(b)(3).
- **Project/Activity:** The City of Ontario, CA, requested a waiver of 24 CFR 92.503(b)(3), which requires funds to be repaid to the account from which they were disbursed. The City had committed HOME funds for a new construction homeownership project, which was never constructed.

**Nature of Requirements:** The City of Ontario was obligated to repay HOME funds for a project that was terminated before completion to the HOME grant from which the funds were expended. If all or a portion of the total funds were repaid to an expired account, the repayment would have been received by HUD but retained by the U.S. Treasury. As a result, the repaid funds would have no longer been available for the participating jurisdiction to use in eligible affordable housing activities. The National Affordable Housing Act states that such repaid funds shall be immediately available to the grantee for investment in eligible affordable housing activities. In this case, compliance with the regulation thwarted statutory intent. The waiver was granted to permit the City to repay their local HOME Investment Trust Fund account instead of their HOME Investment Trust Fund account and make the repaid funds available for investment in additional HOME-eligible activities.

**Granted By:** Mercedes Márquez, Assistant Secretary for Community Planning and Development.

**Date Granted:** April 27, 2012.

**Reasons Waived:** The waiver was granted to permit the City to repay their HOME Investment Trust Fund local account to make the funds available for eligible affordable housing activities.

**Contact:** Virginia Sardone, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7164, Washington, DC 20410, telephone (202) 708–2684.

- **Regulation:** 24 CFR 574.330(a)(1).
- **Project/Activity:** The Downtown Emergency Service Center (DESC), a Seattle, WA, recipient received a competitive grant under HUD’s Housing Opportunities for Persons With AIDS (HOPE) program, requested a waiver of the HOPWA short-term supported housing regulation to continue the provision of emergency shelter housing assistance to 60 households which is over the maximum 50 households allowed under HUD’s HOPWA regulation. DESC requested an additional waiver to continue provision of this emergency shelter housing assistance beyond the 60-day limit.

**Nature of Requirements:** The HOPWA short-term supported housing regulation at 24 CFR 574.330(a)(1): States: “A short-term supported facility may not provide shelter or housing for more than 60 days during any six-month period.”

**Granted By:** Mark Johnston, Acting Assistant Secretary for Community Planning and Development.

**Date Granted:** June 28, 2012.

**Reason Waived:** The unavailability of other reasonable critical short-term emergency housing options within close proximity of this facility remained an impediment to identifying other housing options for homeless individuals with challenging mental health issues. This waiver was granted for the current 6-month period for the 5 homeless individuals DESC has been unable to place in permanent housing. DESC will continue to make a good faith effort to acquire permanent housing for these individuals.

**Contact:** David Vos, Director of the Office of HIV/AIDS Housing, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7212, Washington, DC 20410, telephone (202) 708–1934.

- **Regulation:** 24 CFR 84.32(c)(2).
- **Project/Activity:** The organization, AIDS Alabama, requested a waiver for 8 scattered-site manufactured homes that met the HOPWA minimum use period and that AIDS Alabama wanted to sell. AIDS Alabama
would reinvest the funds back into the Alabama Rural AIDS Project by creating a new master leasing program. HUD’s property disposition requirement requires that a portion of the funds be repaid to the government.

Nature of Requirement: The HUD property disposition requirement at § 84.32(c)(2) states: “the recipient may be directed to sell the property under guidelines provided by HUD and pay the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the project.”

Date Granted: June 14, 2012.

Reason Waived: The award of low-income housing tax credits (LIHTC) is tied to the award of HOME funds. The project would not qualify for an allocation of LIHTC if the owner/borrower did not accept the HOME funds and the acceptance of such funds is prohibited by 24 CFR 200.85(b). Accordingly, without the use of the tax credits, which requires waiver of § 200.85(b), the affordable housing units could not be built.

Contact: Daniel Sullivan, Acting Director, Office of Multifamily Housing Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7212, Washington, DC 20410, telephone (202)708–6130.

Regulation: 24 CFR 266.410(e).

Project/Activity: California Housing Finance Agency (CalHFA)

Nature of Requirement: Section 266.410 of HUD’s regulations requires that mortgages insured under the section 542(c) Risk Sharing program be regularly amortizing over the term of the mortgage.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: April 27, 2012.

Reason Waived: Additional risk would be offset by the fact that the projects to be substantially rehabilitated using the New Issue Bond Program (NIBP) have already demonstrated their familiarity with CalHFA’s portfolio, many with current Section 8 HAP contracts. HUD’s own exposure is further limited with the condition that CalHFA take 50 percent or more of the risk on these transactions.

Contact: Daniel Sullivan, Acting Director, Office of Multifamily Housing Development, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6148, Washington, DC 20410, telephone (202) 708–6130.

Regulation: 24 CFR 202.5(g).

Project/Activity: Applicants for FHA lender approval or renewal as supervised lenders and mortgagees that possess consolidated assets below the thresholds for required submission of annual audited financial statements set by their respective regulators at 12 CFR 363.1(a), 12 CFR 562.4(b)(2), or 12 CFR 715.4(b)(2) may request a waiver of audited financial submission requirements.

Nature of Requirement: Section 202.5(g) of HUD’s regulations requires supervised, non-supervised, and investing lenders or mortgagees to furnish to FHA a copy of their annual audited financial statements within 90 days of the lender or mortgagee’s fiscal year end in order to obtain or renew FHA lender approval. The other requirements in this section were not requested to be waived.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 7, 2012.

Reason Waived: The owner’s request was granted to allow deferment of repayment of the Flexible Subsidy Operating Assistance Loan due to the project owner’s inability to repay the loan in full upon maturity or prepayment of the loan.

Contact: Volky A. Garcia, Director, Lender Approval and Certification Division, Office of Lender Activities and Program Compliance, Office of Housing, Department of Housing and Urban Development, 490 L’Enfant Plaza East SW., Room P3214, Washington, DC 20024, telephone (202) 708–1515 (this is not a toll-free number).

Regulation: 24 CFR 219.220(b).

Project/Activity: Stovall Terrace Apartments—FHA Project Number 122–EH305, Los Angeles, California. The owner requested deferral of repayment of the Flexible Subsidy Operating Assistance Loan due to the project owner’s inability to repay the loan in full upon maturity or prepayment of the loan.

Nature of Requirement: Section 219.220(b) of HUD’s regulations governs the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects prior to May 1, 1996 states: “Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of mortgage insurance, prepayment of the mortgage, or a sale of the property” * * * Either of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy Loan would be repaid, in whole, at that time.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 7, 2012.

Reason Waived: The owner’s request was granted to allow deferment of repayment of the Flexible Subsidy Operating Assistance Loan due to their inability to repay the loan in full upon the prepayment or refinance of the loan. The waiver would allow the Owner...
to prepay and refinance the loan, allowing recapitalization of the project and performance of long needed critical and noncritical repairs at the project. A commitment was made to execute a Rental Use Agreement for a term of an additional 35 years. These measures will ensure the preservation of the project as an affordable housing resource for eligible residents of the Los Angeles, California area.

Contact: Mark B. Van Kirk, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6160, Washington, DC 20410, telephone (202) 708–3730.

• Regulation: 24 CFR 219.220(b).
  Project/Activity: Dunn Family Senior Citizens Home—FHA Project Number 044–44801, Centerline, Michigan. The Owner is unable to repay the Flexible Subsidy Operating Assistance Loan in full. Granting this waiver will prevent dire consequences to the property and tenants who reside there.

Nature of Requirement: Section 219.220(b) governs the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Projects prior to May 1, 1996 states: “Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of mortgage insurance, prepayment of the mortgage, or a sale of the project * * * Either of these actions would typically terminate FHA involvement with the property, and the Flexible Subsidy Loan would be repaid, in whole, at that time.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 7, 2012.

Reason Waived: The non-profit owner’s request was granted to exempt the requirement to repay their loan upon maturity. Granting of the waiver was determined would allow the 60 Section 236 tenants to maintain their vouchers and keep rents reduced for this low-income elderly population, and allow this property to remain as a much-needed affordable housing resource for the Centerline, Michigan area. A commitment was made to execute a Rental Use Agreement for an additional 20-year term.

Contact: Mark B. Van Kirk, Director, Office of Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6160, Washington, DC 20410, telephone (202) 708–3730.

• Regulation: 24 CFR 232.3.
  Project/Activity: Elderberry Square is a 48 unit assisted living and dementia care facility located in Florence, Oregon.

Nature of Requirement: HUD’s regulation at § 232.3 mandates in a board and care home or assisted living facility that the bathroom cannot be accessed from a public corridor or area. The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d).
  Project/Activity: PVCDC/St. Andrews Apartments, El Paso, TX.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d).
  Project/Activity: Village at Oasis Park II, Mesa, AZ.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: April 11, 2012.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d).
  Project/Activity: PVCDC/St. Andrews Apartments, El Paso, TX.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 2, 2012.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d).
  Project/Activity: PVCDC/St. Andrews Apartments, El Paso, TX.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 30, 2012.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d).
  Project/Activity: Village at Oasis Park II, Mesa, AZ.
Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 30, 2012.

Reason Waived: The project is economically designed and comparable in cost to similar projects in the area, and the sponsor/owner exhausted all efforts to obtain additional funding from other sources.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d).
  Project/Activity: Flagship City Apartments, Erie, PA, Project Number: 033HD114/PA28–006.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 30, 2012.

Reason Waived: It was determined that the land seller would not profit from the transaction.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 708–3000.

• Regulation: 24 CFR 891.130(b).
  Project/Activity: Tyee Court, Soldotna, AK, Project Number: 176–HD035/AK06–Q101–002.

Nature of Requirement: Section 891.130(b) prohibits contracts between the owner (or borrower, as applicable) and the sponsor or the sponsor’s non-profit.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 30, 2012.

Reason Waived: It was determined that the land seller would not profit from the transaction.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 708–3000.

• Regulation: 24 CFR 891.130(b).

Nature of Requirement: Section 891.130(b) prohibits contracts between the owner (or borrower, as applicable) and the sponsor or the sponsor’s non-profit affiliate.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 30, 2012.

Reason Waived: It was determined that the land seller would not profit from the transaction.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 708–3000.

• Regulation: 24 CFR 891.100(d).
  Project/Activity: Dutchess Community Living, Poughkeepsie, NY, Project Number: 012–HD120/NY36–Q031–005.

Nature of Requirement: Section 891.100(d) prohibits amendment of the amount of the approved capital advance funds prior to closing. Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: April 13, 2012.

Reason Waived: Additional time was needed for the various agencies involved in the development of this CAUC project to finalize closing documents.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: April 13, 2012.

Reason Waived: Additional time was needed to process the firm commitment application for this mixed finance project to start construction and reach initial closing.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202) 708–3000.

• Regulation: 24 CFR 891.165.
  Project/Activity: AHEPA Apartments #63, Tallmadge, OH, Project Number: 042–EE218/OH12–S071–004.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.
limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: April 30, 2012.

Reason Waived: Additional time was needed for the project to achieve initial closing.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202)708–3000.

• Regulation: 24 CFR 891.165.

Project/Activity: Cheriton Heights, West Roxbury, MS, Project Number: 023–EE225/MA06–S091–001.

Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 30, 2012.

Reason Waived: Additional time was needed for the project to achieve initial closing.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202)708–3000.

• Regulation: 24 CFR 891.165, 24 CFR 891.830(b), 24 CFR 891.830(c)(4) and 24 CFR 891.830(c)(5).


Nature of Requirement: Section 891.165 provides that the duration of the fund reservation of the capital advance is 18 months from the date of issuance with limited exceptions up to 24 months, as approved by HUD on a case-by-case basis. Section 891.830(b) requires that the capital advance funds be drawn down only in approved ratio to other funds, in accordance with a drawdown schedule approved by HUD. Section 891.830(c)(4) prohibits the capital advance funds from paying off bridge or construction financing, or repaying or collateralizing bonds, and § 891.830(c)(5) provides the amount of the drawdown is consistent with the ratio of section 202 or section 811 supportive housing units to other units.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: April 30, 2012.

Reason Waived: Additional time was needed to allow for demolition and construction of the two-story structure in addition to construction of the residential units for this mixed finance project. HUD in its response to the public comments in the final rule published September 29, 2005, stated “while HUD generally expects the capital advance funds to be drawn down in a one-to-one ratio for eligible costs actually incurred, HUD may permit on a case-by-case basis, some variance from the drawdown requirements as needed for the success of the project.” Therefore, the waiver was granted to permit capital advance funds to be used to collateralize the tax exempt bonds issued to finance the construction of the project and to pay off a portion of the tax-exempt bonds that strictly relate to capital advance eligible costs. Also, to allow the capital advance funds to be drawn down in a different mechanism than a pro rata basis in order to satisfy the 50 percent test of the Internal Revenue Service (IRS).

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202)708–3000.

• Regulation: 24 CFR 891.205.


Nature of Requirement: Section 891.205 requires Section 202 project owners to have tax exemption status under section 501(c)(3) or (c)(4) of the Internal Revenue Code.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: April 13, 2012.

Reason Waived: It was determined that the projects would be adjacent to one another and time and cost savings would be realized from not having to create a separate owner entity.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202)708–3000.

• Regulation: 24 CFR 891.205.

Project/Activity: Hallsivlle Court Phase 2A, Project Number: 024–EE140/NH36–S101–003.

Nature of Requirement: Section 891.205 requires Section 202 project owners to have tax exemption status under section 501(c)(3) or (c)(4) of the Internal Revenue Code.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 7, 2012.

Reason Waived: It was determined that the projects would be on the same site and there would be time and cost savings from not having to create a separate owner entity.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202)708–3000.

• Regulation: 24 CFR 891.205.


Nature of Requirement: Section 891.205 requires Section 202 project owners to have tax exemption status under Section 501(c)(3) or (c)(4) of the Internal Revenue Code.

Granted By: Carol J. Galante, Acting Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: May 21, 2012.

Reason Waived: It was determined that the projects would be on the same site and there would be time and cost savings from not having to create a separate owner entity.

Contact: Catherine M. Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 6138, Washington, DC 20410, telephone (202)708–3000.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• Regulation: 24 CFR 5.801(d)(1).

Project/Activity: Alley Rise, Port Chester, NY, Project Number: 035–EE084/RK22–S101–004.

Nature of Requirement: The regulation establishes certain reporting compliance dates. The audited financial statements are required to be submitted to the Real Estate Admission Center (REAC) no later than nine months after the housing authority’s (HA) fiscal year end (FYE), in accordance with the Single Audit Act and OMB Circular A–133.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: May 4, 2012.

Reason Waived: The housing authority (HA) stated that its reason for not submitting its financial information by the due date was because of miscommunication between the HA and its auditor. Specifically, according to the HA, the auditor submitted the audit to REAC on time. However, the third and final, submission procedure that requires the HA to submit the financial information to REAC, was inadvertently not performed until January 5, 2012. The waiver was granted for these reasons.

Contact: Johnson Abraham, Program Manager, NASS, Real Estate Admission Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 550 12th Street SW., Suite 100, Washington, DC 20410, telephone (202) 475–8583.

• Regulation: 24 CFR 85.6(c).

Project/Activity: Baltimore Housing Authority.

Nature of Requirement: HUD’s regulation at 24 CFR 85.6(c) allows HUD to authorize the procurement through a non-competitive proposal.

Granted By: Sandra B. Henriquez, Assistant Secretary of Public and Indian Housing.

Date Granted: June 12, 2012.

Reason Waived: HUD reviewed and approved the justifications for the Baltimore Housing Authority’s decision to procure the Regional Administrator and the Regional Administrator’s noncompetitive procurement of a subcontractor through a noncompetitive proposal under the Settlement Agreement.
• Regulation: 24 CFR 902.11.  Project/Activity: Zone Authority (formerly known as the Housing Authority of Portland) in Portland, Oregon.

Nature of Requirement: HUD’s regulation at 24 CFR 941.606(n)(1)[ii] states that a "Zone Authority (formerly known as the Housing Authority of Portland) in Portland, Oregon."  The waiver to permit the Zone Authority to continue its development will use an open and competitive process pursuant to 24 CFR 83.36 in the procurement of a partner and/or owner entity to develop public housing.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: May 17, 2012.

Reason Waived: The waiver was granted because the Harrisburg Housing Authority No. VIII, the partner and/or owner entity to develop public housing (as defined at 24 CFR 83.36), has extensive physical damage to the project.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4130, Washington, DC 20410, phone (202) 402–4181.

• Regulation: 24 CFR 941.606(n)(1)[ii].  Project/Activity: Home Forward (formerly known as the Housing Authority of Portland) in Portland, Oregon.

Nature of Requirement: HUD’s regulation at 24 CFR 941.606(n)(1)[ii] states that a "Home Forward (formerly known as the Housing Authority of Portland) in Portland, Oregon."  The waiver to permit the Home Forward to continue its development will use an open and competitive process pursuant to 24 CFR 83.36 in the procurement of a partner and/or owner entity to develop public housing.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: April 18, 2012.

Reason Waived: The waiver was granted because the Mississippi Regional Housing Authority submitted an independent cost estimate.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4130, Washington, DC 20410, telephone (202) 402–4181.

• Regulation: 24 CFR 941.606(n)(1)[ii].  Project/Activity: Wausau Community Development Authority, Riverview Towers Mixed Finance Project.

Nature of Requirement: HUD’s regulation at 24 CFR 941.606(n)(1)[ii] requires that "if the partner and/or owner entity (or any other entity with and identity of interest with such parties) wants to serve as the general contractor for the project or development, it may award itself the construction contract only if it can demonstrate to HUD’s satisfaction that its bid is the lowest bid submitted in response to a public request for bids.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: June 12, 2012.

Reason Waived: The waiver was granted because Wausau Community Development Authority submitted an independent cost estimate.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4130, Washington, DC 20410, telephone (202) 402–4181.

• Regulation: 24 CFR 941.606(n)(1)[ii].  Project/Activity: Housing Authority of Covington, Jacob Price Homes HOPE VI Grant: KY36/RD001099.

Nature of Requirement: HUD’s regulation at 24 CFR 941.606(n)(1)[ii] requires that "if the partner and/or owner entity (or any other entity with and identity of interest with such parties) wants to serve as the general contractor for the project or development, it may award itself the construction contract only if it can demonstrate to HUD’s satisfaction that its bid is the lowest bid submitted in response to a public request for bids.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: June 12, 2012.

Reason Waived: The waiver was granted because the Housing Authority of Covington submitted an independent cost estimate.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4130, Washington, DC 20410, telephone (202) 402–4181.

• Regulation: 24 CFR 941.606(n)(1)[ii].  Project/Activity: Mississippi Regional Housing Authority No. VIII, Azalea Gardens Authority submitted an independent cost estimate.

Contact: Dominique Blom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4130, Washington, DC 20410, telephone (202) 402–4181.
Washington, DC 20140, Room 4130, telephone (202) 402–4181.

- **Regulation:** 24 CFR 941.610(a)(1) through (a)(7).

  **Project/Activity:** Closing of the Boulevard Homes HOPE VI Seniors Project—NC19URD003I109 of the Charlotte Housing Authority (CHA) in North Carolina.

  **Nature of Requirement:** HUD’s regulation at 24 CFR 941.610(a)(1) through (a)(7) requires HUD review and approval of certain legal documents relating to mixed-finance development before a closing can occur and public housing funds can be released. In lieu of HUD’s review of these documents, CHA must submit certifications to the accuracy and authenticity of the legal documents detailed in 24 CFR 941.610 (a)(1)–(a)(7).

  **Granted By:** Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

  **Date Granted:** May 3, 2012.

  **Reason Waived:** The waiver was granted because it would streamline the review process and expedite the closing and public housing production, as well as for the following reasons: (1) CHA has extensive mixed-finance experience at its four existing HOPE VI projects and with other new construction projects, and will use the same self-development approach; (2) the financial structure of the project is the same as previous mixed-finance projects undertaken by CHA, which underwent full evidentiary document review and approval by HUD; (3) CHA will be represented by legal counsel that has extensive experience with mixed-finance and Low Income Housing Tax Credits, and many of CHA’s previous projects; and (4) the principals at Laurel Street Residential have extensive development experience in affordable and public housing development.

  **Contact:** Dominique Bloom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20140, Room 4130, telephone (202) 402–4181.

- **Regulation:** 24 CFR 970.19(b).

  **Project/Activity:** Contra Costa County Housing Authority (KCHA), Greenbridge HOPE VI Grant No.WA19URD0021101 and Seola Gardens HOPE VI Grant No. WA19URD0021108

  **Nature of Requirement:** HUD’s regulation at 24 CFR 970.19(b) states that a Housing Authority may pay the allowable reasonable costs of disposition out of the gross proceeds, as approved by HUD.

  **Granted By:** Deborah Hernandez for Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

  **Date Granted:** May 11, 2012.

  **Reason Waived:** HUD has reviewed and approved in concept KCHA’s request to use disposition proceeds at the Greenbridge and Seola Gardens HOPE VI sites to repay the reasonable infrastructure construction which were state required as a precondition to disposition of the for-sale parcels and were described in the HUD-approved HOPE VI revitalization plans. HUD reviewed the actual costs and, as permitted by this waiver, determined them to be reasonable. Therefore, HUD found good cause to waive 24 CFR 970.19(b) for the limited purpose of using gross proceeds to retire the debt associated with infrastructure for the for-sale lots, in addition to the costs otherwise allowable under 24 CFR 970.19(b).

  **Contact:** Dominique Bloom, Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4130, Washington, DC 20410, telephone (202) 402–4181.

- **Regulation:** 24 CFR 982.305(c)(1).

  **Project/Activity:** Housing Authority of the County of Contra Costa (HACCC), Contra Costa County, CA.

  **Nature of Requirement:** HUD’s regulation at 24 CFR 982.305(c)(1) establishes the requirement that a housing assistance payments (HAP) contract must be executed no later than 60 calendar days from the beginning of the lease term.

  **Granted By:** Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

  **Date Granted:** June 6, 2012.

  **Reason Waived:** These waivers were granted because of significant impact to the rental housing market in the Bismarck, ND, FMR area caused by increased economic activity due to natural resource exploration.

  **Contact:** Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

- **Regulation:** 24 CFR 982.503(d) and 982.503(c)(3).

  **Project/Activity:** Adams Metropolitan Housing Authority (AMHA), Adams, OH.

  **Nature of Requirement:** HUD’s regulation at 24 CFR 982.503(d) allows HUD to consider a public housing agency’s request for approval to establish a payment standard that is lower than the basic range of 90 to 110 percent of the published fair market rent (FMR). HUD’s regulation at 24 CFR 982.503(c)(5) states that the total population of a HUD-approved exception areas in an FMR area may not include more than 50 percent of the population of the FMR area.

  **Granted By:** Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

  **Date Granted:** June 6, 2012.

  **Reason Waived:** These waivers were granted because of significant impact to the rental housing market caused by increased economic activity in the FMR area due to natural resource exploration.

  **Contact:** Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.
Date Granted: March 3, 2012.  Reason Waived: This waiver was granted because this cost-saving measure would enable the HACPCF to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

* Regulation: 24 CFR 982.505(c)(3).

Project/Activity: Mitchell Housing Authority (MHA), Mitchell, SD.

Nature of Requirement: HUD’s regulation at 24 CFR 982.505(c)(3) states that if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family’s second regular reexamination following the effective date of the decrease.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: April 6, 2012.

Reason Waived: This waiver was granted because this cost-saving measure would enable the MHA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

* Regulation: 24 CFR 982.505(c)(3).

Project/Activity: Reed City Housing Commission (RCHC), Reed City, MI.

Nature of Requirement: HUD’s regulation at 24 CFR 982.505(c)(3) states that if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family’s second regular reexamination following the effective date of the decrease.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: April 6, 2012.

Reason Waived: This waiver was granted because this cost-saving measure would enable the RCHIC to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

* Regulation: 24 CFR 982.505(c)(3).

Project/Activity: Watertown Housing and Redevelopment Commission (WHRC), Watertown, SD.

Nature of Requirement: HUD’s regulation at 24 CFR 982.505(c)(3) states that if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family’s second regular reexamination following the effective date of the decrease.

Granted By: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

* Regulation: 24 CFR 982.505(c)(3).

Project/Activity: City of Eloy (HACE), Eloy, AZ.

Nature of Requirement: HUD’s regulation at 24 CFR 982.505(c)(3) states that if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family’s second regular reexamination following the effective date of the decrease.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: May 31, 2012.

Reason Waived: This waiver was granted because this cost-saving measure would enable the MHA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

* Regulation: 24 CFR 982.505(c)(3).

Project/Activity: Emmetsburg Low-Rent Housing Agency (ELRHA), Emmetsburg, IA.

Nature of Requirement: HUD’s regulation at 24 CFR 982.505(c)(3) states that if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family’s second regular reexamination following the effective date of the decrease.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: May 31, 2012.

Reason Waived: This waiver was granted because this cost-saving measure would enable the ELRHA to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

* Regulation: 24 CFR 982.505(c)(3).

Project/Activity: Fairfield Housing Authority (FHA), Fairfield, CT.

Nature of Requirement: HUD’s regulation at 24 CFR 982.505(c)(3) states that if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family’s second regular reexamination following the effective date of the decrease.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: April 6, 2012.
Reason Waived: This waiver was granted because this cost-saving measure would enable the PHC to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(c)(3).
Project/Activity: Housing and Redevelopment Authority of Bemidji (HRAB), Bemidji, MN.

Nature of Requirement: HUD’s regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the family’s second regular reexamination following the effective date of the decrease.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: June 14, 2012.

Reason Waived: This waiver was granted because this cost-saving measure would enable the HRAB to manage its Housing Choice Voucher program within allocated budget authority and avoid the termination of HAP contracts due to insufficient funding.

Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(c)(3).
Project/Activity: Housing Authority of the City of Danbury (HACD), Danbury, CT.

Nature of Requirement: HUD’s regulation at 24 CFR 982.505(c)(4) states that if the payment standard amount is increased during the term of the housing assistance payments (HAP) contract, the increased payment standard amount shall be used to calculate the monthly HAP for the family beginning on the effective date of the family’s first regular reexamination on or after the effective date of the increase in the payment standard amount.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: April 11, 2012.

Reason Waived: The participant, who is disabled, required an exception payment standard to move to a new unit that met her health needs. To provide this reasonable accommodation so the client could be assisted in a new unit and pay no more than 40 percent of her adjusted income toward the family share, the DHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(d).
Project/Activity: Dedham Housing Authority (DHA), Dedham, MA.

Nature of Requirement: HUD’s regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: May 10, 2012.

Reason Waived: The participants, who are disabled, required an exception payment standard to move to a new unit that met their health needs. To provide this reasonable accommodation so the clients could move to a wheelchair-accessible unit and pay no more than 40 percent of their adjusted income toward the family share, the DHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(d).
Project/Activity: Pontiac Housing Commission (PHC), Pontiac, MI.

Nature of Requirement: HUD’s regulation at 24 CFR 982.505(c)(3) states that, if the amount on the payment standard schedule is decreased during the term of the housing assistance payments (HAP) contract, the lower payment standard amount generally must be used to calculate the monthly HAP for the family beginning on the effective date of the decrease.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: April 6, 2012.

Reason Waived: The participant and his wife, who are disabled, require an exception payment standard to move to a wheelchair-accessible unit. To provide this reasonable accommodation so the clients could move to an accessible unit and pay no more than 40 percent of their adjusted income toward the family share, the town was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• Regulation: 24 CFR 982.505(c)(3).
Project/Activity: Amherst Town, Amherst, NY.

Nature of Requirement: HUD’s regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

Granted By: Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

Date Granted: June 8, 2012.

Reason Waived: The participant, who is disabled, requires an exception payment standard to move to a new unit that accommodates his needs. To provide this reasonable accommodation so the client could be assisted in this new unit and pay no more than 40 percent of his adjusted income toward the family share, the DHA was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.
payment standard that exceeded the basic range of 90 to 110 percent of the FMR.  
Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

- **Regulation:** 24 CFR 982.505(d).
- **Project/Activity:** Housing Authority of Spirit Lake (HASL), Spirit Lake, IA.
- **Nature of Requirement:** HUD’s regulation at 24 CFR 982.505(d) states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is within the basic range of 90 to 110 percent of the fair market rent (FMR) for the unit size.

**Granted By:** Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

**Date Granted:** June 19, 2012.

**Reason Waived:** The participants, who are disabled, require an exception payment standard to move to a group home where the units are accessible. To provide this reasonable accommodation so the clients could be assisted in these group home units and pay no more than 40 percent of their adjusted income toward the family share, the HASL was allowed to approve an exception payment standard that exceeded the basic range of 90 to 110 percent of the FMR.

**Contact:** Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

- **Regulation:** 24 CFR 983.59(b)(1).
- **Project/Activity:** Washington County Department of Housing Services (WCDHA), Washington County, OR.
- **Nature of Requirement:** HUD’s regulation at 24 CFR 983.59(b)(1) states that the rent to owner for public housing agency (PHA) owned units is determined according to the same requirements as for other project-based voucher (PBV) units, except that the independent entity approved by HUD must establish the initial contract rents based on an appraisal by a licensed, state-certified appraiser.

**Granted By:** Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

**Date Granted:** June 19, 2012.

**Reason Waived:** WCDHA had difficulty in procuring the services of a licensed, state-certified appraiser. It had exhausted all of its available resources such as referrals from other PHAs, Internet searches, telephone resources, newspaper advertisements, etc.  
Contact: Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

- **Regulation:** 24 CFR 985.101(a).
- **Project/Activity:** Cambridge Economic Development Authority (CEDA), Cambridge, MN, Todd County Housing and Redevelopment Authority (TCHRA), Todd County, MN, Otter Tail County Housing and Redevelopment Authority (OTCHRA), Otter Tail County, MN, Mental Health Resources (MHR), St. Paul, MN, Morrison County Housing and Redevelopment Authority (MCHRA), Morrison County.

**Nature of Requirement:** HUD’s regulation at 24 CFR 985.101(a) states that a public housing agency must submit the HUD-required Section Eight Management Assessment Program (SEMAP) certification form within 60 calendar days after the end of its fiscal year.

**Granted By:** Sandra B. Henriquez, Assistant Secretary for Public and Indian Housing.

**Date Granted:** April 6, 2012.

**Reason Waived:** The public housing agencies are small with less than 250 units and the HUD field office was not aware that these agencies were required to submit their biennial SEMAP certifications for the period ending December 31.

**Contact:** Laure Rawson, Director, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4210, Washington, DC 20410, telephone (202) 708–0477.

[FR Doc. 2012–22482 Filed 9–11–12; 8:45 am]

**BILLING CODE 4210–67–P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

FXRS12650400000–123–FF04R02000]

**White River National Wildlife Refuge, AR; Final Comprehensive Conservation Plan and Finding of No Significant Impact for Environmental Assessment**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce the availability of our final comprehensive conservation plan (CCP) and finding of no significant impact (FONSI) for the environmental assessment for White River National Wildlife Refuge (NWR) in Desha, Monroe, Phillips, and Arkansas Counties, AR. In the final CCP, we describe how we will manage this refuge for the next 15 years.

**ADDRESSES:** You may obtain a copy of the CCP by writing to: Mr. Dennis Sharp, Refuge Manager, White River NWR, 57 CC Camp Road, St. Clair, AR 72240. Alternatively, you may download the document from our Internet Site: http://southeast.fws.gov/planning under “Final Documents.”

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Dawson, Refuge Planner, Jackson, MI, at 601/955–1318 (telephone), or mike_dawson@fws.gov (email).

**SUPPLEMENTARY INFORMATION:**

**Introduction**

With this notice, we finalize the CCP process for White River NWR. We started this process through a notice in the Federal Register on January 21, 2009 (74 FR 3628). For more about the process, see that notice.

White River Migratory Waterfowl Refuge was established by Executive Order 7173 of President Franklin D. Roosevelt on September 5, 1935. The purpose of the refuge is to protect and conserve migratory birds and other wildlife resources. White River NWR contains 160,000 acres and 90 miles of the White River lie within the boundaries of the refuge.

We announce our decision and the availability of the final CCP and FONSI for White River NWR in accordance with the National Environmental Policy Act (NEPA) (40 CFR 1506.6(b)) requirements. We completed a thorough analysis of impacts on the human environment, which we included in the draft comprehensive conservation plan and environmental assessment (Draft CCP/EA).

The CCP will guide us in managing and administering White River NWR for the next 15 years. Alternative C, as we described in the final CCP, is the foundation for the CCP.

The compatibility determinations for the following can be found in the final CCP: (1) Hunting, (2) fishing, (3) wildlife observation and photography, (4) environmental education and interpretation, (5) amateur ham radio operation, (6) camping, (7) commercial guiding for wildlife observation and photography, (8) commercial video and photography, (9) commercial waterfowl guiding, (10) commercial fishing, (11) cooperative farming, (12) field trials, (13) forest products harvesting, (14) furbearer trapping, (15) haying, (16) nuisance animal control, (17) research and monitoring, and (18) tournament fishing.

**Background**

The **CCP Process**

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The